

117TH CONGRESS }
2d Session }

COMMITTEE PRINT

{ S. PRT.
117-29 }

BUSINESS MEETINGS
OF THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
DURING THE
ONE HUNDRED SEVENTEENTH CONGRESS
FIRST SESSION
January 3, 2021 to January 3, 2022
SECOND SESSION
January 3, 2022 to January 3, 2023



Printed for the use of the Committee on Foreign Relations

Available via World Wide Web:
<http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

52-685 PDF

WASHINGTON : 2023

COMMITTEE ON FOREIGN RELATIONS

ONE HUNDRED SEVENTEENTH CONGRESS

ROBERT MENENDEZ, *New Jersey, Chairman*

| | |
|---------------------------------|---------------------------|
| BENJAMIN L. CARDIN, Maryland | JAMES E. RISCH, Idaho |
| JEANNE SHAHEEN, New Hampshire | MARCO RUBIO, Florida |
| CHRISTOPHER A. COONS, Delaware | RON JOHNSON, Wisconsin |
| CHRISTOPHER MURPHY, Connecticut | MITT ROMNEY, Utah |
| TIM Kaine, Virginia | ROB PORTMAN, Ohio |
| EDWARD J. MARKEY, Massachusetts | RAND PAUL, Kentucky |
| JEFF MERKLEY, Oregon | TODD YOUNG, Indiana |
| CORY A. BOOKER, New Jersey | JOHN BARRASSO, Wyoming |
| BRIAN SCHATZ, Hawaii | TED CRUZ, Texas |
| CHRIS VAN HOLLEN, Maryland | MIKE ROUNDS, South Dakota |
| | BILL HAGERTY, Tennessee |

DAMIAN MURPHY, *Staff Director*

CHRISTOPHER M. SOCHA, *Republican Staff Director*

JOHN DUTTON, *Chief Clerk*

CONTENTS

Information on the items on the agenda for each meeting can be found in the Chairman's and the Ranking Member's opening remarks.

A summary of the actions taken by the committee precedes the transcript of each meeting.

| | Page |
|--|------|
| 117th CONGRESS, FIRST SESSION | |
| Monday, January 25, 2021 | |
| Summary of Action Taken by the Committee | 1 |
| Meeting Transcript | 1 |
| Thursday, February 4, 2021 | |
| Summary of Action Taken by the Committee | 5 |
| Meeting Transcript | 5 |
| Thursday, March 11, 2021 | |
| Summary of Action Taken by the Committee | 25 |
| Meeting Transcript | 25 |
| Wednesday, March 24, 2021 | |
| Summary of Action Taken by the Committee | 37 |
| Meeting Transcript | 38 |
| Thursday, April 15, 2021 | |
| Summary of Action Taken by the Committee | 49 |
| Meeting Transcript | 49 |
| Wednesday, April 21, 2021 | |
| Summary of Action Taken by the Committee | 53 |
| Meeting Transcript | 54 |
| Tuesday, May 25, 2021 | |
| Summary of Action Taken by the Committee | 109 |
| Meeting Transcript | 109 |
| Tuesday, June 22, 2021 | |
| Summary of Action Taken by the Committee | 119 |
| Meeting Transcript | 121 |
| Thursday, June 24, 2021 | |
| Summary of Action Taken by the Committee | 135 |
| Meeting Transcript | 136 |

| | Page |
|--|------|
| Wednesday, July 28, 2021 | |
| Summary of Action Taken by the Committee | 165 |
| Meeting Transcript | 166 |
| Wednesday, August 4, 2021 — a.m. | |
| Summary of Action Taken by the Committee | 189 |
| Meeting Transcript | 190 |
| Wednesday, August 4, 2021 — p.m. | |
| Summary of Action Taken by the Committee | 251 |
| Meeting Transcript | 251 |
| Tuesday, October 19, 2021 | |
| Summary of Action Taken by the Committee | 255 |
| Meeting Transcript | 256 |
| Wednesday, November 3, 2021 | |
| Summary of Action Taken by the Committee | 263 |
| Meeting Transcript | 264 |
| Wednesday, December 15, 2021 | |
| Summary of Action Taken by the Committee | 285 |
| Meeting Transcript | 286 |
| 117th CONGRESS, SECOND SESSION | |
| Wednesday, January 12, 2022 | |
| Summary of Action Taken by the Committee | 291 |
| Meeting Transcript | 292 |
| Tuesday, March 8, 2022 | |
| Summary of Action Taken by the Committee | 297 |
| Meeting Transcript | 298 |
| Wednesday, March 23, 2022 | |
| Summary of Action Taken by the Committee | 307 |
| Meeting Transcript | 309 |
| Tuesday, March 29, 2022 | |
| Summary of Action Taken by the Committee | 317 |
| Meeting Transcript | 318 |
| Wednesday, May 4, 2022 | |
| Summary of Action Taken by the Committee | 349 |
| Meeting Transcript | 350 |
| Wednesday, May 18, 2022 | |
| Summary of Action Taken by the Committee | 359 |
| Meeting Transcript | 360 |
| Thursday, May 26, 2022 | |
| Summary of Action Taken by the Committee | 365 |
| Meeting Transcript | 365 |
| Thursday, June 9, 2022 | |
| Summary of Action Taken by the Committee | 369 |
| Meeting Transcript | 371 |
| Thursday, June 23, 2022 | |
| Summary of Action Taken by the Committee | 387 |
| Meeting Transcript | 388 |

| | Page |
|--|------|
| Tuesday, July 19, 2022 | |
| Summary of Action Taken by the Committee | 401 |
| Meeting Transcript | 403 |
| Wednesday, August 3, 2022 | |
| Summary of Action Taken by the Committee | 423 |
| Meeting Transcript | 424 |
| Wednesday, September 14, 2022 | |
| Summary of Action Taken by the Committee | 427 |
| Meeting Transcript | 428 |
| Wednesday, December 7, 2022 | |
| Summary of Action Taken by the Committee | 463 |
| Meeting Transcript | 465 |

**BUSINESS MEETINGS OF THE U.S. SENATE
COMMITTEE ON FOREIGN RELATIONS
DURING THE FIRST SESSION OF THE
ONE HUNDRED SEVENTEENTH CONGRESS**

BUSINESS MEETING

MONDAY, JANUARY 25, 2021

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

Summary of Action Taken by the Committee

NOMINATION

The Honorable Antony John Blinken, of New York, to be Secretary of State—
agreed to by roll call vote 15–3

Ayes: Risch, Rubio (proxy), Johnson, Romney, Graham (proxy), Portman
(proxy), Young, Menendez, Cardin, Shaheen, Murphy, Kaine, Markey (proxy),
Merkley, and Booker

Nays: Barrasso, Paul, Cruz (proxy)

Meeting Transcript

The committee met, pursuant to notice, at 6:04 p.m., in Room SD–106, Dirksen Senate Office Building, Hon. James Risch, Chairman of the committee, presiding.

Present: Senators Risch [presiding], Johnson, Romney, Barrasso, Portman, Paul, Young, Menendez, Cardin, Shaheen, Murphy, Kaine, Merkley, and Booker.

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

The CHAIRMAN. The Foreign Relations Committee of the United States Senate will come to order. We have a quorum.

And this evening, we meet to consider one item of business. This is a business meeting as opposed to a hearing. And the one item of business that we have is to consider the nomination of Antony Blinken to be Secretary of State, whether the matter should go to the floor or not. So with that, Senator Menendez, do you have anything?

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

Senator MENENDEZ. Mr. Chairman, very briefly. First of all, thank you for working with me to put Mr. Blinken in the position to be reported out to the Senate. I hope we will take him up tomorrow. He is highly qualified. He is well prepared to be the next Secretary of State. He is well known to us at the committee. He has previously been confirmed by the Senate to be the deputy secretary of state. He served as the staff director of this Committee on Foreign Relations.

I believe he is the right person to repair and restore our alliances, to reinvigorate the relationship between the State Department and Congress. And we heard that in his testimony last year, his willingness to cross both sides of the aisle to engage with Members and to make commitments to continue to be engaged. Throughout almost 5 hours of testimony last week, he displayed both his extensive knowledge and his thoughtfulness. And as I said last week on the floor, the American people expect, and the Constitution requires, that we provide advice and consent to ensure that our top national security officials are confirmed in a timely manner.

The Office of the Secretary of State is one of the most important national security positions of the Government. It is fourth in the presidential line of succession. It cannot be left vacant. So I look forward to hopefully getting a positive vote for Mr. Blinken today from both sides.

The world is on fire right now. We have pressing crises in every region and hemisphere and with the COVID-19 pandemic taking more lives every day. Just last week, we received a word of a horrific massacre in Ethiopia along the Sudanese border, which threatens the stability of Africa's second-most populous country. There will be more calamities like this, more emergencies that call for U.S. leadership, engagement, and response. We cannot allow the State Department to be rudderless because the truth is, without U.S. leadership, China and Russia will act to fill that vacuum.

I ask and urge my colleagues to support the nomination.

The CHAIRMAN. Do you have a motion, Senator?

Senator MENENDEZ. I so move his nomination be reported favorably to the Senate.

The CHAIRMAN. Is there a second?

Senator KAINE. Second.

The CHAIRMAN. The motion has been made and seconded. Is there further discussion on the motion? Senator Paul?

Senator PAUL. Mr. Chairman, I will vote against Mr. Blinken to be Secretary of State, primarily because he has been in favor of every military intervention in the Middle East over the last 20 years: the Iraq War, the Libyan war. His complaint about the Syrian war was not that we were involved, but that we did not get enough involved to actually win the war, so he was actually for more involvement to get to regime change. Initially, he was also in favor of the Yemen war as well. It has also come to my attention that during his executive directorship at the University of Penn Biden Center, that the University of Pennsylvania received \$77 million from Chinese donors, including \$22 million from anonymous donors. I think it would be irresponsible to vote for somebody until we knew exactly who those anonymous donors were and how much of that flowed through to the Biden Center at Penn. So I will oppose Mr. Blinken's nomination.

One further reason would be that when he has been asked about an authorization of use of force, he has said, well, yeah, it would be nice if we narrowed the focus, but we really do not need it. So his opinion is the same as both Republican and Democrat administrations. They do not really need an AUMF to fight war, whether it is Somalia, Libya, Syria. You know, they do not believe they need

any further authorization. They can use the 2001. Many on the other side have objected to this, and I think a consistent vote today, if you object to a broad interpretation of an AUMF that means anything, would be to vote against Mr. Blinken's nomination. Thank you.

The CHAIRMAN. Thank you, Senator Paul. Is there further discussion?

Senator MENENDEZ. Mr. Chairman, just very briefly. I appreciate Senator Paul's longstanding views on the question of intervention and the use of force by the United States Government in different parts of the world. I will not debate that with him. It is a principled view he has. On the second point, though, I want to say for the record, there is no factual basis for the allegations that Chinese money went to the Penn Biden Center. As I understand it, there was no funding from China or Chinese nationals to the Penn Biden Center. In fact, a university spokesman confirmed that the Penn Biden Center did not receive any gifts from China. And so I think that—I appreciate the gentleman's concerns about use of force. On this issue, I think the facts and the record state quite differently.

The CHAIRMAN. Is there further debate? Further comments? Further discussion?

[No response.]

The CHAIRMAN. If not, the question before the committee is shall we send Mr. Blinken's nomination to the floor of the United States Senate with an affirmative recommendation.

The clerk will call the roll.

The CLERK. Mr. Rubio?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Graham?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Cruz?

Senator RISCH. No by proxy.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

[No response.]

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MENENDEZ. Aye by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. Mr. Chairman, the yeas are 15; the nays are 3.

The CHAIRMAN. The motion has passed. The nomination will be referred to the floor of the United States Senate.

Is there any further matter to come before the committee at this time?

[No response.]

The CHAIRMAN. If not, the committee will stand adjourned.

[Whereupon, at 6:10 p.m., the committee was adjourned.]

BUSINESS MEETING

THURSDAY, FEBRUARY 4, 2021

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

Summary of Action Taken by the Committee

NOMINATION

The Honorable Linda Thomas-Greenfield, of Louisiana, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations and the Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations—agreed to by roll call vote 18–4

Ayes: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Johnson (proxy), Romney, Portman (proxy), Paul (proxy), Young, Rounds

Nays: Rubio (proxy), Barrasso, Cruz, Hagerty

Meeting Transcript

The committee met, pursuant to notice, at 10:00 a.m., in Room SR–325, Russell Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Romney, Barrasso, Young, Cruz, Rounds, and Hagerty.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order. Welcome everybody.

First, I want to thank Senator Risch for working with us to get to this point so that we can consider the nomination of the U.S. Ambassador to the United Nations, Linda Thomas-Greenfield. And I appreciate his work with us in this regard, and I look forward to working with him in common cause in the bipartisan tradition that the committee has had for a very long time.

Let me welcome two—well, four new Members to the committee. Senator Schatz and Senator Van Hollen, we look forward to your participation and insights and experience, and Senator Booker is extremely thrilled that you have been added to the committee so he is not at the end of the roster. And let me also welcome Senator Rounds and Senator Hagerty, who served our country in Japan. We

appreciate you bringing your experiences and expertise to the committee as well, and we look forward to working with you.

I want to first recognize Chairman Risch for his stewardship of the committee during the last Congress, and I look forward to an opportunity in the near future to discuss our priorities for the 117th Congress and to hear yours. And today I will simply note how honored I am to once again have the opportunity to have the gavel as the Chairman.

Today we will consider the nomination of Ambassador Linda Thomas-Greenfield to be the U.S. Representative to the United Nations and to the Security Council and General Assembly of the U.N. Senator Risch, as I said, I want to thank you again for helping us put on Ambassador Greenfield's hearing last week and this business meeting today.

It is an understatement to say that Ambassador Thomas-Greenfield is eminently qualified for the position of U.S. representative to the United Nations. For over 35 years, she has served this country faithfully and ably under both Democratic and Republican Administrations: Ambassador to Liberia, director general of the Foreign Service, Assistant Secretary of State for African Affairs. Her record of service in the senior and Senate-confirmed positions of the State Department has been extraordinary. Our country is lucky that the Ambassador has agreed to return to public service. We face an array of formidable challenges, both around the world and at the United Nations, that demands someone with her skills and commitment to democracy, good governance, human rights, and anti-corruption efforts.

Let me briefly address the issue of the Ambassador's speech to Savannah State University, which was the focus of much questioning last week. She was invited by the oldest historical black college and university in Georgia, a college with which she had a long-standing relationship. She accepted because of her commitment to diversity, a subject that has long been close to my own heart and that I pressed her on when she was the director general. We heard important remarks from our colleague, Senator Booker, one of only 11 African-American Senators in our Nation's history, about the importance of HBCUs in producing African-American leaders.

Ambassador Thomas-Greenfield spoke at Savannah State to encourage young black and brown Americans, who are underrepresented in our Foreign Service, to take their considerable talents and consider careers in U.S. national security, and especially to enter our Foreign Service so they can help spread American values around the world. While she acknowledged regret over the speech, particularly given the involvement of the Confucius Institute, Ambassador Thomas-Greenfield has a long history of expressed opposition to China's use of debt trap tactics in Africa and elsewhere and its increasingly malign presence in world governance bodies. She has also spoken plainly about China's authoritarian ambitions and open hostility to universal human rights and democratic values, and has committed to confronting them every step of the way, including at the United Nations.

Last week I went over some examples from her storied career as it relates to China specifically and entered a long list into the record, leaving no question where she stands. I have no doubt that

Ambassador Thomas-Greenfield is someone who is clear eyed about the challenges we face from China's Government, about regaining U.S. leverage and influence on the Security Council, about re-engaging our allies and holding Iran accountable, and about standing up when Israel is subjected to biased attacks. And I have no doubt that upon confirmation, she will skillfully and forcefully represent the United States. She has my full support, and I urge my colleagues to support her nomination.

With that, let me recognize the distinguished Ranking Member for his comments. Senator Risch?

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

Senator RISCH. Thank you, Senator Menendez, and thank you for those kind remarks at the beginning. I want to address for a moment Ms. Greenfield's nomination before we vote here.

First of all, let me say that I have absolutely no disagreement with you that she is eminently qualified. She has an outstanding, long record of statecraft and service in the Department. I think that—I really do not think that that is the issue. I mean, she is—she impresses me both when I met with her individually and I think when she appeared before the committee. She is a very kind person and a gentle person. Generally, we like somebody a little tougher than that actually over at the U.N., but I think she will be able to hold her own in that regard.

The main objection to her from those who are objecting comes from the speech that she made to the Confucius Institute. I said at the hearing, and I have not changed my position, in that I am not willing to allow one speech to define a person's career, and I think, Senator Menendez, you underlined and underscored the many speeches she has made other than that were—that were very different than that. So given that that, I am willing to set that aside. And, most importantly, she came here, unlike a lot of people do, and she acknowledged the mistake. She acknowledged that she wished she had not given that speech, and if she had it to do it over again, she would not do it.

The only other thing I would point out is her strength certainly is on the African continent, which is, no question, a big issue for us as we go forward. I think her qualifications are a little lighter on China and on the Middle East, which we all know is critical at the U.N.

Let me let me just say that I think that the takeaway I have from the speech at the Confucius Institute is not as much what she said because she has acknowledged that it was an error. But probably if there is a silver lining in this—Congress ought to take a look at this—we do not allow foreign governments to infect our political candidates by contributing to their—to their campaigns, yet we do allow tens of millions of dollars of foreign governments' money, including the notably the Chinese, to infiltrate these institutions of higher learning, which are absolutely critical to our culture and the continuation of our culture. And she was paid \$1,500 for this speech, and she acknowledges that the speech that she gave was softer on China and ignored the horrible record that China has on human rights and many other things.

So I think probably as a body, Congress ought to take a look at this type of payment by foreign governments into the colleges and universities. I mean the question is, what are they getting for this? Well, it certainly is not a contribution they are making out of the goodness of their heart, and it certainly is not a contribution that they are making to purchase technology or license technology or something like that, and I think what we see here with that speech that she gave is the result of it. So maybe if there is a silver lining that has come out of this, it underlines the malign influence that this cash infiltration into our universities has.

In any event, I am going to support her nomination. I think she has got an outstanding record. She is a good person, maybe too good a person for this job, as I said, because the people she is going to have to wrestle with up there are not necessarily good people sometimes, but we will all wish her well. We will all stand behind her in discussing the issues. We have very little daylight between us on issues such as Turkey and those kinds of things, with the exception, of course, of Iran. She is carrying the position of the current Administration on Iran, which we are going to get to, I am sure, which we do have differences on.

But in any event, I am going to vote for the nomination, and with that, I will yield the floor. Thank you, Mr. Chairman.

The CHAIRMAN. Well, I thank the Ranking Member, and we will look forward to working with you about—and I know Senator Portman and others worked on the Confucius Institute report, and we look forward to working with you on that. And I would just say she is a—I saw a little steel when she was challenged in her hearing, so I think she has a velvet glove and an iron will. So is there any other comments? Senator Cruz?

Senator CRUZ. Thank you, Mr. Chairman. Congratulations on becoming Mr. Chairman.

I intend to vote against this nominee. I have been growing increasingly concerned over the last 2 weeks by what appears to be a concerted, coordinated pivot towards China by the new Biden administration. We have been seeing nominee after nominee embracing China more closely. We have seen multiple nominees refuse to answer whether they would keep Huawei or other listed companies on the entities list. One after the other, the nominees are all refusing to answer that.

With Ms. Thomas-Greenfield, her at the Confucius Institute, I think, raises very serious concerns. Now, we saw her come before this committee and apologize for speaking to the Confucius Institute, say it was a mistake, say she was horrified by what she saw. I think there are several observations that are important. Number one, this speech was not something given decades ago with the innocence of youth. This speech was given in October of 2019, just over a year ago. Several of the defenders of this nomination have spoken of the wonderful virtues of Savannah State and historically black college and universities. Unquestionably, historically black colleges and universities play a pivotal role in our country, and speaking at Savannah State or any other university is a terrific thing. But she did not go speak at Savannah State or any other university. She went to a Confucius Institute.

And as the Members of this committee know, Confucius Institutes are controlled and are paid for by the communist Government of China. They engage in rampant espionage and propaganda paid for by China, and there are multiple Members of this committee, Republicans and Democrats, with whom I have worked to pass legislation that has shut down dozens of Confucius Institutes across this country. And so to go and speak at a Confucius Institute—I ask each Member of the committee, would you speak at a Confucius Institute? I do not think there is a Member of this committee that would. It is not complicated to know that this is an organ of the Chinese communist government.

In explaining what she said, she also suggested—I know that she used this phrase, but her answer suggested that, well, she went to speak truth to power. I wish that were the case. I would actually feel quite encouraged if that had been what she had done, but we have the transcript of the speech she gave, and that transcript is not speaking truth to power. The speech she gave does not have one single critical word about China. By the way, she did not give a speech about historically black colleges universities. She was talking about China to the Confucius Institute. She knew who she was talking to. And the text of the speech, I do not believe it would have read differently if the Confucius Institute had written it, because the text of the speech, not only does she not call out China's genocide, not only does she not call out the murder, the torture, the lies, not only does she not call out the debt traps and captivity that China is using in Africa and throughout the developing world, but she praises China's Belt and Road Initiative. This committee has worked together on the Build Act, which this committee moved forward, which was designed to combat the Belt and Road Initiative. Her speech praises the Belt and Road Initiative and says that America needs to follow China's example.

I would also note that her speech was not a one-off. I put out a whole series of remarks that Ms. Thomas-Greenfield has made over the decades repeatedly apologizing for China, saying we are not competing with China, which she said multiple times. At another time, she said that she viewed her role as “to ensure that they have the capacity to strike and negotiate better deals with the Chinese.” And I ask the Members of this committee, at a time when China, I believe, poses the single greatest geopolitical threat to the United States over the next century, we need a U.N. Ambassador who will stand up to China, to China's pervasive influence at the United Nations. And given her record, I have no confidence that this nominee would do so.

Now, for those who are listening and watching and wondering, well, is the speech really as described, I would encourage folks, read for yourself. The text of the speech—and, Mr. Chairman, I would ask unanimous consent that the transcript of Ms. Thomas-Greenfield's October 25th, 2019 remarks at Savannah State's Confucius Institute be entered into the record.

The CHAIRMAN. Without objection.

[The information referred to is located at the end of this transcript.]

Senator CRUZ. So I would encourage folks, read the speech for yourself and ask yourself this: would you be proud to see the rep-

representative for the United States of America giving that speech at the United Nations? I do not think the answer is yes, and I think confirming this nominee is a mistake.

Senator COONS. Mr. Chair?

The CHAIRMAN. Senator Coons?

Senator COONS. Thank you, Mr. Chairman. I appreciate the opportunity to speak somewhat in rebuttal of the comments by my colleague from Texas. For those who might have just heard a call to read the speech or watch the speech, I urge you to also listen to her testimony, and listen to the testimony of now Secretary of State Blinken, and listen to recent remarks and speeches by President Biden.

The situation we are in as a Nation is this: you can reach back and find speeches, comments, addresses by presidents, CEOs, Senators, and diplomats of both parties over decades saying positive and complimentary things about China and its future. And if we want to play a game where we reach back and pull out and point to something that was done here or there that is positive about China, we can play Punch and Judy almost indefinitely on a partisan basis.

Why I am supporting Linda Thomas-Greenfield for U.N. Ambassador is she knows personally from service across the continent of Africa the impact of the Belt and Road Initiative, the impact of debt trap diplomacy, which she spoke to in her confirmation hearing. And it is my hope that Members of this committee, Republican and Democrat, can find the clarity of purpose to recognize that if we do not achieve bipartisan consensus—I agree with what my colleague said, and with what she said, and with what the Administration has been saying, which is China is the greatest challenge to this Nation of this century.

I believe the path forward to addressing that challenge is by recognizing we have to develop a sustainable, bipartisan strategy, not endlessly pick at each other by pulling out of a pile things that were mis-said days or months or years ago, because, frankly, there is no end to that strategy and no positive purpose. Thank you, Mr. Chair.

Senator Kaine. Mr. Chair?

The CHAIRMAN. Senator Kaine?

Senator Kaine. Mr. Chair, a procedural suggestion that I make respectfully. There is an Armed Services hearing going right now about a really important topic, the murder of Vanessa Guillen at Fort Hood, and a HELP Committee hearing on the nomination of Marty Walsh to be Labor Secretary. And many of the Members around the table are involved in one or the other. Might I suggest that we allow a vote, but then certainly allow Members who want to speak on the nomination continue to be heard once the vote is taken?

The CHAIRMAN. I have no objection to that. The Ranking Member has no objection to that. We will allow—and I will stay as long as anyone who wishes to make a comments. I know that Senator Shaheen wants to do this. So at this point, therefore, I will entertain a motion to approve the nomination by voice vote. Is there a second?

Senator SHAHEEN. Second.

VOICE. Mr. Chairman?

The CHAIRMAN. Yes?

VOICE. I ask for a recorded vote.

The CHAIRMAN. A recorded has been asked for. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAIN. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Cruz?

Senator CRUZ. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator HAGERTY. No.

The CHAIRMAN. The clerk will report.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. Mr. Chairman, the ayes are 18; the noes are 4.

The CHAIRMAN. The nomination is approved and sent to the Senate for its full consideration.

With that, I am happy to entertain—I know Senator Shaheen had her hand up.

Senator SHAHEEN. I just wanted to make one brief comment about Ambassador Linda Thomas-Greenfield. She is an African-American woman who has risen to the highest ranks in the State Department. She has served in very difficult conflict areas around the world, including Africa and many other posts. She is absolutely tough enough to be United Nations Ambassador.

The CHAIRMAN. Senator Cardin?

Senator CARDIN. Mr. Chairman, I also just want to underscore the qualifications here. We are talking about a person who has made a career in foreign service and in public service. As Senator Shaheen pointed out, she has broad experience in the African desk as well as being an Ambassador to Liberia. She served in Switzerland, Pakistan, Kenya, Gambia, Nigeria, Jamaica. She brings broad experience to this position, but it is her commitment to the values that make America the great Nation it is—her commitment to human rights and to use diplomacy and engage our colleagues, her colleagues around the world, with American values—that I think make her uniquely suited to be our U.N. Ambassador. So I just really wanted to underscore how I think it is just so important that President Biden has nominated a person with broad foreign policy experience and a service—foreign service to this incredibly important position.

The CHAIRMAN. Thank you, Senator Cardin. Let me just briefly, and then unless there is anything else, we will adjourn, a couple of items for the record. Number one, she was invited by Savannah State University, and that is who she accepted the invitation. And secondly, she was given her honorarium, the \$1,500, by Savannah State University, not by the Confucius Institute. And as I had said previously, she has a history, which I have included in the record, going back to 2007, of expressing concern over China's rapidly-increasing lending to poor nations in Africa, where she also encouraged African governments to understand why it is important to their dealings with the Chinese to make sure that human rights and political freedoms and press freedoms are preserved and pursued; that the Chinese did not have the values of good governance and transparency; that, in fact, she asked about China's presence in African 2013, and she said our own values on human rights is so much better than what they are getting from the outside by the Chinese; and the list goes on. and I will have it again included for the record.

[The information referred to is located at the end of this transcript.]

The CHAIRMAN. So I would just say that she has a very clear record of challenging China, of believing that China is a threat to our interests. And the last point I would make, we do have to compete with China. It is not enough just to confront China. We have to compete with China. So when China shows up at these African nations in Latin America and elsewhere and we do not, well, there is going to be a challenge to that. So we have to work together to find a way of how do we, yes, challenge China, but also compete with it.

With that, if there are no further comments, this meeting is adjourned.

[Whereupon, at 10:28 a.m., the committee was adjourned.]

Additional Material Submitted for the Record

CHINA-U.S.-AFRICA RELATIONSHIPS

A Speech by Hon. Linda Thomas-Greenfield

DELIVERED AT SAVANNAH STATE UNIVERSITY, OCTOBER 25, 2019—
SUBMITTED FOR THE RECORD BY SENATOR CRUZ



Speech for Savannah State on China-US-Africa Relationships

Prepared Exclusively for Linda Thomas-Greenfield

October 25, 2019

Introduction

Distinguished Hosts, thank you for inviting me to speak at the Confucius Institute's 5th Anniversary Lectures on the challenges and opportunities that exist, thanks to the important relationships between China, the United States, and Africa.

Where do I begin? African states have had long histories with China and the United States and while the history is rich, the future is even more exciting. I really do believe that the relationships and interactions between these three blocs could define the 21st century. What is clear is that the best future for all involved is one characterized by cooperation and transparency, and one where the African people have a full say in charting their developmental path.

However, to see where these relationships could lead us, it is important to understand where we are coming from and I would like to begin by quickly outlining the United States and China's partnerships and interactions with African states since the wave of independence that swept through the continent in the 1960s.

U.S. engagement with Africa

Deep U.S. engagement with Africa, post-World War II, began immediately at independence and started with programs such as the United States Peace Corps in 1961, and has continued in recent years with legacy investments made by successive U.S. Presidents: President Bill Clinton's African Growth and Opportunity Act (AGOA) worked to improve economic and trade relations between the United States and Africa and was so successful, that it was renewed through 2025 under President Obama.

President George W. Bush's Presidential Malaria Initiative (PMI) and President's Emergency Plan for AIDS Relief (PEPFAR) addressed two health scourges that had devastated huge populations in Africa, saving millions of lives. President Barack Obama sought to spur growth by catalyzing energy access through the Power Africa Initiative. He also invested to build connections with both leaders of today through the African Heads of State Summit and the leaders of tomorrow through the Young African Leaders Initiative (YALI). I had a front row seat to both of these initiatives in my role as Assistant Secretary of State for African Affairs and they were both strong examples of American cooperation at its finest.

President Trump's Prosper Africa Initiative commits to increasing two-way trade and investment between the United States and Africa Prosper Africa and unleash the entrepreneurial spirit of Americans and the people of African nations. Prosper Africa promises a one-stop shop that makes the full range of those services available to U.S. and African businesses and investors and stresses the value of transparent markets and private enterprise for driving growth. The current US government also aims to sustain the legacy of engagement through the Better Utilization of

Investment Leading to Development (BUILD) Act, one of the few success stories of bipartisan collaboration in America's current political climate. The BUILD Act reimagines the Overseas Private Investment Corporation (OPIC) into the United States International Development Finance Corporation (USIDFC), and gives the organization renewed investment capabilities and capacity.

These may sound like just a long list of acronyms to you – and maybe they are. But I would argue that in one way or another, all of these efforts have catalyzed human capital and economic potential, incentivized democracy and good governance, and promoted shared values and ideals, such as the dignity of life, the respect for human rights, and the pursuit of prosperity on the continent. In the process, strong relationships were built which continue to underpin the USAfrica relationship.

It is these strong people-to-people ties, as well as the other historical bonds that should make us excited about the future of the U.S.-Africa relationship. Of course, we cannot ignore the fact that in 1619, exactly 400 years ago, the first enslaved African were brought to the U.S. which will forever be a taint on our relationship with Africa but would in the long run become a strong connector to the continent. Today, the United States boasts a large and vibrant African diaspora community, who have been great contributors to America both economically and socially and continue to serve as conduits for increased collaboration and connection with the continent.

China's emerging relationship with Africa

China's presence in Africa is newer, but no less pronounced. It is remarkable how significantly the Sino-African relationship has developed over the past 40 years. In 1980, the total Sino-African trade volume was \$1 billion. By 2000, that number had risen to \$10 billion. In 2018, that number reached \$204.19 billion. China is now Africa's largest trading partner and the continent's largest

creditor. The conventional wisdom is that China's increased focus on the continent is motivated by short-term commercial and strategic interests. That narrative is not nuanced enough, and experts point to instances of how Beijing's motivations are broader and more oriented towards long-term cooperation. One example of this is China's increased engagement with African leadership.

The Forum on China-Africa Cooperation (FOCAC) was established in 2000 and is a strong marker of this new model of "South-South cooperation." The 2018 summit in Beijing saw representation from every single African country, including over 30 heads of state and analysts argue that it opened up a new era of China-Africa relations.

There is no doubt that China's story of development from an impoverished country to a middleincome, industrial powerhouse is attractive to African states who also seek to be better incorporated into the global economic system. China has definitely pushed that narrative and sought to be "Big Brother China" to the continent. As African states seek to learn from the China model, they have turned their gaze to Beijing. This has allowed China to move into the continent in a new way over the past two decades. Thankfully, "stadium diplomacy" has given way to more useful investments. The Belt and Road Initiative (BRI) has seen the rollout of critical projects in Africa built by the Chinese, including major railways in Ethiopia, Kenya, and Nigeria; port development in Djibouti and Tanzania; and infrastructure development in many other parts of the continent. There are now nearly 10,000 Chinese businesses on the African continent and Chinese assistance is broadening into diverse forms of investment and lending.

China's engagement with the continent is not just economic, it is cultural. Each year, the list of Chinese universities offering scholarships for Africa's brightest students grows. Across the

continent, Chinese communities are springing up. In fact, last year, in the city of Kano in northern Nigeria, Emir Muhammad Sanusi appointed a Chinese trader who had lived in the city for close to 20 years as chief of the growing Chinese community in the Emirate, and a member of the ruling council.

Why Africa?

It is no surprise that both China and the United States are looking to deepen their engagement with the African continent. When looking at today's global challenges - migration and refugees, climate change, growing youth populations, insecurity, and a retreat of democratic institutions - they all have an impact on and are impacted by developments in Africa.

However, this is not just about the world's "problems." This is also about the world's greatest opportunity. African countries hold immense promise: estimates are that by 2050, the population of the African continent will have doubled from 1.2 billion to 2.5 billion, representing a quarter of the world's population – and the global market. This story is even more compelling when we think of the fact that African states have come a long way and are poised to continue their burgeoning growth. The International Monetary Fund (IMF) has forecasted that Africa will grow at 3.4 percent this year, with Ethiopia, Rwanda, and Côte d'Ivoire expected to lead the continent with economic growth rates over 7 percent. Further economic growth is likely to be unlocked with the emergence of the African Continental Free Trade Agreement (AfCFTA), reducing trade barriers and opening vast markets. Africa is already a leader in the use of digital technology and cities across the continent from Nairobi to Lagos and Kigali are transforming into technology hubs. With improvements to infrastructure, upgrades to its business and investment

climate, and further economic diversification, Africa's upward economic trajectory is sure to extend far into the future.

The U.S. and China: a new "scramble for Africa?"

There is a growing sense that the US and China are in competition to carve out their share of this African future. Amid talk of a new Cold War, Former National Security Advisor John Bolton's speech last year framed much of the US administration's Africa strategy as a battleground for great power competition rather than engagement with African leaders. Some have even dubbed this a "new scramble for Africa." These are certainly uneasy times in the U.S.-China relationship, but I disagree with these narratives and this zero-sum approach.

We are not in a new Cold War – and Africans have far more agency than those narratives would have us believe. Despite this agency, Africa has not always gotten the best bargain in its dealings with foreign powers. The idea that Africa can benefit from competition between the U.S. and China is false. As the complicated and intricate relationship between the U.S. and China, two very large, powerful countries that have both begun to retreat on their global commitments due to domestic realities evolves, I fear that the general outcome may not be in Africa's interest.

There is an African proverb that says, "*when two elephants fight, it is the grass that suffers.*" All we need do is look to the current state of the global economy to see this playing out. With many African countries set to see impressive growth over the next few years, the U.S.-China tensions and a lack of investment has the global economy on the brink of a "synchronized slowdown." It is in all parties' interest that the US and China come to an understanding on trade. I believe that a meeting of the minds is inevitable, and I hope that when it happens, African perspectives are considered as they should be.

China and the U.S could learn a lot from each other

There is a lot that China can learn from the U.S. and its engagement in Africa – and also much that the U.S. can learn from China and its recent success on the continent. China should glean that people must be at the heart of development: **it's not about what you do, but who you do it with**. Skills and knowledge transfers matter and at the end of the day, it is human capital that grows economies, not scaffolding, steel, and concrete. The U.S. would also do well to understand the importance of taking the long-view in its approach to the continent. Very often, U.S. interaction has all the pieces required to create change – however, American attention spans are short, and the U.S. has often moved on too quickly to the next partner or project. **True transformation requires patience and commitment**, and a promise to show up every time.

It is in America's interest to view engagement with the continent as a key and important element in and of itself. Africa is more than just another theatre for great power competition. The United States should show up in a big way even when it may seem that engagement with the continent is not in its strategic interests – *because it actually is*. Those who would criticize Chinese predatory lending or the governments who accept these deals must also acknowledge that in many cases, the United States and the West is not showing up or offering viable alternatives.

This is especially the case because U.S. investment in diplomatic engagement is lagging. Over the past five years, China increased spending on diplomacy by 40 percent while, during the same period, America's spending on core diplomacy fell by a third. Foreign Service members in the field, many of whom are serving in Africa, have reported that they are outnumbered four or five to one by Chinese diplomats, especially those working on economic and commercial issues.

Members of Congress have mentioned that African ambassadors complain to them, saying that their governments and their private sector actors would like engagement with American companies, but cannot find anyone at our embassies to make these crucial contacts. Nearly 100 American business associations—including the Chamber of Commerce and National Association of Manufacturers—wrote to Secretary Pompeo last year asking for more FSOs at embassies and consulates. It remains to be seen whether the government will heed this sound advice.

A win-win-win situation is possible

Ultimately, the future is about Africa and its people. The U.S. should be focused on building a strong partnership with Africa which is based on shared values of peace, prosperity, sustained economic growth and development, and a firm commitment to good governance, gender equity, and the rule of law. I see no reason why China cannot share in those values. In fact, China is in a unique position to spread these ideals given its strong footprint on the continent. All sides should work together to build sustainable growth for Africa and the world.

Africa is the last frontier for economic growth, with a booming population, abundant natural resources and untapped potential. In a world where so many regions are seeing slower growth, as they reach their capacity for the raw inputs of growth, Africa remains an opportunity. To effectively cash in on Africa's potential, the continent's leaders must be empowered to choose from a wide variety of options and offers, about what would be best for their people.

Whether that option comes from China, from the United States, other emerging players on the continent such as India or Turkey, or whether they emerge from the continent itself, we must support Africans to move forward as they see fit. In the U.S.-China-Africa relationship, win-winwin cooperation is possible and common development can be achieved. If we all took a step back to consider it, we would see that if we banded together to support Africa's growth and development, we would all be better for it.

Response to Comments Made by Senator Cruz

SUBMITTED FOR THE RECORD BY CHAIRMAN MENENDEZ

Rebuttals – Linda Thomas-Greenfield

Note: Following her nomination hearing, Cruz tweeted out subsequent attacks on Thomas-Greenfield aimed at showing that she has a history of “praising” the Chinese Communist Party, and that her November 2019 speech was not a one-off. (He cited a number of the same speeches we have cited in support of her position on China).

LTG has repeatedly been weak on China...

- **Amb. Thomas-Greenfield has a long history of expressing concerns about China’s efforts and investments in Africa. (Recap of points YOU made at hearing):**
 - In 2007, she expressed concerns over China’s increased lending to poor nations in Africa and the unfavorable terms of those loans.
 - In 2014, she was working to encourage African governments to take into account issues related to human rights and political freedoms and press freedom when they dealt with the Chinese.
 - In 2013, she warned about China’s increasing trade with African countries, saying that the U.S. needed to advocate for American companies and American businesses, and to push for a level playing field.
 - In 2019, she warned of China’s influence in Africa, and stated that decreasing foreign aid would be ceding to China many of our national interests.
 - In 2020, in a joint op-ed in *Foreign Policy*, she argued that the State Department need to do more to address and respond to geopolitical competition with a rising China.

- **Expressed concern about increasing Chinese investments and waning U.S. influence.** In 2019, she said, “we need to pay attention to what is happening because our influence on the continent is waning in comparison to China.” To that end, she has repeatedly called for working with African partners to help ensure they strike better deals.

- **Called out Chinese investments for not supporting U.S. values.** In 2014, in testimony before Congress, she called out that Chinese investment in Africa does not support U.S. values such as good governance and transparency and responsible management of natural resources.
 - “a lot of the foreign investment that is going into Africa that the Chinese are providing does not support our values of good governance and transparency and responsible management of natural resources.” [House Appropriations Subcommittee, Apr. 2014]

She said that the U.S. was “not competing” with China in Africa...

- **Thomas-Greenfield has repeatedly highlighted the values that the U.S. brought to Africa and challenged China to promote similar values, such as good governance, human rights, rule of law.** As she said in a 2013 interview:
 - “The U.S. has core values that promote the development of Africa, and we have been in Africa since the beginning. And so, our efforts are not in competition with China. Our efforts are in support of the desires of African people. And the needs in Africa are great, so I think African countries can work with the Chinese to work to get what is in their best interest. But they should not see it in their interest a competition between the United States and Africa, because that doesn’t exist.
 - *In a 2013 interview cited by Cruz, she said, “I think I do not see us as competing. I do not even see the Chinese as being an alternative. African leaders have to strike the best deal that they can strike for their people, and I think they get it. So we just have to do more to help build their capacity, so that they can negotiate in a stronger position with countries that are not raising issues of human rights, as we do on a regular basis.”*

She has praised One Belt, One Road...

- **Said Africans should make sure they are not “gambling” on their future with One Belt, One Road credit.** In a 2019 speech, Thomas-Greenfield said “Africans need to make sure they are not putting themselves in a position of debt [referencing easy credit ‘One Belt, One Road’ infrastructure projects] and gambling on their future.”

THOMAS-GREENFIELD COMMENTS FROM NOMINATION HEARING

At her nomination hearing, she spoke unequivocally about China:

- **Called China a strategic competitor.** “China is a strategic competitor and poses challenges to our security and to our prosperity, and our values.”
- **Said China has “authoritarian ambitions” and engaged in human rights violations.** “China has engaged in gross human rights violations and has authoritarian ambitions that go against our democratic values.”
- **Spoke about “horrific” treatment of Uyghurs.** “What they’re doing is horrific.” “I know what [genocide] looks like, and I know what it feels like, and this feels like that; we just have to call it for what it is.”

- **Said China was “undermining” our values at the UN.** “I see what they're doing at the United Nations as undermining our values, undermining what we believe in. They're undermining our security. They're undermining our people and we need to work against that.”
- **Committed to working “aggressively” against Chinese malign efforts at the UN.** “I will be working aggressively against Chinese malign efforts in New York.”

RECAP OF CRUZ COMMENTS FROM HEARING:

- Her Nov. 2019 speech at Savannah State was “cheerleading for the Chinese Communist Party” and didn’t contain a single word of criticism for their record on human rights.
- Said in her speech, she praised the Belt and Road Initiative, praised the Chinese “entrapping developing countries in debt bondage,” and said that the United States should follow China’s model.

BUSINESS MEETING

THURSDAY, MARCH 11, 2021

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

Summary of Action Taken by the Committee

NOMINATIONS

The Honorable Wendy Sherman, of Maryland, to be the Deputy Secretary of the United States Department of State—agreed to by roll call vote (14–8)

Ayes: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Romney, Portman, Rounds

Nays: Risch, Rubio (proxy), Johnson, Paul (proxy), Young, Barrasso (proxy), Cruz, Hagerty

The Honorable Brian McKeon, of the District of Columbia, to be the Deputy Secretary of the United States Department of State for Management and Resources—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 9:33 a.m., in Room SH–216, Hart Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Johnson, Romney, Portman, Young, Cruz, Rounds, and Hagerty.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. The business meeting of the Senate Foreign Relations Committee will come to order. Today we will consider the nominations of Ambassador Wendy Sherman to be the Deputy Secretary of State and the nomination of Brian McKeon to be Deputy Secretary of State for Management and Resources. Let me thank Senator Risch for working with me to put the hearing of these nominees together last week and the business meeting. As we all know, at the start of every Administration, it is vital to stand up the foreign policy leadership team as soon as possible, and I appreciate the cooperation.

I am going to be very brief as we have a classified briefing with the Secretary at 10:00 a.m.

The nominees before us today are both experienced and capable individuals. The President and the Secretary need them in place at Foggy Bottom, and they will confront many challenges if confirmed.

So I think that Ambassador Sherman and Mr. McKeon will be key to restoring and rebuilding the Department, bolstering the morale of career personnel, and improving the Department's record on diversity. Both nominees indicated their commitment to a cooperative, constructive, and consultive relationship with this committee, and Congress and I will hold them to that. They have answered—I have reviewed the QFRs. It has been rather voluminous, and they have answered all of them within time.

With that, I would like to recognize our distinguished Ranking Member for his comments. Senator Risch.

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

Senator RISCH. Thank you, Mr. Chairman. I will be brief. We do have these two nominations in front of us, and I will first talk about Ambassador Sherman. And she and I do agree on some matters, but not all, and, of course, there is nothing unusual about that, and certainly I would not vote against her on that basis. I agree with you, of course, that the Administration needs the team in place, and on that basis, that is the reason we have been able to cooperate and get to where we are.

Privately to me and publicly, Ambassador Sherman has committed that she will regularly consult with this committee early and often on any negotiations with Iran, whatever form those negotiations may take. She has also recognized that 2021 is not 2015 and the region has changed, and that she will continue to support the Abraham Accords. Outside of the Middle East, Ambassador Sherman has committed to working with this committee to combat China's malign influence, including by increasing transatlantic cooperation. She will also support nuclear policy and posture that reinforces U.S. extended deterrence commitments to our allies in the Indo-Pacific. And finally, Ambassador Sherman agreed to collaborate with Congress on how to improve global pandemic preparedness and response. I truly appreciate her nomination, and when she is confirmed, I intend to urge her over time to honor those commitments.

However, having made those commitments, they are not enough to satisfy my larger concerns about whether she is the right person for this role at this time to be Deputy Secretary of state. In my interactions with Ambassador Sherman over several years, I have seen really a lack of appreciation for the role of Congress in foreign policymaking. I go back to the time when she was the chief negotiator on the Iran Deal. I remember having her in front of the committee, and we had real difficulties with that. Congress has an important role to play in that. I remember asking her about the provisions in the agreement we could not see. They were secret. We were not privy to any of those. I have the same security clearance she does, being number two on the Intelligence Committee. She just flat refused to tell us what was in it.

I remember listening to her. I asked her on cross-examination whether she herself had seen those provisions in the agreement. She said she had not. And I said, how can you agree to something that has provisions that you have not even seen, and she had real difficulty with that. But I cross-examined her further and asked

her if she was in the room with those documents, and she said, well, yes, she had. I said, well, tell me about that, and she said, well, I was there. And I said, well, did you have the documents in your hand, and she said, yes, I did. I said, did you read those agreements. She said, no, she did not. She just kind of—she was sitting in the room, and they passed it through and it went down. I had real, real trouble with the credibility on that, and I have trouble getting past that at this point.

I had hoped through this confirmation that she would overcome the impression that I had in the previous dealings with her on the Iran Deal. Unfortunately, as I pressed her on this Iran thing that we are headed to right now, I think we are going to see the same movie that we have seen before, and I have real reservations about that. At the end of the day, I just do not think she is the best or the right person for this, and I am going to vote against her for that reason. Having said that, I understand that she will be confirmed in all likelihood and look forward to trying to get a different direction in the future.

As for Mr. McKeon's nomination to be Deputy Secretary of State for Management and Resources, I plan to support his nomination and look forward to working with Mr. McKeon as he tackles the many management issues currently facing the Department. In particular, I hope he will focus on the need to enhance global health security and diplomacy as well as the need to ensure that our diplomats are capable, resourced, and ready for any complex operating environment. I also hope he will take a strong role in helping the Department make decisions and improve the budget process so this committee can better understand how the Department allocates resources.

With that, I yield back. Thank you, Senator Menendez.

The CHAIRMAN. Thank you, Senator Risch. Senator Cardin.

Senator CARDIN. Thank you, Mr. Chairman. I am going to want to respond to Senator Risch's two points in regards to Wendy Sherman, and I very much appreciate his observations about Ambassador Sherman's extraordinary background, her expertise in this area, her record of public service. We have come to a different conclusion. I think she is the right person at this time.

First, in regards to working with Congress, let me take you back to the beginning of the discussions of the Nuclear Agreement with Iran, and there was a sharp difference between the Republicans in Congress and the Obama administration as to how that agreement would be handled with Congress. Senator Corker, who was the Chairman of the committee—at the time I was the ranking Democrat—we worked with the Obama administration to develop a process that required them to come to Congress to make certain certifications to give us the information we needed, and Ambassador Sherman was part of that process that allowed us to develop a process. It was not perfect, but it ended up getting unanimous support, 98 to 1 support, in the United States Senate. And then it was implemented in a way that we had regular briefings of classified information given to Democrats and Republicans so that we could make our own independent judgments.

We had full access, and Ambassador Sherman was part of that process. And I think Senator Corker would agree that each Mem-

ber of this committee, each Member of the Senate, got the information we needed to make our own independent judgments. At the end of the day, I disagreed with the Obama administration, but I certainly had the information I needed, and Ambassador Sherman was part of that process that made sure that we had the information we needed to make that decision. It was unprecedented the amount of information made available to us.

Now, in regards to the documents that the IAEA had that Ambassador Sherman had the chance to look at or did not look at during the process, remember, our participation in the IAEA requires us to keep that information confidential. We are not permitted to share that information, those of us who are involved in the IAEA process. She had no choice but to honor her commitments to the IAEA.

So I would just urge my colleagues to recognize we have a unique opportunity in Ambassador Sherman to get someone who really appreciates and understands the relationship between the executive and legislative branch. She is a product of the United States Senate, having served as chief of staff to Senator Mikulski. So I just urge my colleagues, this is a person, to me, who is eminently qualified for this position, and I urge my colleagues to support her nomination.

The CHAIRMAN. Does anyone else seek recognition? Senator Johnson.

Senator JOHNSON. Mr. Chairman, I am not sure what Senator Cardin is talking about, 98 to 1 vote. Maybe I was the only one that voted "no".

Senator CARDIN. No, you were not.

Senator JOHNSON. My point being is what we have—I think what we have—what we found out is that what the JCPOA should have been is a treaty, which is what my amendment was. It was defeated, but we are seeing the folly of doing these agreements as executive agreements without full information, without full disclosure, and without the ratification of the Senate, and so now we are ping-ponging back and forth. But I just needed to make that comment.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Yes?

Senator RISCH. Can I respond to—

The CHAIRMAN. Yes, Senator Risch.

Senator RISCH. First of all, I appreciate Senator Cardin's passion on this, and I would hope that as we go forward, we start with what Ms. Sherman said publicly and privately to us, and that is, this is not 2015, and we are in a different position today. So I hope we can set aside feelings we have about personalities and move forward.

I have to tell you, I have the feeling, and I hope I am dead wrong on this, that we are just rewinding the movie and going to show the movie again, and that is not going to work. We know that will not work. And I truly want to work with my Democrat friends, with the Administration, and try to come to some place on an Iran agreement that we can all get behind because—and I think every one of us have strong feelings about this. And as we go forward,

I am hoping we can meld this together to get to a better place than we got last time. And I appreciate the remarks. Thank you.

The CHAIRMAN. Thank you. Senator Shaheen.

Senator SHAHEEN. Well, thank you, Mr. Chairman. I would just like to echo the remarks from both you and Senator Cardin about Wendy Sherman's expertise, her knowledge and understanding of how both the executive branch and the Congress works. And I would point out to Senator Risch, and I know he wants to work together because we have done that in the past, but President Biden is not President Obama. We saw that, I think, 2 weeks ago in the strike he made against Iranian militias in Syria that he is—understands the critical threat that Iran presents, and certainly Wendy Sherman understands that because she has had that experience.

But the Deputy Secretary of State is not just about Iran. It is about a whole range of other issues that are related to foreign policy and to what we need to do at State, and I cannot think of anyone better who has more understanding about that. And so I would hope that we are not going to blame Wendy Sherman for our disagreements with the Obama administration in the past for her ability to work in this new administration to address the foreign policy challenges that we face. So I hope everyone will evaluate her based on her service and her experience. Thank you, Mr. Chairman.

The CHAIRMAN. Does anyone else seek recognition? Senator Coons.

Senator COONS. Just briefly. I will join my colleagues in saying that Wendy Sherman is someone who worked with and for the Senate and Senators and understands us as a body. I am optimistic, and I think this is why we should proceed to the classified briefing that awaits, that we can dive into revisiting the challenges we face in the world in terms of our security. With the commitments we have gotten from Mr. McKeon, Ms. Sherman in their confirmation hearing before this committee, I am really optimistic that we can have a more engaged, more transparent relationship than we had with the last Administration, or, on this issue, with the Obama administration. And I look forward to supporting their nominations.

The CHAIRMAN. Does anyone else seek recognition? Senator Romney?

Senator ROMNEY. Mr. Chairman, thank you. I must admit I find it difficult in these confirmation votes in that we have a Democrat President nominating Democrats to positions of leadership, and I want to vote against all of them because I disagree with them. I want to vote for Republicans. Nevertheless, the standard that I have applied in the past and continue to apply is, is the individual qualified for the position, and, number two, do they fall within the mainstream of the Democratic Party. Not the mainstream of the Republican Party, but the mainstream of the Democratic Party.

I disagree vehemently with the posture of the prior Administration, the Obama administration, with regards to the JCPOA. I think it was a mistake. I do not think it keeps Iran from having a nuclear weapon eventually. Nevertheless, her posture appears to me to be within the mainstream of the Democratic Party and of the—and consistent with the posture of the current President. And

for that reason, I intend to support her in her confirmation despite the fact that I disagree with her. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Romney. Senator Cruz?

Senator CRUZ. Mr. Chairman, I intend to vote against Wendy Sherman. And when you look at her record in foreign policy, I think she has managed to be on the wrong side of a whole lot of issues, and especially the most important issues. She played a leading role in the negotiations with North Korea where the objective was to lift sanctions in exchange for promises not to develop nuclear weapons. We now know in hindsight that endeavor was a colossal failure, that the result instead was that billions of dollars of sanctions relief that flowed into North Korea were used to develop what is now an arsenal of nuclear weapons aimed and directed at the United States.

Then in the Obama administration, Ms. Sherman had a second act, and she was made the lead negotiator for the Iran Deal where, for whatever reason, we repeated exactly the same mistakes as with North Korea. We followed the same strategy that had failed in North Korea. We negotiated a deal very much like the deal that did not work in North Korea. The result of the JCPOA, I believe, would inevitably have led to a nuclear Iran. It would have led to an Ayatollah, who regularly chants "death to America," with a nuclear arsenal aimed at America.

A nuclear Iran, I believe, is qualitatively more dangerous than North Korea, and Iran may be the most dangerous place on the planet right now because the Ayatollah is motivated by religious fanaticism and a seething hatred for America and for Israel. The Ayatollah calls Israel "the little Satan" and America "the great Satan." Under the terms of the JCPOA and its expiration in 15 years, it was perfectly fine for the Ayatollah to have nuclear weapons, even while he chants "death to America."

The most important foreign policy decision made in the Trump administration, I believe, was the decision to pull out of that catastrophic deal, that deal that flooded hundreds of billions of dollars into the Ayatollah, only to be used to fund terrorism around the world and malign efforts directed at the United States and directed at our allies. I agree with Israel's prime minister, Benjamin Netanyahu, when he describes a nuclear Iran as an existential threat to Israel, and existential in that context does not mean a Frenchman with a black beret, chain smoking. It means literally going to the very existence of the State of Israel. All of us are aware of the catastrophic horror of the Holocaust. A nuclear Iran is the one serious threat on this planet that could once again result in the murder of 6 million Jews, and if "never again" is to mean anything, it should mean never again.

I am opposing Wendy Sherman, and I would urge colleagues on both sides of the aisle to oppose Wendy Sherman because she is nominated to this position precisely because she was the leading champion, the face of, the negotiator of the disastrous Iran Deal, and it is this Administration's stated intention to try to go back to that failed deal. And so I believe anyone casting a vote for Wendy Sherman is simultaneously casting a vote for the policies for which she is being nominated, the policies that are profoundly dangerous to America, to Israel, to our allies. So I am going to be voting "no".

I will be voting yes on Mr. McKeon, although with both of them, I am placing holds on their going to the floor until the Administration does more on Nord Stream 2. And this is another topic this committee has talked about at great length, this committee's leadership and the bipartisan sanctions bill that Senator Shaheen and I have passed twice now, two different versions with the support of the Members of this committee.

Our sanctions legislation worked. The pipeline that was 90 percent complete stopped, and it stopped the instant, the hour sanctions legislation was signed into law, pipeline construction halted. It halted for a year. It was an incredible success for America, for this committee, and it was an incredible loss for Putin. It cost Putin billions of dollars. And in the last couple of months, as everyone knows, Putin has begun building the pipeline again, and he has done so because of the mixed signals from the Biden administration on whether they will follow the law that has been passed overwhelmingly with massive bipartisan support from Congress twice.

Now, I have urged every single Biden State Department nominee, get the report to Congress that you are statutorily mandated to send. The report they just sent omits numerous ships. It omits the company that is building Nord Stream 2 from mandatory sanctions for building Nord Stream 2. It is utterly indefensible. They are not able to defend omitting it, and they should send an interim report to shut the pipeline down. Putin is rushing to get the pipeline completed in the next couple of months, and I have urged every Biden administration State Department nominee, we have had a great foreign policy victory for this country, and if the mixed messages and weak messages to Putin continue, that victory will be turned into a loss.

So it is my hope, and this is something I would ask of the Democratic colleagues. We agree on Nord Stream 2. We have worked together on Nord Stream 2, and we have won a major victory. I recognize this Administration is much more likely to listen to Democratic Members of this committee than Republican Members of this committee. That is the way this town works. I think the Biden administration is making a major and unnecessary mistake. They are making it because they want to play nice with Germany, and that is great. Play nice with Germany on 50 other things, but there is no reason to give a massive windfall to Putin and make Europe dependent on Putin's energy.

And so I want to encourage my colleagues to use every avenue you have to urge the Biden administration to stop playing around, to follow the law, and stop this pipeline. We have seen that it works, and the only thing that changed, the reason Putin began building the pipeline again—

The CHAIRMAN. I would just say to the gentleman, with all due respect, I have given you 7 minutes. I think you have made your point on Nord Stream very clearly.

Senator CRUZ. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Young?

Senator YOUNG. Thank you, Chairman. I look forward to working with Wendy Sherman. I do not intend to support her nomination, and it is with some strong reservations that I have come to this

conclusion, and I want to explain to my colleagues and others why this is the case.

So I believe in the end she will pass. That does not factor strongly into my decision. I had a nice meeting with Ms. Sherman. She comes highly recommended by Republicans and Democrats alike, people I respect. I received phone calls from these people, so I commend the Administration for their whole-of-academia and policy expert effort to seek those who would validate her expertise. She is an intellectual force. She has the requisite professional credentials. So why am I not supporting her?

Well, I have to admit I am somewhat troubled by her many media appearances on MSNBC, written articles, and others, and I have communicated this with her. This does not come as a surprise to her. I think it is a bad precedent to set for our foreign policy professionals to cross certain lines rhetorically, and I think Republicans and Democrats alike have done so in recent years. But, more importantly, it is more of an institutional issue. I do indeed think that a President should have the prerogative to nominate and have confirmed his or her nominees if they fall within the mainstream of their party and so forth, but this is not what has happened in recent years. In fact, there are a number of individuals, Members of this committee, Members outside of this committee who consistently voted no, no, no, no, and I realize many were running for President and many were not. Many were not.

So this body needs a reset, and the way I think we arrive at a reset is not for people like myself, who have a reputation of working well across the aisle and want to work in a very constructive fashion with this President, it is not to immediately say, well, now that you are in power, we are going to immediately reset institutional norms. I have a higher bar, and I want to communicate that broadly and publicly to all of you that that higher bar must be met, and I will lower the bar progressively over a number of years if I see behavior improving. So maybe we will think of this next time there is a Republican President and it will be reciprocated, and we can find ourselves in a better position over a number of years where we give greater discretion to a President to have their high-level nominees confirmed by Members of the other party.

So that is where I am at. Some might find infirmities in that analysis, I would welcome those, identifying those, but I think it is a pretty sound approach. I think the other approach, just to go ahead and support all these nominees who are well credentialed, would be naive at this point in our history. Thanks.

The CHAIRMAN. Thank you. Is there any other Member? Senator Markey. I would just remind Members I am not going to curtail anybody's comments, but we have the Secretary at 10:00 at my request so that he could speak to Members, you know, for a fair amount of time about all these issues that are being raised in a setting in which he would be free to speak without anybody saying, oh, I would like to do that in a classified setting. We are going to be in a classified setting, so you are going to get the maximum opportunity, but I respect everybody's right to have their comments. Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman, and I just want to speak briefly to the role which Wendy Sherman played in the nego-

tiation of two very important nuclear nonproliferation agreements. The first was North Korea. We can go back to that time. It was 1994. Secretary of Defense William Perry had sent two options to President Clinton in terms of what the war strategy should be against North Korea. One of them would have resulted in casualties that matched World War I and World War II—

Senator SHAHEEN. Ed, can you talk up?

Senator MARKEY [continuing]. I am sorry. In William Perry's autobiography, he made it quite clear that this was a very, very stressful time for our country. Secretary Albright designated Wendy Sherman to be the emissary to North Korea to try to resolve this issue. The agreement—the agreed framework, which was ultimately completed, put the plutonium program of North Korea under full scope safeguards. It lasted from 1994 to 2002. President Bush named John Bolton as his negotiator on that issue. He took a different path, but for those 8 years, we did not, in fact, have the kind of tension, pressure that could have led to war.

The same thing was true in 2013 on the issue of Iran's nuclear program. Similarly, Wendy Sherman was designated to negotiate on an agreement to reduce that tension between our countries. We were again on a verge of a military confrontation with Iran. Iran was about 2 months away at that point from having enough enriched uranium for a nuclear weapon. Two months away. Wendy Sherman played the key role in negotiating that agreement so that we would avoid that military confrontation, and that agreement continued again until John Bolton convinced President Trump that he should use a strategy of maximum pressure as an alternative.

But in both instances, for President Clinton and for President Obama, Wendy Sherman completed an assignment that she was given—to reduce the tensions between two of our military rivals and to avoid war—and she did the job. Now, there can be a disagreement here with regard to whether or not John Bolton had a better approach in 2002 or in 2018, but I do not think in any way we should undermine the overall record of Wendy Sherman and what she did. We should be thanking her for what she did in service to two Presidents and to our country, and I do not think there is anything on the record which disqualifies her from this job.

And I think, in fact, for President Biden to name someone like this with the background she has, with the experience she has, with the success that she has had, is actually a good sign for our country, and she does deserve an affirmative vote from this committee today.

The CHAIRMAN. Senator Merkley?

Senator MERKLEY. Mr. Chairman, quite a few points have been made on both sides of this conversation. I would propose that we hold a vote and allow people to make additional comments because of conflicts that a number of us have.

The CHAIRMAN. If there is no one else, I will just close by saying I reject the proposition that a vote for Wendy Sherman is a vote for the Iran Deal. As someone who vigorously opposed it and went through a lot as a result of it, I can tell you that I do not consider a vote for Wendy Sherman as a vote for the Iran Deal. As Senator Shaheen has said, this nomination is far beyond the question of Iran itself. There are actually individuals who have been named

specifically for the purposes of engaging Iran, and it is not Wendy Sherman.

Secondly, I strongly oppose Nord Stream, and I have supported the Senator from Texas' efforts in this regard. But I must say I think it is not fair to say that you want to lay this at the feet of the Biden administration when for 4 years, the Trump Administration could have imposed a series of sanctions and acted in a way that would have nipped it in the bud and did nothing.

And then lastly, I appreciate Senator Young's comments, and I understand it. I would just simply say that when we talk about raising the bar and behavior, we had a plethora of nominees during the previous Administration that far exceeded in their commentary, and were approved by this committee, of the comments that supposedly are attributed to Wendy Sherman. And I just hope that we can raise the bar on the behavior on both sides so that we can get once again to what the tradition of this committee has been.

With that, I believe it is fair to say everybody has had their say.

I will entertain a motion that the nomination of Ambassador Wendy Sherman to be Deputy Secretary of State be reported favorably.

Senator CARDIN. So move.

The CHAIRMAN. Moved by Senator Cardin. Seconded by Senator Shaheen.

The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAIN. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator PORTMAN. Aye.

The CLERK. Mr. Paul?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Young?
 Senator YOUNG. No.
 The CLERK. Mr. Barrasso?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Cruz?
 Senator CRUZ. No.
 The CLERK. Mr. Rounds?
 Senator ROUNDS. Aye.
 The CLERK. Mr. Hagerty?
 [No response.]
 The CLERK. Mr. Hagerty?
 Senator HAGERTY. No.
 The CLERK. Mr. Chairman?
 The CHAIRMAN. Aye. The clerk will report.
 The CLERK. Mr. Chairman, the yeas are 14; the nays are 8.
 The CHAIRMAN. The ayes have it, and the nomination is agreed
 to and will be reported to the Senate.
 Next we take up a motion on the nomination of Mr. McKeon to
 be Deputy Secretary of State for Management and Resources.
 Is there a motion to adopt?
 Senator CARDIN. So move.
 The CHAIRMAN. So moved by Senator Cardin.
 Senator RISCH. Second.
 The CHAIRMAN. Seconded by Senator Risch. Is there a voice vote
 that will be entertained?
 If so, all those in favor, say aye.
 [A chorus of ayes.]
 The CHAIRMAN. All those opposed, say nay.
 [No response.]
 The CHAIRMAN. The ayes have it, and the nomination will be re-
 ported favorably to the Senate.
 With the thanks of the Chair, we appreciate it, and this business
 meeting is adjourned. We now have the Secretary in the Intel-
 ligence Room.
 [Whereupon, at 10:05 a.m., the committee was adjourned.]

BUSINESS MEETING

WEDNESDAY, MARCH 24, 2021

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

Summary of Action Taken by the Committee

LEGISLATION

- S. 615, A bill to establish an interagency program to assist countries in North Africa and West Africa to improve immediate and long-term capabilities to counter terrorist threats, with an amendment—agreed to by voice vote (Paul recorded as no)
- Manager’s amendment—agreed to by voice vote
- S. 814, Ukraine Security Partnership Act of 2021—Held over
- S. 413, A bill to establish the China Censorship Monitor and Action Group, and for other purposes—Held over
- S. 335, Tropical Forest and Coral Reef Conservation Reauthorization Act—agreed to by voice vote (Paul and Barrasso recorded as no)
- S.Res. 22, A resolution reaffirming the partnership between the United States and the Republic of Ecuador and recognizing the restoration and advancement of economic relations, security, and development opportunities in both nations—agreed to by voice vote
- S.Res. 37, A resolution expressing solidarity with the San Isidro Movement in Cuba, condemning escalated attacks against artistic freedoms in Cuba, and calling for the repeal of laws that violate freedom of expression and the immediate release of arbitrarily detained artists, journalists, and activists, with amendments—agreed to by voice vote
- Preamble amendment—agreed to by voice vote
 - Resolving Clause amendment—agreed to by voice vote
- S.Res. 44, A resolution denouncing the Maduro regime’s fraudulent legislative elections, the absence of acceptable conditions to ensure free, fair, and transparent electoral processes in Venezuela, and the further erosion of Venezuelan democracy—agreed to by voice vote
- S.Res. 81, A resolution honoring Las Damas de Blanco, a women-led nonviolent movement in support of freedom and human rights in Cuba, and calling for the release of all political prisoners in Cuba—agreed to by voice vote
- S.Res. 120, Recognizing the Ninth Summit of the Americas and reaffirming the commitment of the United States to a more prosperous, secure, and democratic Western Hemisphere, with an amendment—agreed to by voice vote
- Manager’s Preamble amendment—agreed to by voice vote
- S.Res. 34, A resolution recognizing the 200th anniversary of the independence of Greece and celebrating democracy in Greece and the United States—agreed to by voice vote
- S.Res. 117, A resolution expressing support for the full implementation of the Good Friday Agreement, or the Belfast Agreement, and subsequent agreements

and arrangements for implementation to support peace on the island of Ireland, with amendments—agreed to by voice vote

- Substitute amendment—agreed to by voice vote
- Manager’s Preamble amendment—agreed to by voice vote

S.Res. 35, A resolution condemning the military coup that took place on February 1, 2021, in Burma and the Burmese military’s detention of civilian leaders, calling for an immediate and unconditional release of all those detained and for those elected to serve in parliament to resume their duties without impediment, and for other purposes, with amendments—agreed to by voice vote

- Manager’s Preamble amendment—agreed to by voice vote
- Manager’s Substitute amendment—agreed to by voice vote

S.Res. 36, A resolution reaffirming the strategic partnership between the United States and Mongolia and recognizing the 30th anniversary of democracy in Mongolia, with amendments—agreed to by voice vote

- Preamble amendment—agreed to by voice vote
- Substitute amendment—agreed to by voice vote

S.Res. 99, A Resolution Observing the 10th anniversary of the uprising in Syria—agreed to by voice vote

S.Res. 97, A resolution calling on the Government of Ethiopia, the Tigray People’s Liberation Front, and other belligerents to cease all hostilities, protect human rights, allow unfettered humanitarian access, and cooperate with independent investigations of credible atrocity allegations pertaining to the conflict in the Tigray Region of Ethiopia, with amendments—agreed to by voice vote (Rounds recorded as no)

- Title amendment—agreed to by voice vote
- Manager’s Preamble amendment—agreed to by voice vote
- Manager’s Resolving Clause amendment—agreed to by voice vote

S.Res. 114, A resolution commending the United States African Development Foundation on the occasion of its 40th anniversary for creating pathways to prosperity for underserved communities on the African continent through community-led development—agreed to by voice vote

S.Res. 122, Reaffirming the importance of United States alliances and partnerships, with amendments—agreed to by voice vote

- Manager’s Preamble amendment—agreed to by voice vote
- Manager’s Resolving Clause amendment—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 9:33 a.m., in Room SD-106, Dirksen Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Booker, Schatz, Van Hollen, Risch, Johnson, Romney, Portman, Paul, and Barrasso.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. The business meeting of the Senate Foreign Relations Committee will come to order. We have nine Members. We need—well, now have 10 Members. We need 12 to vote. So we will start off, and then hopefully by the time we are finished with our remarks, there will be the ability to vote, and we will be looking to make a motion to vote en bloc, which we have talked to and have an agreement with the Ranking Member about.

I am pleased that the committee has gathered today for our first legislative business meeting of the 117th Congress. The Senate

Foreign Relations Committee must be in the lead as we respond to the unprecedented foreign policy crises of our time, restore America's role in the world, and reaffirm our core values of democracy and human rights. Today we take a first step on that agenda as we mark up 15 bipartisan bills and resolutions, including legislation reaffirming our alliances around the world, supporting democracy in Cuba and Venezuela, and addressing ongoing challenges in Syria, Ethiopia, and elsewhere. I plan to hold regular legislative business meetings and hope that each of you will join the Ranking Member and me as we create a robust, bipartisan agenda for the committee, and I look forward to working with each of you on your legislative priorities.

Before I speak briefly about the items on the agenda, there are two items that will no longer be considered today. I received a request to hold over S. 413, the China Censorship Act, and I will be holding over S. 814, the Ukraine Security and Partnership Act. Both are solid pieces of legislation. I commend Senators Merkley and Risch, respectively, on their work, and I look forward to taking up both bills after the recess. For Members' awareness and maybe to call attention to the rules, I opted to hold over the Ukraine bill despite my strong support and co-sponsorship. I did so in light of a late-breaking request yesterday evening to rewrite and submit a previously-filed first-degree amendment that would have been out of the rules. And the reason we have those rules is so that all Members understand what they are voting on and have an opportunity to understand what amendments are coming their way so they can make an informed judgment on them.

I strongly support Senators' rights to offer amendments, but it is also imperative that all of you have the time to consider amendments before you vote on them. So I plan to take up the Ukraine bill at the next business meeting in the near future, and Senators will once again have an opportunity to submit amendments.

While we have a robust agenda today, I would like to comment on a few specific legislative items, starting with the Trans-Sahel bill, which I co-authored with the Ranking Member, and I thank him for his partnership on this critical piece of legislation. As we restore America's role in the world and protect our national security interests, we have to refocus on the Sahel, or we will be on the verge of losing the region to terrorism.

Last year, there was a 44-percent increase in violent attacks attributed to militant Islamist groups in the Sahel with a 57-percent increase in the deaths attributable to those attacks. That is why this bipartisan bill authorizes a new Trans-Sahara Counterterrorism Partnership to build capacity in the Sahel to combat terrorism and terrorist ideology. As we all learned on September 11th, we have to take on terrorism abroad so we do not have to fight it here at home.

I am also pleased that our agenda contains numerous resolutions reaffirming our democratic values and standing up for human rights around the world. As we will discuss shortly at our hearing, democracy is under threat in our own hemisphere, and that is why I worked with my friend and colleague, Senator Rubio, on a Venezuela resolution and two Cuba resolutions. In November of 2020, the world saw a renewed wave of activism in Cuba as a diverse

group of artists from the San Isidro Movement sparked a wave of protests against restrictions on freedom of expression. Their efforts were built by more than 15 years of peaceful activism by Cuba's Ladies in White who had faced years of repression. Our two resolutions express our support for Cuban activists and human rights defenders and document the Cuban regime's persecution of civil society leaders. Senator Rubio and I also offered a resolution denouncing the Maduro regime's fraudulent legislative elections in Venezuela, something that has been recognized as fraudulent internationally, expressing concerns about crimes against humanity, and calling for a renewed multilateral response to the Venezuela crisis.

Unfortunately, Latin America is not the only region in the world where democracy is under threat, and our agenda includes resolutions supporting democratic movements in Syria, Burma, and Ethiopia. I have also introduced other items on the agenda that provide hope for democratic progress and peace, including resolutions recognizing the 200th anniversary of the independence of Greece, and expressing support for the full implementation of the Good Friday Agreement. In a similar vein, I also note the resolution that Senator Risch and I co-sponsored on the importance of U.S. alliances and partnerships. Finally, as everyone is aware, Senator Risch and I are working together to write a bipartisan China bill with the goal of providing the text to everyone on the committee in the next few days. We intend to work with each of you to ensure that your China priorities are included in this text, which we will mark up the week of April 12th.

Let me close by noting again how pleased I am at the promising bipartisan effort that produced today's agenda. I look forward to considering and moving similar lists to the 117th Congress. And with that, I recognize the distinguished Ranking Member, Senator Risch, for his remarks.

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

Senator RISCH. Well, thank you very much, Senator Menendez. First of all, let me say, and I certainly do not want to step on partisan toes here. I was disappointed that the S.814 Ukrainian Security Partnership Act is being held over. I understand that Senator Cruz has availed himself of traditions that we have of making some changes to this. This Nord Stream 2 issue we have dealt with over and over again, and I think we are all committed to try to get this thing done, and this would not be so bad if we were not facing a 2-week break here, so that is an issue. But nonetheless, I understand that the rules are such that this can be done, and it is what it is, I guess, at this point. I hope you would—I understand you have recently written the Administration, you and Senator Shaheen. Myself and Senator Cruz did. The letters may have had a slightly different tone, but the objective was the same, and I hope we will all try to continue down that road because, again, time is running out. It is just flat running out on us, and this is something that that we have all worked so hard on.

So I also appreciate the work Senator Menendez and I did to introduce Senate Resolution 122, a resolution that reaffirms the Sen-

ate's support for U.S. defense treaty commitments to our allies in the Indo-Pacific and Europe. In today's challenging security environment, it is critical that the U.S. sustains its extended deterrence policies, and that both the U.S. and its allies make substantial contributions to addressing shared threats.

I want to thank Senator Cardin and seven other Members of this committee for participating with me on Senate Res. 97. The conflict in Ethiopia's Tigray region and elsewhere in the country is deeply concerning, and I know virtually everyone on this committee is on board with that. While Ethiopia's transition faces significant challenges, passing this resolution will send an important bipartisan signal to Ethiopia, our allies, and our own government that the withdrawal of Eritrean forces, the cessation of hostilities, and getting Ethiopia back on track to achieve a once-in-a-generation democratic transition are priorities for the U.S. Senate.

On Syria, I am happy to join Chairman Menendez in sponsoring Senate Res. 99, a resolution marking the 10th anniversary of the Syrian conflict. This resolution reaffirms our support for the Syrian people, emphasizes the policy of the United States to seek a political solution to this prolonged, difficult conflict, and highlights the need for accountability for all of the crimes committed by Assad and his Russian and Iranian backers. Senate Resolution 120 is also on the agenda. This resolution emphasizes that we have a great opportunity as the U.S. hosts the Ninth Summit of the Americas to reaffirm our commitment to a region to be safe, democratic, and prosperous.

I am glad to join Senator—excuse me—Chairman Menendez in co-sponsoring Senate 615, the Trans-Sahara Counterterrorism Partnership Program Act. This bill will give Congress greater oversight of TSCTP programs. This is especially important given that a recent Department inspector general audit found potential waste due to poor management of these funds, and I could not have said it any better than Chairman Menendez did about the area and the problems that are occurring there. Senate Res. 22 highlights the progress Ecuador has made in promoting democratic values and improving economic and security conditions. Our two countries should take additional steps to deepen our economic relationship and tackle shared challenges, such as transnational crime and the regional instability provoked by the Maduro regime in Venezuela.

I also want to recognize the work our teams—ours being both Republican and Senate teams, my staff, the Chairman's staff—in working on the China resolution. This has been a long time coming. Fortunately, there is a lot of work that has been done before we got here. I do wish, as I talked with the Chairman about this, that we had more time to work on this. I think obviously we wind up dragging our feet around here a lot of times on things that we should not. On the other hand, it is important that we do get this right when we are doing something, particularly as big as China is. But there are urgent problems, and I want to do everything I can to assist in moving this forward. Any China legislation that passes out of this committee needs to be truly bipartisan, and we on this side are committed to that. That means it needs to include numerous ideas and proposals from both sides of the aisle. It needs to be strong, concrete, and actionable, and anything short of this

will send the wrong message to our allies and our adversaries in the region.

Finally, it must address the full array of challenges China poses. Political influence in the United States is one of those challenges. We are all aware the Chinese Government seeks undue influence in our universities, wants to influence how our Government makes decisions, and has no qualms about coercing our private sector. I am always amazed when I hear the statistics—and these are very round numbers—that we have about 300,000 Chinese students studying here in America at American universities, many of them taking graduate studies in programs that are very sensitive on national matters. The reverse of that is there are 12,000 American students studying in China compared to the 300,000 that are studying here.

We know that the Chinese Government seeks to steal the best of American innovation. They always have. If we are going to invest more in R&D in the United States, we have to make sure we are protecting the results. This is the point. If we do not have anything strong and actionable on political influence, we are missing a big slice of the problem. I expect the final product to be—and on that issue, the Chairman and I had some discussions on that, yes, and I think we came up with some productive ideas to move forward. I expect the final product to be representative of both sides of the aisle. I will continue to work with Chairman Menendez towards this goal and hope we can reach agreement on all of these issues. With that, I will yield back. Thank you, Mr. Chair.

The CHAIRMAN. Thank you, Senator Risch, and we do look forward to working together on a China bill. It is incredibly important for us to speak with one voice as much as we can. Is there any Member who wants to be recognized on any of the items on the agenda? Senator Coons, who recently came back from a mission to Ethiopia, which sounds like we have had some success. Senator Coons.

Senator COONS. Thank you. Chairman Menendez, Ranking Member Risch, I am so encouraged to hear your bipartisan work on the China bill and that we are considering more than a dozen pieces of legislation on a bipartisan basis, which I think is setting a very positive tone for this committee. For those watching, I will just comment that there are resolutions all across our agenda today that are designed to promote democracy and our core values in our relations towards Venezuela, Cuba, Syria, Burma, and as well, Ethiopia. And I want to thank Senator Cardin and Ranking Member Risch for your leadership on this resolution.

As was mentioned, I just returned from a weekend spent as President Biden's personal emissary meeting with Prime Minister Abiy and a whole range of senior Ethiopian officials and others in the international community, and I want to thank you for allowing changes to the resolution to recognize that trip, which I believe was constructive. I just want to note that there have already been some positive public statements by Prime Minister Abiy in the last 24 hours recognizing the need for accountability for human rights violations, the first public acknowledgement of the presence Eritrean troops, and just within the last few hours, positive statements about the possible resolution of the border dispute with Sudan and

the path forward on the Grand Ethiopian Renaissance Dam. There are other issues that we must address—full humanitarian access, the cessation of hostilities, the path towards free and fair elections—and I look forward to working with each of you on these issues and hopefully to there being more progress. So thank you.

There are a number of other important items on today's agenda. I will just briefly thank Senator Portman for his partnership on the Tropical Forest and Coral Reef Conservation Restoration Act, and on a number of other items, like the anniversary of the U.S. African Development Foundation. Thank you for the opportunity to work with all of you on a bipartisan basis, and I am hopeful we can make progress in addressing the challenging situation in Tigray and Ethiopia. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you for your good work, Senator Coons. Senator Portman. Senator Portman?

Senator PORTMAN. Thank you, Mr. Chairman, and, to Senator Coons, thank you for your work for the Tropical Forest Act. That is in this package of bills, and I appreciate your including it, Mr. Chairman and the Ranking Member. This is legislation that is actually working to reduce CO₂, to help developing countries, and with a great bang for the buck for the American taxpayer. About \$118 million of private sector funding has been leveraged through these debt-for-nature swaps, groups like the Nature Conservancy, Conservation International, World Wildlife Fund, and so on. The total amount is about 300 million bucks over the last 15 years, and it has saved, according to the analysis we have, about 67 million acres of tropical forests from being burned.

As you know, tropical forest burning is one of the major causes of CO₂ emissions. In fact, after automobiles and other transportation and factories, it is probably number 3 or number 4, and this legislation, by saving about 67 million acres, has generated significant carbon dioxide sequestration. Sixty million metric tons is the estimate, the equivalent of taking about 11.8 million cars off the road. So to my way of thinking, this is a good way for us to proceed on issues like this. We have not lost a single American job through this legislation. In fact, we have helped developing countries by improving their balance sheet through these debt-for-nature swaps, so I thank you very much for including it.

I will say the Administration is interested right now in agreements with two Latin American countries and one Southeast Asian country, so this is timely. We need to have the authorization, and I hope this can be an example for what we can do together on a bipartisan basis to focus on these issues. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Thank you for your good work. Senator Paul?

Senator PAUL. Thank you. I will oppose Senate Bill 615 to establish an interagency program in North Africa and West Africa. The bill states rather blandly and without proof that it is in our national security interest to be involved in Africa to the extent that we will be appropriating resources, we will be checking violent extremism. We will even be monitoring media. We have trouble even monitoring violent extremism and media in own country, much less in Africa. It also says we are going to enhance border security. It

seems like we have got our own border problems we might want to pay attention to before we decide that we are going to take care of the border problems in Africa.

I think it is an open-ended question, though, whether or not this involvement and this degree of involvement in Africa is in our national security interest. I think this is an unproven assertion. I think the burden should be, on those who want to get more involved in Africa, to prove, one, that it works—our involvement in the past—and, two, that the violent extremists there are a threat to our U.S. national security. Others might argue that our involvement in Africa actually becomes a tripwire to expanding war and to expanding involvement in these areas.

The concern I have about this bill is that we presume that we have solutions to a complex, interrelated series of regional conflicts and long-held rivalries, some of which go back decades and longer. With this bill, we are formally committing to solve these complicated problems in North and West Africa, but have not really demonstrated that we know the answers or understand the nature of what is happening there. While there are Boko Haram, and ISIS sympathizers, and splinter fighter groups who pose regional threats, you also have disputes over land and water. You have farmers and livestock herders clashing. Two years ago, we lost four soldiers in Niger who were chasing a goat herder. Was that a vital interest in Niger that sent these brave young men to their deaths? Should anybody ask these questions, why we were chasing this goat herder? Was this goat herder a threat to our national security?

You have transitional governments that come and go. You have pockets of ungoverned territories surrounded by more stable territory. You have armed counterterrorism groups acting in self-defense. Can we presume to know who the good guys are and who the bad guys are in these religious disputes and territorial disputes? The French have been there. The Europeans have been there. Now we are there.

The complicated warfare—the complicated clan warfare of Somalia is often the norm in Africa. In Somalia, you have Al-Shabaab, but you also have factions like Puntland, Jubaland, the Galmudug, The Popular Resistance Movement, and the transitional Federal government that control different parts of the country, assert different levels of autonomy, but also come from overlapping tribes, clans, and sub-clans, such as Hawiye, Rahanweyn, Habar Gidir. Some of the factions consist of only one tribe, and other factions are made up of many tribes and clans. Can we really presume to know who is best to rule Somalia and that we have the answers for Somalia? You would think after the disaster that was Mogadishu, the United States would have learned its lesson there, too, but, no, we are still there with U.S. soldiers 20 years later.

This bill does not specifically apply to Somalia, but it is the same sort of story throughout Africa—messy wars, messy clan warfare, messy tribes—where I do not know that we can really presume to know what is best. I think we are kidding ourselves that the United States presumes to know which faction supports the ideals of a western republic. To reduce these complicated histories in the region to a matter of eliminating terrorism oversimplifies the na-

ture of the problems there, but it also obscures the fact that many of these groups pose no immediate threat to Americans here at home.

We have a significant military presence in Africa. A recent report says we have 6,000 troops in Africa. No one has given an authorization for the use of force, and I do appreciate that an amendment I offered will be included in this to make clear that this bill does not authorize the use of force. However, there are a whole lot of references to their military, our military, and support, and you can see how it quickly morphs into any Administration that wants to use military force will point to this as support for whatever they choose to do.

I think we need to go further in trying to not eliminate or dumb this down to two solutions: that we have to fight everywhere or otherwise terrorists will overrun us. I think it is a false choice. It is a justification for perpetual war. It is precisely that mindset that keeps us bogged down in Afghanistan. I mean, this talks about, you know, making sure girls get an education and things like this, admirable qualities, but are we really going to send our soldiers into every country in the world to make sure that girls get an education? Is it feasible? Is it possible? Is it something we should be asking our soldiers to do? I think it is time that we understand that the idea that we can eradicate an ideology or pacify a populace full of discontent is foolhardy and naive at best. Thank you.

The CHAIRMAN. I thank the Senator. I am glad he recognized that we included his amendment that makes it clear that nothing in this legislation is to be considered an authorization for the use of military force, and I know that you focused most of your comments in the context of potential military operations. That is not the purpose. The purpose of this is actually to create a framework and a partnership that avoids conflict. But let us be, you know, blunt. Seven thousand people were killed by terrorists in the Sahel last year alone. More than 2 million people have been internally displaced. Another 800,000 are refugees in neighboring countries. It may seem a long, far place away, but the reality is, is that these types of challenges unabated will ultimately end up as real national interests and security questions for the United States.

So what Senator Risch and I have done, and this is building also on Congressman McCaul, which passed this legislation—we passed this legislation in the last Congress—are doing is to create a framework where, between our efforts on USAID, and diplomacy, and democracy, and governance issues, and health issues, that we can hopefully avoid the conflict so none of our sons and daughters have to go. I appreciate the Senator's real concern in that regard, and I would just simply say that this is—I see the legislation as avoiding that possibility.

Senator PAUL. Could I ask one quick question?

The CHAIRMAN. Sure.

Senator PAUL. You know, in Morocco, they have had the dispute forever from the territory that is not Morocco, is Morocco. We have now recognized that as being part of Morocco. That is in North and West Africa. Are we going to, you know, presume to know the answers of their border disputes, you know, if we are going to be involved with borders disputes in that area?

The CHAIRMAN. I do not think that that is the purpose of the legislation, to be defining border disputes. The previous Administration, as you rightly recognize what is, in some minds, the disputed area in Morocco as part of the Kingdom of Morocco, and it made that decision. So my perspective is just simply that what we are trying to do is create a framework and a strategy that hopefully avoids what the gentleman is concerned about so that we do not have military operations. Senator Risch.

Senator RISCH. Well, Mr. Chairman, first of all, Senator Paul, I think, states in very colorful language what the situation is in many parts of Africa, and it is difficult, to say the least. It certainly creates challenges that are stunning. The Moroccan Western Sahara issue certainly is a poster child for that, having gone on for as long as it has gone on, since independence. It is not the intent of this legislation to drag us into that particular dispute and for the many, many other disputes, tribal disputes, as the Senator described.

Having said that, I think we all know with the size of the globe as it is today, which is shrinking dramatically, things that happen other places spill over quickly to involve us or our allies. The result is this legislation, which, as the Chairman correctly states, is designed to set a framework to, as much as anything, monitor very closely what is happening, and determine what our national security interests are, if any, in any of these disputes. So in that regard, I think it is a step forward in that direction. In addition to that, this is a part of the world where our allies are stepping up when they should. And in the Sahel, France has been notoriously active in that regard for a lot of colonial, long-term, historical reasons, and more power to them. I mean, I do not—we certainly want to encourage them to continue to do that.

But in any event, I think this is a good piece of legislation that sets up a framework, and I would not subscribe to anything that would drag us into conflicts that we do not have any business being in. So with that, thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Is there—excuse me. Is there any other Member who wishes to address any of the resolutions on the agenda?

[No response.]

The CHAIRMAN. If not, I would ask that we now consider the 15 bills and resolutions on the agenda en bloc, as amended by the following noticed amendments: S. 615, as amended by the manager's amendment; S. 335; S.Res. 22; S.Res. 37, as amended by the preamble and resolving clause amendments; S.Res. 44; S.Res. 81; S.Res. 120, as amended by the manager's preamble amendment; S.Res.34; S.Res. 117, as amended by the substitute amendment and the manager's preamble amendment; S.Res. 35, as amended by the manager's preamble and manager's substitute amendments; S.Res. 36, as amended by the preamble and substitute amendments; S.Res. 99; S.Res. 97, as amended by the title amendment, the manager's preamble, and manager's resolving clause amendments; S.Res. 114; S.Res. 122, as amended by the manager's preamble amendment and manager's resolving clause amendment.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch.

Senator RISCH. I am not objecting, but I would request that—I have some requests from Members as far as being able to get on the record as a “no” vote on individual items on that.

The CHAIRMAN. And we will observe those, yes.

Senator RISCH. Thank you.

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

Senator Kaine. So move.

The CHAIRMAN. So moved by Senator Kaine. Is there a second?

Senator COONS. Second.

The CHAIRMAN. Moved by Senator Coons.

All those in favor will say aye.

(A chorus of ayes.)

The CHAIRMAN. All those opposed will say nay.

(No response.)

The CHAIRMAN. The ayes have it and——

Senator PAUL. 615——

The CHAIRMAN [continuing]. And we will have—I am sorry——

Senator PAUL [continuing]. Will you record me as a “no” on 615?

The CHAIRMAN. Yes, Senator Paul will be recorded as a “no” on S.Res. 615.

Senator RISCH. Mr. Chairman, Senator Rounds has requested to be recorded as voting “no” on Senate Res. 97, please.

The CHAIRMAN. Senator Rounds will so be recorded. Is there any other requests? Senator Barrasso?

Senator BARRASSO. Mr. Chairman, please to be recorded as a “no” on S. 335, Tropical Forest and Coral Reef.

The CHAIRMAN. Senator Barrasso will be so recorded. Is there any other requests?

[No response.]

The CHAIRMAN. If not——

Senator PAUL. Can you record me as a “no” on 335 as well?

The CHAIRMAN. And Senator Paul will also be a “no” on 335.

With that, I believe that our business for the business meeting is finished. With the thanks of the Chair, this meeting is adjourned, and we will then move towards the hearing on democracy in Latin America.

[Whereupon, at 10:01 a.m., the committee was adjourned.]

BUSINESS MEETING

THURSDAY, APRIL 15, 2021

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C.

Summary of Action Taken by the Committee

NOMINATION

The Honorable Samantha Power, of Massachusetts, to be administrator of the United States Agency for International Development—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 11:07 a.m., in Room SD-106, Dirksen Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Kaine, Merkley, Schatz, Van Hollen, Risch, Johnson, Romney, and Cruz.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

This morning, we will consider the nomination of Ambassador Samantha Power to be the administrator of the United States Agency for International Development.

As I stated at her hearing, I believe Ambassador Power's prodigious public service experience and her dedication to the advancement of humanitarian principles make her impeccably qualified to be the next administrator of USAID.

Upon confirmation, I trust that she will appropriately prioritize and elevate this indispensable and often overlooked development arm of U.S. foreign policy.

This nomination comes before the committee at a crucial time in the agency's tenure. USAID will play a crucial role in directing the U.S. response to some of the most important issues of our time, including COVID-19, global forced migration, climate change, and human and resource-driven conflicts.

Upon confirmation, Ambassador Power will also be charged with strengthening a weakened agency. The past four years have taken their toll on USAID.

Internal morale is wounded. Relationships with implementing partners are increasingly strained, and the politicization of aid has tarnished the United States' reputation as a trustworthy partner.

I am confident that Ambassador Power has the capacity and the capability to address these issues, and I am pleased by her commitment, if confirmed, to engage in frequent and open consultation with Congress.

With that, I would like to recognize our distinguished Ranking Member, Senator Risch, for his comments.

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

Senator RISCH. Thank you, Mr. Chairman.

And today, globally, we are in the midst of the worst global pandemic of our generation. Conflict, displacement, hunger, and corruption continue to plague vulnerable populations. Now, more than ever, we need a U.S. development agency that is efficient, effective, and accountable.

Whoever leads USAID must ensure that U.S. foreign assistance is results driven, that it leverages other donors, promotes self-reliance, and creates opportunities for private sector-led growth, and, most importantly, that it ultimately aligns with the national security interests of the American people.

My staff and I have discussed these principles with Ambassador Power at great length. I believe she understands the task at hand. There is no question she has significant qualifications that qualify her for this job.

And while I was not completely satisfied by some of her responses to direct questions, including the need to eliminate cargo preference requirements from emergency food aid, I am reasonably assured she will uphold her promise to work in a bipartisan manner with Congress on this and other issues and as a result, I will be voting for Ambassador Power.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Risch.

Are there any other Members wishing to make any comments on this nomination?

[No response.]

The CHAIRMAN. Seeing none, we are going to have to wait until we get a sufficient number of Members to vote.

So we will hold that in abeyance and I will turn to our next hearing and open up with some introductory comments, and at the appropriate time when we have enough Members here we will call the roll when it is appropriate and staff will—is that enough?

I understand we need one more person. So let me start off making a preparatory comment that has nothing to do with either these nominees or the issue at hand but I think it is compelling to do so.

I understand that we have a quorum now. So based upon that, we will turn to the matter at hand.

All debate has been taken on the nomination of Ambassador Samantha Power to be the administrator of USAID.

Is there a motion to favorably report the nomination of Ambassador Power to be Administrator of the U.S. Agency for International Development by voice vote?

Senator COONS. So moved.

Senator SHAHEEN. Second.

The CHAIRMAN. So moved and seconded. The question is on the motion to favorably report the Power nomination.

All those in favor will say aye.

[A chorus of ayes.]

Those opposed will say nay.

[No response.]

And with it, the ayes have it and the Power nomination is agreed to and will be reported to the full Senate and with a positive recommendation.

That completes the committee's business as it relates to the Power nomination. I thank our colleagues for being here.

[Recess.]

[Immediately following the business meeting, the committee moved on to a nomination hearing which began at 11:12 a.m.]

BUSINESS MEETING

WEDNESDAY, APRIL 21, 2021

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

Summary of Action Taken by the Committee

LEGISLATION

- S. 1169, Strategic Competition Act of 2021, with amendments—agreed to by roll call vote (21–1) (Coons, Van Hollen, Cardin, and Kaine added as co-sponsors)
Yeas: Menendez, Cardin, Shaheen, Coons, Murphy (proxy), Kaine, Markey, Merkley, Booker (proxy), Schatz, Van Hollen, Risch, Rubio (proxy), Johnson, Romney, Portman (proxy), Young (proxy), Barrasso, Cruz, Rounds, and Hagerty
Nays: Paul
- Managers amendment—agreed to by voice vote
 - Rubio 1st Degree amendment #1—failed by voice vote
 - Shaheen 1st Degree amendment #2—agreed to by voice vote (Young added as co-sponsor)
 - Murphy 1st Degree amendment #5, as modified—agreed to by voice vote (Paul, Barrasso, and Cruz recorded as no)
 - Paul 1st Degree amendment #2—failed by roll call vote (2–20)
Yeas: Paul and Cruz
Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Rubio, Johnson, Romney, Portman (proxy), Young (proxy), Barrasso, Rounds, and Haggerty
 - Barrasso 1st Degree amendment #5—failed by roll call vote (7–15)
Yeas: Johnson, Portman (proxy), Paul, Young (proxy), Barrasso, Cruz, Rounds
Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Rubio, Romney, and Hagerty
 - Markey 1st Degree amendment #3—agreed to by voice vote
 - Merkley 1st Degree amendment #3—agreed to by voice vote
 - ◆ Cruz 2nd Degree amendment to Merkley 1st Degree amendment #3—failed by roll call vote (11–11)
Yeas: Risch, Rubio, Johnson, Romney, Portman, Paul, Young (proxy), Barrasso, Cruz, Rounds, and Hagerty
Nays: Menendez, Cardin, Shaheen, Coons (proxy), Murphy (proxy), Kaine (proxy), Markey (proxy), Merkley, Booker, Schatz, and Van Hollen
 - Rubio 1st Degree amendment #16—failed by roll call vote (11–11)
Yeas: Merkley, Risch, Rubio, Johnson, Romney, Portman (proxy), Young (proxy), Barrasso, Cruz (proxy), Rounds, and Hagerty (proxy)
Nays: Menendez, Cardin, Shaheen, Coons, Murphy (proxy), Kaine, Markey (proxy), Booker (proxy), Schatz, Van Hollen, and Paul
 - Paul 1st Degree amendment #3—ruled out of order
 - Cardin 1st Degree amendment #2, as modified—agreed to by voice vote
 - Markey 1st Degree amendment #8—agreed to by roll call vote (15–7)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy (proxy), Kaine, Markey, Merkley, Booker (proxy), Schatz, Van Hollen, Rubio (proxy), Paul, Cruz, and Hagerty (proxy)

Nays: Risch, Johnson, Romney, Portman (proxy), Young (proxy), Rounds

- Paul 1st Degree amendment #4—ruled out of order
- Markey 1st Degree amendment #4—agreed to by voice vote (Barrasso recorded as no)

S. 413, A bill to establish the China Censorship Monitor and Action Group, and for other purposes—withdrawn

S. 814, Ukraine Security Partnership Act of 2021, with amendments—agreed to by voice vote

- Managers amendment—agreed to by voice vote
- Cruz 1st Degree amendment #1—agreed to by voice vote (Barrasso added as co-sponsor)

NOMINATIONS

The Honorable Victoria Nuland, of Virginia, to be an Under Secretary of State (Political Affairs)—agreed to by voice vote (Paul recorded as no)

Ms. Uzra Zeya, of Virginia, to be an Under Secretary of State (Civilian Security, Democracy, and Human Rights)—agreed to by voice vote (Paul recorded as no)

Meeting Transcript

The committee met, pursuant to notice, at 10:07 a.m., in Room SD-106, Dirksen Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Rubio, Johnson, Romney, Portman, Paul, Young, Barrasso, Cruz, Rounds, and Hagerty.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. Good morning. The business meeting of the Senate Foreign Relations Committee will come to order.

This morning, we will consider the Strategic Competition Act of 2021, as well as S. 413, a bill to establish the China Censorship Monitor and Action Group, and S. 814, the Ukraine Security Partnership Act of 2021. We also have two nominees on the agenda: Victor Nuland to be Under Secretary for political affairs; Uzra Zeya to be Under Secretary for civilian, security, democracy, and human rights. These positions are essential to advancing our diplomacy, our interests, and our values, and these two nominees are superbly qualified to do so, particularly given their decades of experience in the Foreign Service. I strongly support their nominations and urge all of my colleagues to work together towards their swift confirmation.

Let me turn to the legislative side of the agenda. As I have said before, I believe that China today, led by a communist party and propelled by Xi Jinping's hyper nationalism, is unlike any challenge we have ever faced as a nation. China today is challenging the United States, disabling the international community across every dimension of power—political, diplomatic, economic, innovation, military, even cultural—and with an alternative and deeply disturbing model for global governance. So this is a challenge of

unprecedented scope, scale, and urgency, and one that demands a policy and strategy that is genuinely competitive.

So I am genuinely pleased that Senator Risch and I, with input from many Members of the committee, have come together to create the Strategic Competition Act of 2021. The Strategic Competition Act is an unprecedented bipartisan effort to mobilize all United States' strategic, economic, and diplomatic tools for an Indo-Pacific strategy that will allow us to truly confront the challenges China poses to our national and economic security. This moment demands a unified, strategic response so that we can rebuild American leadership, invest in our ability to out-compete China, and re-ground diplomacy and our core values.

The bill will help us reinforce and rebuild alliances and partnerships, restore American leadership of international and regional organizations, respond to China's predatory economic practices, reinvest and replenish the sources of our economic strength and innovation, and grounds our approach to China in our values and highest aspirations as a nation. There should be little doubt that the right framework for thinking about our relationship with China is strategic competition, not because that is what we want or what we have tried to create, but because of the choices that Beijing has and is making, and we must be clear-eyed and sober about Beijing's intentions and actions, and calibrate our policy and strategy accordingly.

I want to reiterate my thanks to Ranking Member Risch for his excellent contributions offered in a bipartisan spirit of cooperation. In fact, I would like to thank all Members and their staffs for their significant contributions to the bill, and I would be remiss if I did not extend my enormous appreciation to the Ranking Member's staff and my own for their tireless efforts on this bill, which included hundreds of hours of painstaking negotiations as well as countless late nights.

As I mentioned earlier, we will also be taking up the China Censorship Act, and I commend Senators Merkley and Rubio for their work on this bill. It is an important contribution, and they have been waiting for quite some time to get it out of the committee. And finally, with respect to Ukraine, in the 7 years following Russia's invasion, Ukrainian service members have selflessly and courageously continued to defend their homeland against Russian ground, sea, and cyberspace assaults that violate Ukraine's sovereignty and security. I am proud to join with Senator Risch on the Ukraine Security Partnership Act, a long-term security assistance package that demonstrates our bipartisan commitment to a secure Ukraine. As we all know, the security situation has grown increasingly dire as thousands of Russian forces have amassed on Ukraine's border. This bill could not be timelier in sending a message to the world that we stand by Ukraine.

Let me finally register my deep concern about the treatment of Russian opposition leader, Alexei Navalny. The Russian Government must release Mr. Navalny immediately and allow him access to desperately-needed medical care. We must be perfectly clear that if he is not afforded this care, we are prepared to impose sanctions not only on individuals, but on the Russian banking and financial

sector. This is barbarism playing out in real time, and we cannot be silent.

With that, let me recognize our distinguished Ranking Member for his comments. Senator Risch?

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

Senator RISCH. Thank you, Chairman Menendez. I want to thank everyone for being here today. The good news for everybody who are here is that, indeed, as is true in a lot of the speeches that we give, and that is that the issues facing us today in foreign policy, and perhaps for the entire 21st century, is going to be China, China, and China. This is our answer, and this has been a long time coming. It has been a lot of hard work, and I want to thank all of our Members of this committee who were consulted actively and who participated actively, and their staffs participated actively. This has got virtually everyone's fingerprints on it, for better or for worse. As a result of that, of course, we have a piece of legislation that has things in it everybody will love and things in it that everybody is not so red hot about, but that is the way you get legislation through.

I have said from the beginning, this proposal needs to be strong, actionable, and truly bipartisan, and it really is. The challenge that we are facing from China deserves no less than what we are undertaking here. I think this package that we have prepared today for markup actually meets all of those criteria. This bill—I cannot overstate the significance of the bill. It has the potential to be an important step toward ensuring the U.S. is postured to compete with China for decades to come. Indeed, if we are successful here, that will be the outcome. Only history will judge that, but this really needs to be done.

One of the priorities that I had, and I want to compliment Senator Menendez for working with me on this because this is a difficult situation, but it definitely needed to be addressed, and it is going to be controversial as it gets out in the public. I had the good fortune—Vicki and I had the good fortune of traveling in China in 1983, and at that time, China was very much a third world country. And as I looked around, it had nothing that we had, and I could not imagine things being different. Well, fast forward these decades, and, of course, things have changed dramatically.

Now, how did that happen? Well, China has stolen every single good idea we have and taken it back to their people to make life better for them, except they left behind the freedoms that we have, the respect for human rights that we have, and certainly our form of democracy that we have. Their autocratic form of government is very different than ours, and, as a result of that, they can move things much more quickly. And as a result of that, they have gotten to where they are by stealing our ideas.

Now, one of the ways they have done that is through our university system. There are 300,000 Chinese students studying in America today. Three hundred thousand. They are not here studying ancient Greek philosophy. They are not studying home economics. They are in all the areas that we for decades have built the foundations that we have for America. Now, there is nothing wrong with

us sharing our good fortune with the world. Indeed, we want everyone to have the quality of life that Americans have. But unfortunately, the Chinese have infused a tremendous amount of influence into the universities. So one of the ways that we have come up with in this bill to counter that is that we are going to require that these very substantial contributions of a million dollars or more be reviewed by CFIUS, just as the other kinds of expenditures are, to determine whether or not these things are in the best interest of the United States.

We do not allow our politicians to take money from China. Why do we not? Because we do not want them influenced with the kind of things that China is peddling. There is no reason why these important institutions that are debating and that are producing the future leaders of this country should have that kind of influence if, indeed, it is put there for malign purposes. So as a result of that, we have come up with this provision so that CFIUS has a look at it.

Now, let us not be naive. We are going to get pushback from the colleges and universities. Everybody in this room has dealt with college presidents before, and it is their job to generate as much money as they can for their colleges and universities, but it is not right to be taking money from the Chinese Communist Party. Indeed, if money is fungible, and it is, certainly some of the money that the Chinese Communist party amasses is a result of slave labor from the Uyghurs. And if you trace that money, where does it go? It goes into their general pot and then into whatever they spend it on, so you can make a very legitimate argument that that money is going into our colleges and universities, which should not be done. We hope that colleges and universities will look at this, buy on to our arguments that this needs to be substantially more tamped down and regulated than what it is. And if they have constructive ways of dealing with this, we certainly have no problem with dealing with that.

We saw an example right here on this committee when Linda Greenfield testified. I supported her, and one of the reasons I supported her was she admitted that she had made that speech that was highly favorable towards China, and did it as a result of a \$1,500 contribution from a Confucius Institute that employed her to speak at that. So if you can buy that for \$1,500, imagine what you can buy with millions that go into these colleges and universities.

So with that, let me just conclude on that note, that this bill really has the potential for drawing 75, 80, or more votes on the floor. Senator Menendez and I both started on this in the prior Congress. I introduced a bill, Senator Menendez introduced a bill, so this has been in the works for many, many months. The work has been difficult, but we have gotten through it, and I want to join Senator Menendez in thanking all Members of the committee for being involved in this, and the staffs. Particularly, I want to commend Senator Menendez's staff and my staff for working together. These were difficult things to work through, and, as Senator Menendez noted, they had many late nights trying to bring this together, and they have done really an outstanding job.

So with that, we have got some amendment work to do on this. I am going to be voting against some of the amendments, even some that are submitted by Members of my own party. And it is painful sometimes to vote against these because my heart is there, but on the other hand, we have made commitments as far as getting this bill to where it is that is a balance that can really go across the floor in good fashion and have a very substantial road behind it, and I think that is very important.

So thanks to all who participated in this. It has certainly been a team effort, and we will see if we cannot make this work. I would again plead with everyone, particularly the majority leadership at this time, to let this bill run by itself. I know Senator Young and Senator Schumer have a bill of their own that is a China bill. It is in an entirely different lane than this bill is. This bill is very much in our lane as the Foreign Relations Committee. I think Senator Young/Senator Schumer's bill's lane is more in a commercial sense. I am not as familiar with it as I should have been because I have been focused on this, but, again, I hope this one will be a standalone vote that we can take, and I think we can do good things with it.

As far as Ukraine, the Security Partnership Act that we are going to vote on, 7 years ago, Russia illegally seized Crimea and began a campaign of covert military support for Eastern Ukrainian separatists. The past few weeks, Russia has built up a massive military presence on Ukraine's border, and fighting tensions have increased in the eastern Ukraine. You can add this to the long, long list of Russia's malign activities. This bill, I think, addresses that. There is going to be an amendment offered today. Senator Cruz's amendment would require the President to report to Congress within 15 days whether Nord Stream 2 AG, the company building the Nord Stream pipeline, and around 20 other entities are eligible for sanctions PEESA, which, of course, we know they are, and we want to urge them to move forward with those and get that done.

With that, we have got a lot of work to do this morning, and I will yield. Thank you, Mr. Chair.

The CHAIRMAN. Thank you very much, Mr. Ranking Member, for your comments. Let me first turn to the two nominations on the agenda: Ambassador Victoria Nuland to be the special representative for nuclear non-proliferation—no, that is not right. It is Under Secretary, right?

VOICE. Under Secretary for Political Affairs.

The CHAIRMAN. To be Under Secretary for Political Affairs, and Ms. Uzra Zeya to be Under Secretary for Civilian Security, Democracy, and Human Rights. Would any Senator like to speak concerning these nominations?

[No response.]

The CHAIRMAN. If not, I will entertain a motion to approve both nominations by voice vote.

Senator COONS. So move.

The CHAIRMAN. It is moved. Seconded?

Senator CARDIN. Second.

The CHAIRMAN. The question is on the motion to favorably report the nominations.

All in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the nominations are agreed to.

Senator PAUL. May I be recorded as a “no” on the record, please?

The CHAIRMAN. I am sorry?

Senator PAUL. I ask to be recorded as a “no.”

The CHAIRMAN. Absolutely. Senator Paul will be recorded as a “no.” The ayes have it and will be favorably reported to the Senate.

Without objection, we will now consider S. 1169, the Strategic Competition Act of 2021. I am very pleased that over the past couple of days, the Ranking Member and I and our staffs have painstakingly negotiated a bipartisan manager’s package. This package takes the base bill of the Strategic Competition Act, which the Ranking Member and I circulated a few weeks ago, and it incorporates your excellent input. Dozens of Democratic and Republican amendments have now been worked into the text, so it is no longer really a Menendez/Rich text. It is already, in a very concrete sense, a committee text. Once adopted, the manager’s package will serve as the base bill for the markup.

Unless there are any comments or questions, Senator?

Senator RISCH. I would occur in the Chairman’s comments, and I would move the adoption of the—

The CHAIRMAN. A motion has been made to approve the manager’s package by voice vote. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. Seconded by Senator Cardin.

All those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. Opposed, say no.

[No response.]

The CHAIRMAN. The ayes have it, and amendment is agreed to.

Next, I want to briefly discuss how I intend to approach amendments today. This committee has not marked up a bill of this size and with this many amendments for several years. Additionally, we are under COVID restrictions, so each office has had to print and organize all of the relevant paper on their own. Particularly in light of this complexity, I am going to make every effort to organize the markup as efficiently and effectively as possible. So I intend to go down the dais in order of seniority, alternating between Democrats and Republicans, asking you to call up only one amendment each turn, and I intend to continue in this process until all Members are satisfied in terms of amendments that they seek to offer. If there is a second amendment to that amendment, then we will consider that second amendment at that time after the first amendment has been offered.

I also want to say that I have been working with the Ranking Member to have a bill that, number one, not only can be reported on a bipartisan basis on the floor, but that can sustain challenges to it on questions, such as blue slip, which is, of course, issues of generating revenues over in the House of Representatives and out of our jurisdiction. I have heard from several Chairman and a few

Ranking Members about issues that are may come before the committee, of which they have exerted very strong opinions about the rights they have of jurisdictional issues. And as vigorous as I would like to support the committee's jurisdictional issues, I understand why they are doing that in their respect. So I think we are going to have a robust debate, a lot of amendments, but there may be some that fall into those buckets that I will have to rule out of order.

So with that, let me turn to Senator Risch for any amendments that he may have.

Senator RISCH. First of all, let me concur in the Chairman's remarks regarding the construction of the bill that we can actually accomplish something. And I agree with him on the blue slip remarks, and also, on top of that, we know there are some poison pills out there that fall within our jurisdiction, and I will be voting against all those poison pills, as much as it pains me, because some of the things, substantively, I support. But nonetheless, I think that we have a product here that, with the consideration of the non-poison pill amendments, we can move. So I am going to yield back without any amendments, Mr. Chairman.

The CHAIRMAN. Thank you very much. Senator Cardin?

Senator CARDIN. Let me thank the Chairman and Ranking Member. This bill is very important, and I hope we can move it quickly. I want to thank you and your staff for working with our staffs, as you pointed out. Included in the manager's package that was just approved are several amendments that I offered in regards to the human rights dimension, dealing with a report on corruption within the Chinese regime, as well as dealing with the plight of the Uyghurs and the Hong Kong human rights advocates. And I appreciate the strong commitment to human rights that are included in the manager's package.

Also included was an amendment that would have removed the sunset on the Global Magnitsky and codified a stronger provision. I understand that there has been communication between staffs here and the Speaker's staff in the House of Representatives. There is a blue slip issue. I believe those issues have been resolved, but they have not been resolved to the satisfaction of the House and Senate at this particular moment. There is a way of drafting it that does not create a blue slip issue, and I hope I can work with the Chairman and the Ranking Member as we move forward to see whether there still may be an opportunity on this bill for that provision to be included.

I do not believe it is controversial. I think everyone here supports Global Magnitsky and removing the sunset. It is bipartisan legislation. If we cannot get it into this legislation, then we will look for a vehicle, a House vehicle, in order to move this legislation. I serve on the Senate Finance Committee, so I will also be working with my colleagues on the Senate Finance Committee. But it is extremely urgent that we make it clear that Congress maintains its support for the Global Magnitsky sanctions, which have been so widely accepted globally, and are a very important tool against the Russian Federation and other governments that have abused the rights of their citizens.

So with that, Mr. Chairman, let me thank you. I have no additional amendments that I wish to offer.

The CHAIRMAN. Thank you, Senator Cardin. Let me just say I strongly support your ending the sunset on Global Magnitsky, and but for the potential blue slip issue, I would be making sure you had it up, and I would be voting for it. I think you would get an overwhelming vote here in the committee. If we can get clearance before the end of this markup, I will recognize you again to do it, and if not, you have my commitment to work with you on the floor to try to achieve that.

Senator CARDIN. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Rubio?

Senator RUBIO. Thank you, Mr. Chairman. I also appreciate the work that you and the Ranking Member's staff have done in putting this together. A lot of our amendments have been included. I did want to call up Rubio amendment Number 1, which I think is—and I believe there is an amendment—first-degree amendment to the amendment, which is the one that we should probably take up.

The CHAIRMAN. The Senator is recognized for 5 minutes.

Senator RUBIO. Thank you, and hopefully it will not take that long. One thing the bill does not do, it does not include any actionable measures to address Beijing's activities in the South China Sea, and it is clear that what they are doing is a flagrant violation of international law. A Hague tribunal rejected their maritime claims, and it was a unanimous decision. And despite that, we now see an unprecedented amount of outpost development, military presence there.

You will recall that in September 2015, Xi Jinping stood in the Rose Garden with President Obama, and he pledged that they would not militarize the South China Sea. Well, by December of the following year, we had imagery showing that Xi had deployed military assets, including large anti-aircraft guns, at each of the outposts Beijing controls in the Spratly Islands. They have built runways on these islands, dozens of hangers for fighter aircraft, anti-ship cruise missiles, anti-aircraft batteries, missile defenses, and it is using these islands for its pressure campaign against Taiwan, Vietnam, the Philippines, Malaysia, and the Spratlys and Paracels, and has even pressed into the Natuna Sea to challenge Indonesia.

They now have over 20 outposts in the Paracel Islands and seven in the Spratly Islands. It uses a constant Coast Guard presence to control the Scarborough Shoal, which it illegally seized from the Philippines in 2012. Since 2013, they have engaged in dredging and artificial island building, creating 3,200 acres—3,200 acres—of new land, and it has also substantially augmented their presence in the Paracel Islands. I could go on and on, but in recent weeks, we have seen them continue to use intimidation to change the facts on the ground. It is creating a new flashpoint in the South China Sea, Beijing is. They are amassing about 220 fishing and militia vessels in a reef inside the Philippines' exclusive economic zone, and it is a traditional Filipino fishing ground.

And so what this amendment would do is it would impose—it would do a number of things, but I think the key is that it would impose sanctions on Chinese persons and entities that contribute

to development projects in parts of the South China Sea contested by a member country of the Association of Southeast Asian Nations, or engage in actions or policies that threaten the peace or stability in disputed South China Sea areas, or in an East China Sea area administered by Japan or South Korea. It would prohibit U.S. entities from investing in or ensuring projects involving sanctioned entities in either sea. It would impose prohibitions and restrictions correspondent and payable through accounts related to sanctioned entities if the Office of the Director of National Intelligence determines that China has taken certain actions, such as declaring an air defense identification zone over the South China Sea. It goes on and on, a number of other items regarding government publishing prohibitions and things of this nature, but those are the key provisions.

I would point out that this is a bill that I have filed—a bipartisan bill that I have filed, I believe, since 2016, and it has been referred to this committee each time. I think we have not taken action on it up to this point, but I hope that that will change today. Thank you.

The CHAIRMAN. Thank you, Senator Rubio. Let me—and then I will recognize Members. Let me just make a comment. I share your concerns about the PRC's aggressive and expansionist approach in the South China Sea. It is clear we have to do a better job in bringing to bear all the tools at our disposal to shape, constrain, and deter Beijing's behavior. But this amendment contains provisions that would clearly create a blue slip issue and, therefore, allow the whole bill to fail on the floor. As well, it has provisions in it that are outside of the committee's jurisdiction. So while I share your concerns and would be happy to work with you as we move forward, I will have to vote no today based upon those issues to preserve the integrity of the bill on the floor. Senator Paul?

Senator PAUL. I oppose the amendment. I think defining things as contested areas without GPS coordinates could mean anything. It is overly broad. I think also this would include construction or development projects that might not be military in nature, so I think it needs to be thought through a little more before something like this is passed. So I will oppose the amendment.

The CHAIRMAN. Any other comments? Senator Risch?

Senator RISCH. Mr. Chairman, I am going to support this amendment. First of all, the South China Sea is really important on the issue involving China, and I agree with the Chairman that the House very well could raise the blue slip issue on this, just as it would in Magnitsky. But I am really concerned that to say that we can allow House Ways and Means to preempt entirely the field of sanctions, I just do not buy onto. And I think they can rate—it cannot be raised here. It is going to be raised in the House, and I think they are going—the House is going to deal with this anyway, so I think we will wind up perhaps in a conference committee knocking these out. I cannot imagine that they would want to walk away from the provisions regarding the South China Sea. So for that reason, I am going to—and I share the same thing. My view is the same as far as Senator Cardin's are concerned. I just—I do not want to concede this ground to the House Ways and Means Committee.

Senator CARDIN. Mr. Chairman?

The CHAIRMAN. Yes, Senator Cardin?

Senator CARDIN. I believe I am Senator Rubio's co-sponsor of the amendment, so I strongly support it, but I am going to support the Chairman. I think Senator Risch raises a very good point. I do not want to accept what the House is saying, but I think we have to have a process to bring these issues to conclusion and not jeopardize the overall bill in doing that. I am willing to back off on Global Magnitsky. I would hope Senator Rubio would work with us in regards to the China Sea. I hope we can get that included in the legislation before it reaches the President's desk. But I think the orderly way to do it is not to raise an issue in the bill that we are moving forward that you would like to see considered on its own. I think putting these provisions in it make it much more problematic, that that will eventually happen. So I am going to support the Chairman, although I strongly support what Senator Rubio is trying to do in regards to the China Sea.

The CHAIRMAN. Thank you very much. Senator Rubio?

Senator RUBIO. Just to address a couple points on the argument of overly broad. I mean, actually China has consistently made this argument for years about this nine-dash line. If you look at the passports they issue, it claims these territorial areas that do not belong to them. That has been adjudicated at the Hague, which is the international body that adjudicates these matters with great precision, and they lost unanimously, and they have ignored it and done whatever they wanted.

On the issue of jurisdiction, you know, obviously this is a major geopolitical issue. The tensions with the Philippines now are extraordinary, and I hope everyone is paying attention to what could happen there next with regards to a real potential military conflict given the recent pronouncements by the president of the Philippines about what they intend to do. But this is part of an ongoing strategy to control one of the world's, if not the world's, most important shipping lane. And this bill, I filed it as a bill 4 years ago. It was referred to this committee. So if it was referred to this committee, it is the only place that this could be worked. I would love for it to be voted on as a standalone bill. We have tried to do that. It has not happened.

This is a bill regarding China and strategic competition and strategic issues. This is a major strategic issue. I am not sure what the forum is in the Senate to address something like this if it is not the committee it has been referred to as a standalone bill, and I would hope that we would recognize that in how we vote today. I understand how difficult it is to put together complex pieces of legislation and the procedural grounds that can be raised as a result. But, frankly, I mean, at the end of the day, if I file a bill and the bill is referred to the Foreign Relations Committee, this is the jurisdiction. It is the only jurisdiction I have as a Senator to take it up in, and that is what I hope we will do today. Thank you.

The CHAIRMAN. Let me—yes, Senator Shaheen?

Senator SHAHEEN. If we are expecting a resolution on the blue slip issue with respect to Global Magnitsky, is it possible to get a resolution on this issue before the end of this markup?

The CHAIRMAN. Well, we are not going to get all blue slip issues dealt with. We have been reaching out to the Ways and Means Committee to try to verify whether there is or is not a blue slip issue on all of these questions. We are not going to get it done by the end of this markup, so that is clear. The question is, listen, I share Senator Rubio's concerns, but if we are going to start picking over which blue slip issue we are going to preserve and which one we are not, then we are going to have a risk on the floor. The question becomes—I would like to have a product after all this hard work that withstands the test of leaders on either side of the aisle choosing blue slip as a reason not to proceed with the vehicle. And so I would like to have the time to work, as we move to the floor, to solve many of these, of which I happen to agree with. Magnitsky is one, I agree with Senator Rubio's, but I am not about to take all of the work and then put it to risk on the floor. I am not sure what—that would be a pyrrhic victory, so.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. If this fails, and I assume it is going to here, I think Senator Menendez and I would commit that we are going to work with the House to try to get these things in there and get them included, particularly if it gets a good vote here on the—

The CHAIRMAN. I would be happy to work towards that goal.

Senator RISCH. Thank you.

The CHAIRMAN. Is there any other Member wishing to be heard on this amendment?

[No response.]

The CHAIRMAN. If not—

Senator HAGERTY. Mr. Chairman, I would like to be heard.

The CHAIRMAN. Yes, Senator Hagerty.

Senator HAGERTY. I am going to support Senator Rubio's amendment because this area is of incredible strategic significance. It is part of a malign strategy that the Chinese Communist Party has been deploying in that region to take over one of the busiest sea lanes in the world. It is a vital flow of commerce for our allies in the region, and we need to stand strong right now rather than lose ground. Thank you, sir.

The CHAIRMAN. Anyone else? Senator Cruz?

Senator CRUZ. Mr. Chairman, I also support Senator Rubio's amendment. I am a co-sponsor of it. I think this is an important amendment, and I appreciate the Chairman's commitment to work with the Ranking Member and to work with the Ways and Means Committee to get the blue slip issue resolved because I think this would be a meaningful improvement in the underlying bill.

The CHAIRMAN. Anyone else?

[No response.]

The CHAIRMAN. If not, the question is on Rubio amendment 1.

All those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[A chorus of noes.]

The CHAIRMAN. The noes have it, and the amendment is not agreed to.

Senator Shaheen?

Senator SHAHEEN. Well, thank you, Mr. Chairman, and thank you to you and Senator Risch and everyone on this committee who has worked so hard on this legislation. We need a strategy, a whole-of-government strategy to combat what China is doing, and we have not had one to the extent we need to. This bill is part of that effort to address it in a meaningful way across a variety of aspects of our Government, and I appreciate your including two of my amendments in the manager's package.

This third amendment, which is Shaheen amendment Number 2, is really based on legislation that was passed out of this committee in 2012 and 2013 by unanimous consent, that was sponsored initially—I was a co-sponsor, but Senator Durbin and Senator Boozman, and the original bill was called Increasing American Jobs Through Greater Exports to Africa Act. What we have done is to take that legislation and to add Latin America. And the reason I did that is because I was at an Armed Services Committee hearing with Admiral Fowler, who is the head of Southern Command, which includes all of Latin America, except Mexico, and he presented this map to us to show us the spreading of Chinese influence that is going on in Latin America.

And you can see—you probably cannot see from where you are sitting, but there are several things that are really concerning about this. One is the \$500 billion trade goal by 2025 that China has in Latin America, the 25 of 31 countries that host Chinese infrastructure projects, the \$120 million value of COVID cumulative aid, and it goes on. We will leave this in the corner for anybody who would like to see it, but the red countries are One Belt One Road members with China. And when we asked the question, so what does the map for the United States' influence look like, we do not have an answer yet.

And so what this legislation is designed to do is to look particularly at exports in Latin America and Africa, and to try and encourage additional exports which will not only improve our influence in both of those countries, but it will also contribute to jobs in America. And it does this by adding coordinator roles to develop a target-driven strategy to ensure training for U.S. diplomats and increasing trade missions to both regions. So this not only supports economic development in the regions, it will boost American jobs.

I think, as we have all said, China's trade agenda threatens to undermine decades of our investment in Latin America and in Africa, and I hope you will join me in supporting this amendment. Thank you, Mr. Chairman.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. Mr. Chairman, I am going to support this amendment. This committee has a history with this piece of legislation and has passed it before. I think it is a good addition. Unfortunately, it is one of those ones that just wound up on the cutting room floor because of the volume of things, so I am going to support it.

The CHAIRMAN. Thank you.

Senator SHAHEEN. Thank you.

The CHAIRMAN. Anyone else? Senator Booker?

Senator BOOKER. Thank you, Mr. Chairman. I am a co-sponsor of this and I support it, and I really see the urgency for it. We know that despite the strong demand for American products and services, China really, and others, really have been building the markets, as we see from that chart, as well as on the African continent, and the U.S. is decidedly being left behind. From 2008 to 2019, China alone provided more than \$462 billion in loans to the developing world, and in 2009, China surpassed the United States as the leading trade partner of African countries. The Export-Import Bank of the United States reports China's Export Finance Authority is larger than all the other export credit agencies in the G7 countries combined, making China the world's largest official creditor with a portfolio more than twice the size of the World Bank and International Monetary Fund combined.

China's aggressive investment in Africa and abroad puts American businesses and workers at a severe disadvantage as key markets are instead filled by foreign companies using low-interest government loans. African consumers lose access to high-quality American products, and American workers lose import-export markets. American businesses need more tools to compete with China, and this would give us exactly that, create jobs at home, and, once again, have America be seen as a leader in some of the most dynamic parts of the world. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Paul?

Senator PAUL. I will oppose the amendment. The deficit last year was over \$4 trillion for the United States. This year, it will be over \$3 trillion. It makes no sense to borrow money from China to send it to countries to combat the effect of China. So this is fiscally unsound, adds to our deficit, and is not a good idea.

The CHAIRMAN. Senator Young?

Senator YOUNG. I will be supporting the amendment. I would like to be added as a co-sponsor.

The CHAIRMAN. Without objection.

Senator YOUNG. Investment per se by the Chinese Communist Party is not a bad thing, especially in our hemisphere, but their investments are not transparent and they are transactional. They are oftentimes used to put countries into debt traps. They are also used to gain votes in international forums. They use their leverage to extract natural resources in our hemisphere, and increasingly we are seeing mil-to-mil cooperation in a number of countries. Most recently, I had some dialogue with the Jamaican Government that was quite sobering.

So we need to up our own trade game. I think that is a very important part of the piece, to Senator Booker's comment, so we will have to optimize those tools. And we might even explore looking at USTR capacity, a very lean agency, but, you know, we need to be striking as many of these trade agreements, or investment agreements, as possible. So I will be supportive.

The CHAIRMAN. Thank you. Senator Coons?

Senator COONS. Thank you, Chairman Menendez. I am enthusiastically supporting the initiative of Senator Shaheen. I will just draw your attention to the bottom left corner: eight countries interested in partnering with China and getting access to a vaccine to combat COVID-19. In the coming months, we will be awash in vac-

cines in the United States, and I just would urge that we work together with the Administration to find a way, once we have vaccinated the American population, to make available robustly our surplus of vaccines. I have heard from several African heads of state, who I got to know in my years as the subcommittee Chair, desperate for a path towards getting the more reliable, more effective American-developed vaccines. This is critical in South America, in the Caribbean, in Africa, in Oceania. There are many places in the world where the absence of availability of our developed vaccines is something that we could work together to accelerate, and would push back on some of the vaccine diplomacy by China. Thank you.

The CHAIRMAN. Does anyone seek recognition?

Senator ROMNEY. Mr. Chairman?

The CHAIRMAN. Senator Romney?

Senator ROMNEY. I support this amendment also. This is as good a place as any to make a comment about the overall legislation, which I support and applaud. At the same time, I would note that I do not believe anyone would think that this legislation is going to change China's march towards global hegemony of autocracy and repression. We do not have, as a nation, a comprehensive, effective strategy to change China's course and to assure America's leadership in the world going forward over the long haul. And while I very much support this legislation as a positive step, I would suggest that we have a lot more work to do. And the Administration, in particular, given the fact that foreign policy is typically carried out at the executive branch level, has a responsibility to actually help develop a highly-effective strategy, which the world will look at and recognize the reality that we have developed an approach to change the trajectory that China is on and that we are on. Thank you, Mr. Chairman.

The CHAIRMAN. I very much appreciate the Senator's remarks. I agree with him. I hope this can be the beginning of setting some direction and continuing to build upon it. Is there any other Member seeking recognition? Senator Portman?

Senator PORTMAN. I am happy to support Senator Shaheen's amendment. We spoke about it yesterday on the floor. And it is interesting, we have free trade agreements with Central American countries of course, Colombia, Peru, Chile, so we have an advantage actually, and this enables us to take advantage of those trade agreements in a more specific way. And it is true that this is our hemisphere, as some would say, our zone of influence, and it is troubling when you see the investments and the, sometimes, course of activity that goes along with those investments, and high-interest loans, and so on. So I think this is a step in the right direction, and I look forward to working with Senator Shaheen going forward on this.

The CHAIRMAN. Thank you. Any other Members seeking recognition? If not—

Senator HAGERTY. Mr. Chairman?

The CHAIRMAN. I am sorry. Senator Hagerty?

Senator HAGERTY. First, I would like to say I agree wholeheartedly with Senator Romney's comments. This is the beginning of something that we have to spend a lot more time working on.

But in this respect for this amendment, for Senator Shaheen's amendment, I support it wholeheartedly as well. China is weaponizing trade, it is weaponizing its vaccine diplomacy, and we need to take every step we possibly can to step up our game to resist it. So thank you for making this amendment, Senator Shaheen. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. If there is no other Member seeking recognition, the vote is on the Shaheen amendment Number 2.

All those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[A chorus of noes.]

The CHAIRMAN. The ayes have it, and the amendment is agreed to.

Senator Johnson?

Senator JOHNSON. Thank you, Mr. Chairman. I want to thank you and the Ranking Member for including my amendment on the Open Technology Fund, helping to ensure that funds from that will actually be used to circumvent the firewall that the Communist Party of China puts in place so that the Chinese people do not understand what is happening in the world with the censorship. I think it is incredibly troubling, so I appreciate you including that amendment.

I have another amendment that I will not ask for a vote on. Apparently there are some issues of jurisdiction, but I think I have both your commitments to work with me to try and get that on the floor. It really—it relates to Taiwan. My amendments were really designed to put pressure on the Communist Party of China to hopefully modify their behavior. I do not think there is a better way of putting pressure on them than to support Taiwan. I think it is very difficult to do it. It is important to do it, but to do it the right way, and I know there are some other amendments regarding Taiwan on the markup today.

This would elevate them to the Tier 1 list on the Strategic Trade Authorization, allowing them to obtain different types of products without a license, put them on par with other friends and allies. So, again, I just appreciate your commitment to work with me in the future, but I think it is incredibly important that we here in the United States Senate show strong support for Taiwan as China ramps up its pressure on that nation. Thank you.

The CHAIRMAN. I share the Senator's concerns about Taiwan as the co-Chair of the Taiwan Caucus, and I would very much look forward to working with the Senator to try to make this an order. With that, Senator Coons?

Senator COONS. Thank you, Mr. Chairman. Chairman Menendez, Ranking Member Risch, I just wanted to take a moment and congratulate you and your staff for your very hard work. For the newer Members of this committee, this is what legislating looks like, and it is very difficult. It has been very rare in the last couple of years, and I am so grateful to both of you for this moment, one of the more encouraging markups I have been a part of in many years on this committee.

I have two amendments that I would love to have considered today, but for the same reasons other Senators have just recog-

nized, I will not be calling them up. One has to do with designating residents of Xinjiang as Priority 2 refugees, which would cause jurisdictional challenges. The other has to do with international standard setting bodies, and I will just briefly speak to this.

China missed 4G. They are not missing 5G, and they absolutely intend to dominate 6G. There are a number of cutting-edge technologies where the Chinese are exceptionally aggressive on IP rights issues in global standard-setting bodies. You did include in the base text a number of provisions that my very capable and talented staff, led by Tom Mancinelli, helped work with you on. One was about U.S. and allied contributions to standard-setting bodies, which I appreciate. Another encourages USTR to work with our allies on digital trade agreements, and another calling for a thorough and credible investigation of forced labor and re-education in Xinjiang.

Let me just say that, to the points made about the need for a more comprehensive strategy, the best thing we can do is to start by investing in ourselves, demonstrating our democracy and how our legislature can work in investing in ways that will make us more competitive. Mr. Chairman, I would be grateful to be added as a co-sponsor of this bill.

And one concluding comment, if I might. I am an appropriator. There are seven of us here today who are on the SFOPS Appropriations Subcommittee. There are aspirational funding levels for programs being authorized in this bill, which I enthusiastically will support on the floor. But I hope everyone recognizes that the constraints in our current allocations on State and USAID funding will force very difficult decisions about funding. So I look forward to working in close consultation with you as well as with my Ranking Member, Senator Graham, as we move towards trying to fund the impressive, ambitious, even aspirational provisions that will be in this, and to, of course, work with the Administration on how to move forward.

Thank you again for what I think is going to be a great markup and a great process forward.

The CHAIRMAN. Thank you, Senator Coons. Without objection, you will be added as a co-sponsor. I appreciate your forbearance of your amendments, which I agree with, but it is just a question of, again, preserving the sanctity of the bill as best we can on the floor. So we look forward to working with you, and we appreciate your leadership as a Chair on the SFOPS, and I look forward to working with you to make as robust as possible our abilities, not only on this, but on other things as well for the State Department. And with that, let me recognize Senator Romney.

Senator ROMNEY. Thank you, Mr. Chairman. I very much appreciate the numerous amendments which I offered as having been included in the manager's package. I bring the committee's attention to one in particular, and that is with regards to the upcoming Beijing Olympics. Senator Kaine and I worked together to make sure that we point out that it is disgusting that the IOC has provided Beijing a platform to host the world, and to have a nation, which is committing genocide against a people is, at the same time, hosting an Olympic Games is something which is jarring and outrageous. And as a result, the amendment calls for a diplomatic boy-

cott, such that we will probably not be sending any diplomats to participate in the Olympic experience there.

I would note for my colleagues that I think it is important at the same time that we not express our outrage by telling our athletes that they cannot compete there, and that we allow—this is not part of the amendment, but that we allow our athletes to compete there. They have trained their entire lives to be ready for this moment, and asking a handful of young Americans not to be able to fulfill their dream and to carry the burden of our national outrage would be a mistake. And instead, those who will carry that outrage will be our diplomats, our sponsors, people who would otherwise go as spectators, and that is where, in my opinion, the boycott should occur. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you for your—

Senator Kaine. Mr. Chair?

The CHAIRMAN. Thank you for your contributions, Senator Romney. Senator Kaine?

Senator Kaine. Mr. Chair, I would just like to compliment my colleague, Senator Romney, on this proposal, which I think is a very important one, and I think we need to continue to explore other steps that we can take, particularly to shine the attention of the world on human rights issues in China during the Beijing Olympics, whether it is treatment of the Uyghurs or persecution of pro-democracy activists in Hong Kong. There will be an opportunity to grab dramatic attention during that period, and we need to explore additional ways to do that, but I appreciate my colleague including me on this bill.

The CHAIRMAN. Thank you very much. Senator Murphy?

Senator MURPHY. Thank you very much, Mr. Chairman. Let me add my thanks to both you and the Ranking Member and your staff. This is an extraordinary achievement. Granted there is still much work to do, but we have been trying to compete with China and other ascended nations with one, and sometimes two, hands tied behind our back. And this legislation, while certainly not completing the job, points us in a direction where we can start to stand up the real capacities that are going to allow us to be able to truly compete. And, again, let me thank you for putting this committee in the position to lead, for the Ranking Member and the Chairman to allow us further down the dais to add our ideas to this legislation, greatly appreciate it.

Two comments on the underlying bill, as amended by the manager's package, and then I do have one amendment to offer. I appreciate the focus that this bill puts on the direct investment that the Chinese Government is making in our university system. I think that is appropriate. I will say that there is an important distinction between the impact of direct Chinese Government funding in universities versus the role that Chinese students and researchers play in our university system. And I would hope that as we move this legislation to the floor, and as we continue discussions about how we rightsize our policy with respect to the role that Chinese funding, but also Chinese researchers, are playing at our universities, that we do not cut off our nose to spite our face. I think we need to get this policy right.

Second, there is a provision in the manager's package that I think is really important. It requires the Administration to notify Congress in this committee when relations have begun on a bilateral or multilateral agreement with a foreign country, and when those negotiations have been completed. I think that can get us back in the game of having real input into these talks. I do hope that there is some openness to continue to work on that language. I know the State Department has some concerns about when they would be required to make that initial notification of Congress. It is sometimes difficult to know when a negotiation begins, and so I would hope that we would work with the State Department moving forward to make sure that we get that provision right.

As to amendments, I want to thank the Chairman for agreeing to continue to work with me on one amendment that I will not offer, re-establishing the capacity at the State Department to incentivize and fund what we call sub-national diplomacy. The Chinese are really good at using regional and local officials to travel the world to spread China's message, to spread their influence. We are not as good at using governors and local elected officials to represent the United States abroad. There are many that are very willing, and so I would love to continue conversations about how we can re-establish what was a former capacity at the State Department to help lead that effort. I think that is an example of a tool that we would be better off utilizing more robustly.

The amendment that I would like to call up, if the Chairman would allow me, is Revised Murphy Number 5.

The CHAIRMAN. Revised Murphy Number 5 is called up and recognized.

Senator MURPHY. Thank you, Mr. Chairman. I want to thank Senator Coons and others for their leadership on empowering the Development Finance Corporation to be able to do the kind of international development deals that are good for the world and our partners, but also help us compete with a Chinese International Development Bank that still distinctly dwarfs the size of our own. This amendment that I am hoping the committee will support would do two things. First, it includes a sense of the Congress that DFC's equity investments should be treated as loans, which are expected to generate returns. Right now these equity investments are treated as spending, meaning that they count against us when it comes to congressional expenditures and any budget agreements that we provide. These equity investments are not that different than loans. They, in fact, bring money back into the U.S. Treasury. This is just a sense of the Congress that, moving forward, working with other committees of jurisdiction, we can treat them in the same way that would allow DFC to do much more sound equity investment.

Second, this amendment would increase the cap for those investments up to \$100 billion. Again, we are talking about a China Development Bank that has a \$1 trillion portfolio. This amendment would simply move from \$60 to \$100 billion the amount of equity investment that DFC can do. I would argue that we should go further, but that would be a really important step to try to get to a position where we can better compete with China's International

Development Bank, especially when it comes to developing nations, which is where DFC's focus is.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. Mr. Chairman, I am going to support this amendment. You know, it is not perfect. I would rather the jump-up was a little less than what it is, but I understand this opportunity does not come along very often, so I understand why this is being done. More importantly, what I really like about this is mandating the change on how CBO works with these things. I mean they—I never—CBO does all kinds of things that I do not understand. This is a correction to the way they are doing things that I think is beneficial, so I am going to support this amendment.

The CHAIRMAN. Thank you. Let me say that I think the revised amendment draws attention to the need for the equity fix to change the way CBO scores DFC's budget, and I support what Senator Murphy wants to achieve. I appreciate his decision to modify the amendment to remove language which may have triggered a 306 budget point of order from the Budget Committee. So I understand that—so we support your compromise and we urge others to vote as well. I want to make one comment about Senator Murphy's. We look forward to working with you, and your sub-national suggestion, I think is a good one.

I do want to say one thing about the transparency provisions included in the manager's package. You know, I have a strong belief in a separate, co-equal branch of government. I have had that under Democratic and Republican administrations. If we are not informed, we cannot ultimately make informed decisions. We stand ready and willing, as we have offered. I am very supportive of this President and the State Department and the Secretary, and we have offered the opportunity to revise it in such a way that meets our goal of getting information and notification in a timely manner, and not being overly burdensome. And so we will continue to work with them in that spirit.

Are there any other comments about this amendment? Senator Coons?

Senator COONS. Thank you, Mr. Chairman. Thank you, Senator Murphy. I enthusiastically support your amendment. As initially drafted, the bill had a \$100 billion authorization. It was Chairman Corker, who, at the last minute, decided to bring it back down after it was enacted, and seeing what good the DFC has done, and he, like Senator Risch, was, like, you know, we should have put it up higher. So I think this is an overdue and welcome correction. And the equity treatment, I have tried so far unsuccessfully with OMB and CBO, and I look forward to working with you in coordination with the Budget Committee, OMB, and CBO to address this equity scoring issue, which is critical if the DFC is actually going to achieve its impact. Thank you for offering this amendment.

The CHAIRMAN. Any other Member seeking recognition on this amendment?

[No response.]

The CHAIRMAN. If not, the vote is on the Revised Murphy amendment 5.

All those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[A chorus of noes.]

The CHAIRMAN. The ayes have it, and the amendment is agreed to.

Senator CRUZ. Mr. Chairman, I ask that I be recorded as a “no.”

The CHAIRMAN. Senator Cruz will be recorded as a “no” as will Senator Paul.

Now, let me turn—I see Senator Portman is not with us at this moment, so let me turn to Senator Paul.

Senator PAUL. This bill has been devised as a way to counter China by spending government funds through the National Science Foundation, about \$10 billion a year. I think it is important, before we add \$10 billion a year to the National Science Foundation—this will be Paul amendment 2—that we look a little bit at how successful they have been. We have not authorized them in years but we just keep funding them.

They currently spend about \$8 billion, so this would more than double their budget. Government, as we all know, lacks the profit motive and is inherently less efficient than the marketplace.

Congress has doled out money again and again to the National Science Foundation only to see the money wasted, decade after decade. There is no evidence it will be any different this time.

In 1975, the conservative Democrat, William Proxmire, criticized the NSF for spending \$84,000 to try to find out why people fall in love. Now, 45 years later, the NSF is still spending money, \$585,000 to be exact, to find out how people fall in love, studying online dating habits.

The late Senator Coburn similarly criticized the NSF for wasting money. I am sure we have all heard of the infamous shrimp on a treadmill, the nearly \$700,000 project to run a shrimp on an underwater treadmill.

That is not all. Seven hundred thousand dollars in money that was to be spent on autism research was sub-granted to study whether Neil Armstrong, when he stepped on the moon, said, “One small step for man” or “One small step for a man.” That was \$700,000 worth of autism research. This is the group you are wanting to give the money to.

In the end, they listened to the tape over and over, the crackly tape from the moon, and they could not decide.

So what does this have to do with China? Well, some in Congress want to pour tens of billions more into this very agency, the National Science Foundation, putting it not only in charge of science but technology research as well.

How well will the money be spent? Let us look at what they do with the money they already have. One point five million to study how to improve how tomatoes taste. Researchers determined that adding sugar would help.

What about \$188,000 to study why Americans will not use the metric system, \$30,000 to study gambling habits in Uganda, and \$500,000 to study if you take a selfie of yourself while smiling and look at it later in the day whether that will make you happy.

Unless studying selfies is somehow a deterrent to China, what Congress is doing with this new effort is supercharging the next

generation of government waste. If you are unwilling to fix the waste that currently exists in the National Science Foundation, there is no expectation they are going to do better this time.

Increasing dollar amounts and expanding mandates is not the answer. We need government accountability to unleash private investment and to get Congress out of these funding decisions.

Otherwise, we will just keep borrowing money from China, hoping that the debt to them will stop their rising influence, hardly a recipe for success.

My amendment would attempt to pay for the \$10 billion a year by looking at foreign aid. We have spent about \$30 billion in foreign aid.

Mine would cut \$10 billion a year with an exemption for Israel, and this would be a way that if you really do believe this is the way to combat China that it actually would be a bill that is paid for.

This is in recognition that our deficit last year was \$4 trillion. This year it will be over \$3 trillion, and we have an institutional deficit every year of about a trillion just from ongoing mandatory spending.

So I think the responsible thing to do here is to vote for some sort of pay-for and that is what this is intended as.

And I would like a recorded vote, please.

The CHAIRMAN. The gentleman asks for a recorded vote.

Other Members?

Senator Risch?

Senator RISCH. Yeah. Mr. Chairman, first of all, I do not disagree with those outrageous examples that Senator Paul has given. Certainly, we need a whole lot more oversight into those kinds of things.

But we are getting a little confused here that the Endless Frontiers Act, which is Senator Schumer and Senator Young's bill, deals with the National Science Foundation. That is not included in this bill.

What this—as I understand what Senator Paul is doing with this bill is taking \$10 billion out of the assistance budget that was in the 2021 budget that we have already passed and is in place, and is using that to, I guess, cover spending by the National Science Foundation.

But I want to be perfectly clear that this bill in no way will fund any of those kind of outrageous things that has been done in the past, and I certainly would not support it if it did.

So I am going to be opposing this particular amendment.

The CHAIRMAN. Thank you. Any other Members?

This is an amendment that, if enacted, I think would have some serious consequences in terms of \$10 billion cut in foreign affairs spending. I appreciate the examples that the Senator has raised. I do believe there has to be more vigorous oversight in the collective spending that we have.

But to target the foreign affairs budget, which is already, I think, woefully underfunded is something I cannot support.

Is there any other Members seeking recognition?

If not, the Senator has asked for a roll call vote.

The clerk will call the roll.

The CLERK. Mr. Cardin?
 Senator CARDIN. No.
 The CLERK. Ms. Shaheen?
 Senator SHAHEEN. No.
 The CLERK. Mr. Coons?
 Senator COONS. 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. Merkley?
 Senator MERKLEY. No.
 The CLERK. Mr. Booker?
 Senator BOOKER. No.
 The CLERK. Mr. Schatz?
 Senator SCHATZ. No.
 The CLERK. Mr. Van Hollen?
 Senator VAN HOLLEN. No.
 The CLERK. Mr. Risch?
 Senator RISCH. No.
 The CLERK. Mr. Rubio?
 Senator RUBIO. No.
 The CLERK. Mr. Johnson?
 Senator JOHNSON. No.
 The CLERK. Mr. Romney?
 Senator ROMNEY. No.
 The CLERK. Mr. Portman?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Paul?
 Senator PAUL. Yes.
 The CLERK. Mr. Young?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Barrasso?
 Senator BARRASSO. No.
 The CLERK. Mr. Cruz?
 Senator CRUZ. Aye.
 The CLERK. Mr. Rounds?
 Senator ROUNDS. No.
 The CLERK. Mr. Hagerty?
 Senator HAGERTY. No.
 The CLERK. Mr. Chairman?
 The CHAIRMAN. No.
 Clerk will report.
 The CLERK. Mr. Chairman, the yeas are 2; the nays are 20.
 The CHAIRMAN. And the amendment is not agreed to.
 Senator Kaine is next if the Senator has an amendment or wishes to speak at this time.
 Senator KAINE. I do not have an amendment to call up.
 The CHAIRMAN. Thank you. Then we will move down the aisle to Senator Barrasso.

Senator BARRASSO. Thank you, Mr. Chairman, and I would like to call up amendment No. 5, and I would like to describe the amendment.

The CHAIRMAN. The amendment is called up and the Senator is recognized for five minutes.

Senator BARRASSO. Thank you, Mr. President—Mr. Chairman.

This amendment is going to—

The CHAIRMAN. I thank you for the promotion, though.

Senator BARRASSO. You are well—well deserved.

[Laughter.]

Senator BARRASSO. My amendment is going to strike the rushed authorization of the largest capital increase in the history of the Inter-American Development Bank.

The amendment, instead, requires the Department of Treasury to report to Congress with the critical information needed to make an informed decision and a clear-eyed assessment of the issue that is before us.

Since the bank was established in 1959, the Inter-American Development Bank has completed a total of nine capital increases. Each time there was a thorough and orderly process that was followed.

Yet, this bill authorizes the U.S. Governor of the Bank to vote in favor of some unknown resolution for the tenth capital increase, and that will be worth \$80 billion.

There is no data analysis or information available on the tenth capital increase since the 1950s. The reason that there is no data or analysis or information available is because there still has been no negotiations of strategic planning that has ever been discussed at the bank yet as to what would be involved in this.

So when my office talked to the Department of Treasury this week, we were informed it was the United States position that right now it is too early to talk about a capital increase. To this point, the Board of Governors just started gathering information only about a month ago.

In March of this year, the Board of Governors of the bank approved a resolution authorizing the beginning of the analysis work required to consider whether they even needed a capital increase.

So we are still at the very beginning of the process. The first step is to analyze the regional needs, assess the adequacy then of the bank's current capital, and identify any potential reforms needed. The work is expected to be completed in the fall.

So then countries will review the information and determine whether the bank needs additional funds, how they would best be used, and then to share the allocations.

At that point, that is when the negotiation process would start, which can take about a year. But that is not the process being pursued by this bill.

We are being asked to authorize a resolution when there are still so many unanswered questions. What are the specific capital needs of the bank? No data provided.

How will the bank use the resources? No information available. What are the reform priorities that will be part of the package? Nothing has been discussed.

How will the U.S. contributions be leveraged to get other donors to increase their support? No plans are provided. How will shares be distributed and allocated to which nations? No answers available.

What role does the U.S. want the bank to play in the region in comparison to USAID, in comparison to the Development Finance Corporation, in comparison to the World Bank, in comparison to the International Monetary Fund? Absolutely no strategy is created or outlined.

The U.S. Congress has never ever authorized or appropriated a capital increase before the formal completion of a full review and negotiation by the bank.

So I do not think this is good governance. It is not proper oversight. I understand there is an interest to respond to China's lending in Latin America. I understand it completely. We have seen terrible impact of China's predatory lending.

But Congress should not blindly authorize taxpayer funding without doing the due diligence work needed to make this kind of decision.

So this amendment commits Treasury to begin the traditional process for reviewing the capital increase.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Let me respond to this particular amendment. Clearly, over the last 15 years, China has aggressively expanded its sovereign lending in Latin America and the Caribbean, leaving many countries facing challenging levels of debt.

China's pervasiveness in the hemisphere is beyond one's imagination. Within our own sphere and neighbors, they are challenging us dramatically. Their predatory economic diplomacy is a challenge to U.S. national interests and one that demands a response.

We are talking about economic growth and stability with our neighbors. The IDB is our hemisphere's preeminent multilateral development bank and one of the greatest tools we have to push back against the PRC's economic practices.

They have been trying to muscle in also at the IDB. By authorizing a capital increase, we can counter Chinese lending and position the IDB to address the region's crises.

As Latin America and the Caribbean suffered the highest levels of COVID-19 cases and related deaths in the world, GDP contracted by 7.4 percent and 44 million Latin Americans and Caribbean fell into poverty.

In November of 2020, a major hurricane struck Central America, inflicting severe devastation on the region, displacing tens of thousands, and driving new waves of immigration towards the United States.

By authorizing a tenth general capital increase, we can position the IDB to support countries facing challenges from Chinese debt, help the region rebuild after the COVID crisis, and support countries suffering from natural disasters.

We have a 30 percent stake in the IDB. It is time for us to lead. In March, the Biden administration joined IDB governors and voted for a capital review, the first step towards such an increase.

This provision provides the president with all the flexibility he needs to negotiate and ensures that he has the authorization he needs for the tenth capital increase. That review is already underway.

I do not believe we need a report to be proposed, as this amendment does, when we have the ability to be briefed by the Administration and hear from the IDB directly, and ultimately have further review by the Appropriations Committee.

This language was shared with the Administration and they expressed no objection nor requested any edits.

So for those reasons, I will be opposing the Senator's amendment.

Is there any other Member seeking recognition?

Senator Risch?

Senator RISCH. Mr. Chairman I am likewise going to oppose this. I, generally, support Senator Barrasso's philosophy and am generally there, but this is something that really deserves our attention.

Look, the IDB has not had an increase since March of 2010. This is the first increase in 10 years, and I think we all wring our hands over the money that the Chinese are spending in our hemisphere. This is our opportunity to do something about it.

This increase in IDB's resources shows that we are prepared to act and are acting to counter Chinese efforts to secure a foothold in this hemisphere.

So for that reason and reasons, I think, articulated by the Chairman about what is happening in our own hemisphere, I am going to oppose this amendment.

The CHAIRMAN. Any other Senators seeking recognition?

Senator Rubio?

Senator RUBIO. Thank you, Mr. Chairman.

Actually, this is an important amendment because I think it touches on the broader topic everyone has been talking about today. This whole issue of China is really going to challenge us to rethink orthodoxy on a number of fronts and in the issue of investment in particular.

Let me first begin by saying there really is no such thing as a Chinese corporation, I think, at least as far as it being an equivalent to an American corporation.

Every single one of these are national champions allowed to succeed by a repressive regime that also subsidizes them, that sends them abroad to undercut the competition in order to dominate market share.

There is also no such thing as Chinese foreign aid, at least from the Chinese Communist Party. They do not come in and help a country because they want the country to be more stable and become a democracy or even an ally.

They use it as leverage. They use it as an opportunity to send their workers to these countries, as you have seen it in these projects. But they also use it as an opportunity to create leverage—diplomatic leverage.

They use lending as a way to force you to vote with them in international forums. They take commodities, natural resources,

port rights, and all sorts of things as leverage and as collateral in order to be repaid.

And we have left these countries incredibly vulnerable. I guess my point being is I believe in the free market as much as anyone in this place.

But when it comes to China, we are not competing in a free market competition. This is mercantilism. This is a state-sponsored, state-directed effort to use money to gain geopolitical advantage, including in our own hemisphere.

It is one of the reasons why I thought it was very important that for the first time ever, in 2020 an American was elected as the IDB's president and elected, by the way, on a platform of transparency—where is the money going, how is it being invested—and calibrating China, and I think it represents a unique opportunity to strengthen our footprint in the hemisphere in which we live in and have to operate.

And it is a winner all the way around because this is what allows us to get into the game of creating opportunities to basic front-end investment to leverage the private sector to become more involved.

We have left countries all over the planet vulnerable to this, but we have particularly done so in the Western Hemisphere. Almost without exception, every leader of a country in the Western Hemisphere would prefer to do trade, commerce, and investment with the United States.

But it is not happening. It is not forthcoming. And as a result, they are forced to turn to these mechanisms that the Chinese Communist Party is putting out there.

And I just fear that we are going to come back in 10 or 15 years and realize that we have been encircled through a combination of things.

And my last point is look at what is happening with Panama. The Panama Canal today, the Chinese control major operations in the ports there, in fact, on both sides of the port heading east and west. They are not a charity. They are probably not even making money on it.

It is because it provides them the opportunity in the future to have at least rotational naval visits, but also an opportunity to create havoc as a choke point in case of a conflict.

And that is just one small-scale example among many. You know, they were on the verge of acquiring fishing rights just off the coast of Florida and the Bahamas. We saw recently what happened with Paraguay's inability to acquire vaccines and how it almost, I believe, was going to change its diplomatic recognition of Taiwan.

So we could go on and on for hours. I understand the intent behind this and I think, generally, we are all in favor of not doing things that spend money in ways that should not be spent.

But I think we should be very careful about sending out signals or doing anything that harms our ability to rethink how we approach this very unique challenge that is historic in scope and is going to define the 21st century.

The CHAIRMAN. Any other Members?

Senator Barrasso?

Senator BARRASSO. Thank you very much.

Just briefly, I think we can rethink how we look at things, as the Senators have talked about. But we should not rethink oversight, and I agree with what you said a little earlier during the discussion of Senator Paul's amendment, Mr. Chairman, when you agreed that more vigorous oversight of collective spending continues to be necessary. I agree with everyone who wants to do everything we can to provide alternatives to Chinese lending.

You know, even in this bill, a provision to counter China through international financial institutions only allows for low-carbon projects. You take a look at the Belt and Road Initiative, it is all about coal-fired power plants. That is what they are doing around the world with their predatory lending by China.

Currently, China is providing seven of 10 global coal production plants right now that they have either permitted or are under construction. So for countries that want low-cost electricity, we are already writing them off because of what is in this with our efforts to allow only low-carbon projects.

So, you know, I think that is pushing countries into predatory lending with China rather than coming to look for us for help in their energy needs as well.

So I would like a recorded vote, Mr. Chairman.

Thank you.

The CHAIRMAN. Seeing no other Member seeking recognition, the Senator asked for a recorded vote. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Ms. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINÉ. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. No.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. Yes.

The CLERK. Mr. Young?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator HAGERTY. Negative.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The CLERK. Mr. Chairman, the yeas are 7; the nays are 15.

The CHAIRMAN. And the amendment fails.

Senator BARRASSO. Mr. Chairman, I also would ask that I could please be recorded as a “no” on the Murphy amendment that was previously voted upon.

The CHAIRMAN. Senator, we will record it as such.

Let me turn to Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman, very much. Thank you for this hearing. Thank you to your staff, Senator Risch, for your incredible leadership on this issue.

We are, clearly, at a defining moment, and China has a plan. They are executing their plan. The United States will win, but you need a plan to win. Cannot win without a plan and you have to understand the plan as well. You have to be able to explain the plan to the American people.

The Chinese people actually understand the plan that their country has because it is pretty simple. Our country has to do the same thing now.

We have to lay out what we are going to do to deal with these multiple threats from the Chinese, and we are not going to win by being like the Chinese.

We are going to win by being more like ourselves, by being a better form of ourselves, and we express our own values, our own American culture, in a way that expresses the best values of our country.

That is our moment. That is what this committee begins here today to express and there are other places in this Congress that the same thing is happening. But there is a lot more work to do to be more like ourselves.

We have waited too long, but we can still catch up and then exceed anything that the Chinese may have planned.

Back a few years ago, Senator Gardner and I joined forces to adopt a strategy for U.S. engagement in the most consequential region, and that was something called the Asia Reassurance Initiative signed into law in 2018, dedicating \$7.5 billion dollars over five years to cement the United States’ status as a Pacific power in the 21st century.

And it does that by helping our partners in the region defend a free and open Indo-Pacific and defend human rights that are increasingly under assault.

Towards that end, I am pleased that the Strategic Competition Act through the manager's amendment authorizes the Asia Reassurance Initiative Act for an additional three years and adds \$500 million more per year in resources so that we can help to meet those challenges by giving all of our federal agencies the tools they need, the additional tools they need, to be able to play in these countries in the Indo-Pacific region.

I also want to thank you, Mr. Chairman, for everything that you did to help Senator Rubio and I with the Taiwan Fellowship Act, which is in additional funding for Radio Free Asia and for the language which was included to deal with the fentanyl issue. I thank you for that.

We know that China is still a major source of the flow of fentanyl precursors into our country and this will work to establish Drug Enforcement Agency offices in two of China's biggest exporting cities.

We are losing hundreds of thousands of Americans to fentanyl, hundreds of thousands over the course of a decade, and it is important for us to focus upon that issue as well.

And the amendment, which I am calling up right now, is Markey No. 3, calling on the State and Defense Department to jointly develop a climate-resilient strategy for the Indo-Pacific.

We know that our own Defense Department says that climate change is a threat multiplier. A continued shift in weather patterns and rising sea levels will lead to growing food insecurity and larger storms increasing the humanitarian response burden for our armed services, for our allies, and for our partners.

This amendment would take a step to acknowledge that climate security is inextricably linked to our national security by reaffirming our commitment to working with our partners and allies in the Indo-Pacific on climate resiliency and adaptation efforts.

And the amendment also calls on the United States Government to develop an interagency climate resiliency strategy for the Indo-Pacific so that we can ensure that our own military bases, our troops, our partners, our allies, are prepared to deal with climate-related challenges in the years ahead.

We see it already in Virginia. Senator Kaine is an expert on what is happening in Virginia, but it is happening all around the world.

Who tells us we should do this? Our admirals and our generals. They are telling us what is happening to them. They are telling us it is a threat multiplier.

I urge support for my amendment.

The CHAIRMAN. Thank you very much.

Let me just say that I appreciate your leadership in this regard. You and Senator Rubio on the subcommittee have done some excellent work together. Much of it, as you have noted, is in the underlying legislation already.

Markey 3 simply adds additional findings on the very real and present vulnerabilities that Indo-Pacific nations face from changes in the global climate.

It bolsters the sense of Congress that is already in the bill on U.S. commitments to our partners and allies, and I urge my colleagues to vote yes on the Markey amendment.

Senator Risch?

Senator RISCH. Well, I am going to be opposing this.

Again, the climate provisions are, certainly, covered in the bill, and they were negotiated back and forth. I think we got the right balance already in the bill. But in any event, I am going to vote no on it. Thank you.

The CHAIRMAN. Any other Members seeking recognition?

[No response.]

The CHAIRMAN. If not, the vote is on Markey amendment 3.

All those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[A chorus of noes.]

The CHAIRMAN. The ayes have it and the amendment is agreed to.

With that, I recognize Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman.

And I want to thank both the Chairman and Ranking Member for your hard work pulling this bill together and for the cooperative manner in which it has gone forward.

There are a number of very good provisions that are included in this bill, a number of different pieces of legislation I have introduced that had been incorporated.

The underlying bill includes language from the SHAME Act, which I had introduced, which imposes sanctions on Chinese officials for rape, for forced abortions, for forced sterilization.

In addition to that, there were four of my amendments in the manager's package that this committee just adopted. The Taiwan SOS bill, letting Taiwan display their symbols of sovereignty—that is an important reaffirmation of our strong support for Taiwan.

In addition to that, the Secure IP Act, which provides for a list of the corporate officers of companies stealing U.S. intellectual properties. In addition to that, an explicit finding—a genocide finding that explicitly acknowledges the genocide targeted at the Uyghurs.

And, finally, an amendment that requires a report on the effect that potentially reentering the JCPOA would have on Iran-China cooperation.

I think all of those were significant positive improvements, and I want to thank the Chairman and Ranking Member for working with me and my staff to include them.

I do not have an additional amendment at this point to call up.

The CHAIRMAN. I thank the Senator for his work and the—which has been incorporated and thank him for allowing us to proceed.

Senator Merkley?

Senator MERKLEY. Thank you very much, Mr. Chairman, and thank you to you and to Senator Risch for working to incorporate so many amendments that I and colleagues have produced, including nine of my amendments, three of which address Taiwan, which I think is very important in our efforts to support democracy around the world.

I do want to call up today Merkley No. 3, which addresses the China Censorship Monitor and Action Group, and if this gets into

the main bill, Mr. Chairman, it would be my inclination to drop the markup on the standalone bill.

But I think this is the right content to be included in the broader bill since that is the place where it will likely go to the floor.

And I want to thank Cory Gardner, who worked on this with me last time, and for Marco Rubio for his partnership this time around.

We have all seen the stories of China exercising influence on U.S. companies in all kinds of ways, from basketball to film to hotels, in regard to their expression of opinion about China's activities in the world.

What this amendment does and what the broader bill does is it sets up an action group that will take and have an interagency process to monitor all of this Chinese influence on U.S. freedom of speech, particularly in the corporate sector, and then it requires an extensive report to be delivered back to us within a year to detail the activities and a strategy for how we should be responding.

And it sets up this working group and sunsets it after five years. We can decide then if it needs to be taken forward. That is the amendment and it incorporates, essentially, the content of S. 413.

The CHAIRMAN. Thank you, Senator Merkley.

I support—this actually was—in essence, is the subject of the freestanding bill that we had prepared for today's markup, and I understand your desire to, in essence, take that and include it in this legislation.

Senator MERKLEY. Yes.

The CHAIRMAN. Okay.

Senator Rubio, who has worked on this with Senator Markey.

Senator RUBIO. Yeah, and I appreciate it coming forward and being moved on in this way, and I look forward—I think we are going to learn even more about the outrageous—we are already being censored.

You cannot produce a film in Hollywood today, no major motion picture in Hollywood today can have an angle to it that the Chinese Communist Party does not like because it will not be distributed in China, and they want to make the money over there.

And we have got plenty of corporations who have made millions, if not billions, of dollars with access to the Chinese market. The price of that access and making that billions of dollars is to say nothing about the horrifying abuses.

We have major corporations that are coming into this very building and lobbying against everything from bills dealing with the forced labor of Uyghur Muslims to, you know, anything that could undermine their ability to make money in China.

So but I think Americans are going to be startled to learn about how much of the content that they have access to in this country is tailored to meet the censorship standards of the Chinese Communist Party, who have leveraged the commercial value of that marketplace to inflict those conditions on Americans.

And so I look forward to the results of the study, because I think it will be enlightening.

The CHAIRMAN. Any other comments on this amendment?

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. I think the Senator wants to offer an amendment, if I am not mistaken. So before we get to that, is there any other comments.

If not, I recognize Senator Cruz.

Senator CRUZ. Thank you, Mr. Chairman.

As the Chairman is aware, this particular amendment has been a subject of considerable discussion and negotiation. I had hoped that Senator Merkley and I could reach common ground on this amendment.

This amendment has similarities to an amendment and a bill that I have introduced and advocated for repeatedly called the SCRIPT Act that is focused on the persistent pattern of censorship coming out of Hollywood, that as America produces movies, American movie producers have demonstrated a repeated willingness to censor our movies to please the Communist Party in China and the censors coming out of China.

And working with Senator Merkley, I agreed in my amendment to add his language focusing on social media, education, travel, financial services, manufacturing, technology, telecommunication, internet infrastructure, expanding the scope beyond just Hollywood, and so I added the language that Senator Merkley proposed.

But, nonetheless, we did not reach common ground, and so the difference between what I have introduced and what Senator Merkley has introduced is twofold.

Number one, my amendment explicitly addresses the political censorship, and the political censorship from the Chinese Communist Party is particularly sensitive. It is their focus.

My amendment defines political content and the political censorship as content that is considered sensitive by the Chinese Communist Party or the Government of the People's Republic of China for political reasons, including issues related to human rights, freedom of expression, Taiwan, Tibet, Hong Kong, and the Tiananmen Square Massacre, also concerning the repression of the Uyghurs, the Falun Gong, and other religious and spiritual minorities, and the ongoing genocide of the Uyghurs including through, of course, their birth prevention policies in Uyghur-concentrated areas such as forced abortions, involuntary sterilizations, and the involuntary implantation of contraceptives.

Senator Merkley's language deletes all of that. I think it is a mistake to delete all of that. That is, clearly, a central concern for the Chinese Communist Party and I think it is important that we focus the study in particular on their political censorship.

The other thing that Senator Merkley's version deletes is the explicit focus on Hollywood, on films and television, and producing a list in particular of any United States company that has altered the content of a film in response to or in anticipation of a request from the Chinese Communist Party.

And I think it is important in particular to provide the transparency what movies are being censored, what American movies are being censored, and Senator Merkley's amendment deletes that provision and, instead, lumps film in with everything else.

I think we have a unique and serious problem with Hollywood being all too willing and even eager to play the role of censor for the Chinese Communist Party.

And so, accordingly, I call up my second degree amendment, Cruz 1, which is a second degree amendment to Merkley 3, and what the second degree amendment does is simply goes back to the original language that includes focus on political issues, includes Tibet, includes the Falun Gong, includes the Uyghurs, includes the horrific human rights focus, and it also specifically calls for developing a public list and public reporting of what U.S. film companies are editing what movies at the request of the Chinese Communist Party.

And so I would ask for a vote on the Cruz second amendment.
Senator MERKLEY. Mr. Chairman?

The CHAIRMAN. Senator Merkley?

Senator MERKLEY. Thank you. Let me point out several things.

The list that my colleague refers to on political content is under a definition of political content, which was required, because he uses the term political content later in his amendment. So it is a definitional presentation, not instruction for the report.

Then that is—does not appear in our basic amendment because we do not use the term political comment.

And then the second is, what we have done in this is said we want to focus the attention on what the Chinese Government is doing so we want it to be comprehensive, and we list out all of the areas where freedom of expression is being impacted: media, social media, film, education, travel, financial services, sports, entertainment, technology, telecommunications, internet infrastructure.

Now, we ask for the report to include illustrative examples. Explain to us exactly what is being done by the Chinese as to get to the sort of point that I, certainly, share is we need to understand exactly what they are doing.

Now, I think all of you have seen from various press reports that some of our hotels have changed their activities, and I would be happy to give some examples of that.

A group of our airlines have changed their activities, and we can give examples. Some of our famous retailers have changed the expressions they have on their products. Be happy to give examples. The NBA has changed its conduct, and I would be happy to share.

The point here is, this is about analyzing what China is doing across all of these categories, not to pick a particular category, film, and make it essentially what appears to be a direct effort to criticize the American film industry.

We want the focus to be on what China is doing. If we were to have the same detail, we should have it—or if we were approaching it to say let us single out just film and give these examples, well, why not how our universities have responded?

Why not how our airlines have responded? Why not have our hotels? It is just—rather than being an attack on Hollywood, this is an analysis of what China is doing in all these sectors with an instruction for them to provide the examples of what is going on.

So there will be the examples happening in all of these sectors. But I do not want to convert this bill as simply an attack on Hollywood.

I invite Senator Cruz to introduce his own amendment separate to be considered if he wants to focus in that detail in that fashion.

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. Senator Cruz?

Senator CRUZ. If I could respond to that.

As I mentioned, I agreed with Senator Merkley to expand the scope of it. I agree that China is imposing restrictions on a host of areas, whether the NBA or otherwise, and so I think that was a positive suggestion for Senator Merkley that I agreed to.

I do think we have a unique problem with Hollywood and Hollywood playing the role of censors. Senator Merkley asked, well, how are airlines or hotels different.

Well, they are different because they are not content providers. Censorship is not the same sort of threat with an airline or hotel. There are, certainly, airlines and hotels that accede to pressure from Communist China.

But when it comes to censorship of creative output, that is something Hollywood is directly responsible for, and the principle difference between Senator Merkley's version and my version is whether or not we would produce a list of what movies are being censored as a result of pressure from Communist China.

It does not impose any penalties. It simply has transparency. Do the American people have a right to know what movies are being censored?

We know, for example, that "Top Gun 2" that they removed the patches from the back of Maverick's jacket because you had Taiwan and Japan there. The Communist Party of China did not like Taiwan and Japan on the back of Maverick's jacket.

And so Hollywood telling America now Maverick, probably the greatest Navy recruiting film ever produced, is scared of the Chinese Communists and changed his jacket not to offend them.

We know that "Bohemian Rhapsody," a fabulous biopic of Freddie Mercury, they edited out scenes of homosexual sex because the Chinese, apparently, were offended by them. I do not know how anyone tells the story of Freddie Mercury without acknowledging that he was gay.

And, yet, Hollywood, those great social justice warriors, happily edited those scenes out to appease the Chinese Communist censors.

And so the question on this vote is, do we want a list so the American people can see what films are being censored at the request of the Chinese? Or do we want to, effectively, help cover up for Hollywood and hide that list so the American people do not know?

I think the answer should be in favor of transparency.

Senator MERKLEY. Mr. Chairman—

The CHAIRMAN. Let me, if I can, Senator Merkley. There may be other Members who want to be recognized.

Senator Cardin, I will come back to you as well.

Senator Cardin?

Senator CARDIN. Oh. Thank you, Mr. Chairman.

I am trying to put the amendment with Senator Merkley's proposal. If I understand Senator Cruz's explanation, the point that Senator Merkley raised is handled in the Cruz amendment. You use the expanded list?

Senator CRUZ. Yes.

Senator CARDIN. So the only difference is whether we are going to name and shame whoever is altering the content. Is that the substance of the difference?

Senator CRUZ. The difference is my amendment requires a list of what movies have been censored. Senator Merkley's—

Senator CARDIN. Movies are the entire list of Senator Merkley.

Senator CRUZ. It specifies movies—TV shows and movies because that has been a persistent problem. Senator Merkley's does not require a list. It says you can give some examples, but it does not produce a comprehensive list of where the censorship is occurring.

Senator CARDIN. So the transparency is only on the movies?

Senator CRUZ. I am more than happy to have a list on anything else as well. But the movies have been the persistent problem.

The CHAIRMAN. Senator Merkley. And then I would like to—

Senator MERKLEY. Thank you.

The CHAIRMAN [continuing]. I think we have had a robust debate. I would like to put it to a vote now.

Senator MERKLEY. Yeah. I really disagree with the characterization of my colleague. The whole point of this is to get transparency on what China is doing in all sectors and to treat them all, effectively, comprehensively, extensive working group, produce the examples of exactly what is happening.

My colleague has said, well, let us take one particular area that he wants to amplify. I think that what that does is create a sense that this is being converted from an examination of the offenses of China to an attack on a particular industry in Oregon and in the United States.

All of these sectors are going to have transparency in terms of the hotel sector, the airline sector, the retail sector, because we are covering them all, and we are asking the commission to treat them all in exactly the same fashion with the same aggressiveness, the same thoroughness rather than call out one for this particular list.

That is why I disagree with this. We need the comprehensive equal treatment of all sectors.

Senator CRUZ. Mr. Chairman, I ask for a recorded vote on my amendment.

The CHAIRMAN. The gentleman will get his recorded vote.

I recognize the desire for transparency. I think the underlying amendment of Senator Merkley does that as the whole bill is—as the entirety of his bill.

I just simply believe it is not fair or right to target the film industry, the only real industry singled out in this amendment, in terms of the type of reporting that is sought.

I hope it is part of the greater reporting, and if there is no further debate, I will call up a vote on the Cruz—

Senator RISCH. Second.

The CHAIRMAN. Yeah. Okay. The Cruz amendment to the Merkley amendment. I do not know if it is a first or second degree, according to this.

Does the Senator accept a recorded—I mean, a voice vote or—

Senator CRUZ. I would like a recorded vote.

The CHAIRMAN. The Senator asks for a recorded vote. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.
 The CLERK. Ms. Shaheen?
 Senator SHAHEEN. No.
 The CLERK. Mr. Coons?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Murphy?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Kaine?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Markey?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Merkley?
 Senator MERKLEY. No.
 The CLERK. Mr. Booker?
 Senator BOOKER. No.
 The CLERK. Mr. Schatz?
 Senator SCHATZ. No.
 The CLERK. Mr. Van Hollen?
 Senator VAN HOLLEN. No.
 The CLERK. Mr. Risch?
 Senator RISCH. Aye.
 The CLERK. Mr. Rubio?
 Senator RUBIO. Aye.
 The CLERK. Mr. Johnson?
 Senator JOHNSON. Aye.
 The CLERK. Mr. Romney?
 Senator ROMNEY. Aye.
 The CLERK. Mr. Portman?
 Senator PORTMAN. Aye.
 The CLERK. Mr. Paul?
 Senator PAUL. Aye.
 The CLERK. Mr. Young?
 Senator RISCH. Aye by proxy.
 The CLERK. Mr. Barrasso?
 Senator BARRASSO. Aye.
 The CLERK. Mr. Cruz?
 Senator CRUZ. Aye.
 The CLERK. Mr. Rounds?
 Senator ROUNDS. Aye.
 The CLERK. Mr. Hagerty?
 Senator HAGERTY. Aye.
 The CLERK. Mr. Chairman?
 The CHAIRMAN. No.
 [Pause.]
 The CHAIRMAN. The clerk will report.
 The CLERK. Mr. Chairman, the yeas are 11; the noes are 11.
 The CHAIRMAN. In a tie vote, the amendment does not succeed.
 The vote is now on the Merkley amendment.
 All those in favor will say aye.
 [A chorus of ayes.]
 The CHAIRMAN. All those opposed will say no.
 [A chorus of noes.]
 The CHAIRMAN. The ayes have it and the amendment is agreed
 to.

Now, for the information of all Members, of course, we have a vote going on on the floor. Because we got a lot of work still to do, we are almost down both sides of the aisle for the first round of amendments.

I am going to continue the process. I would urge Members that have already offered their amendments to cast their vote on the floor and then come back, you know, as quickly as possible so that we can finish this important bill.

With that, let me turn to Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman.

My amendments have been included in the manager's package. I would like to thank you and the Ranking Member and your staffs for the work. I yield back.

The CHAIRMAN. Senator Rounds, with that expediency, we are going to include more of your amendments in the package in the future. So thank you very much. We appreciate your contribution to the effort.

Let me turn to Senator Schatz. I am sorry. Wow, how could I do that to my—

Senator BOOKER. My senior Senator, my fellow New Jerseyan.

The CHAIRMAN [continuing]. Distinguished colleague and friend from New Jersey, Senator Booker. Sorry.

Senator BOOKER. Thank you much.

The CHAIRMAN. You are always so quiet that I just, you know—

[Laughter.]

Senator BOOKER. Thank you. I just want to—again, I want to praise the Chairman and the Ranking Member and everyone who has been involved and the staffs for this extraordinary work. It is really lifting me to be a part of this larger process and the urgency of our global competitiveness.

I am going to not bring up Booker amendment 3 for a vote, but I just want to spend a second or two, knowing that we are tight for time, to speak on it.

I want to thank Senator Young for joining our effort and signing on as a co-sponsor. This amendment was previously introduced in the last Congress—in this Congress by Senator Cornyn, myself, Senator Tillis, Senator Carper. It is a bipartisan effort that we have right now.

And I just want to say that this is about preventing future pandemics. It is critical that if we are going to reduce the risk of other global pandemics like the one we are suffering now that we have to act to deal with what is a long line of zoonotic epidemics—SARS, MERS, Ebola, HIV and AIDS, and other pathogens, which have, tragically, been making millions and millions of people sick and causing untold death and destruction.

And so this should be the lesson from COVID-19 is for us to act, and that means stopping deforestation, other habitat destruction, and it means a shutdown of global wildlife markets.

Scientists are telling us that this COVID pandemic, just like SARS, originated in a live wildlife market. Scientists are also telling us that for decades these markets create a Petri dish for viruses that spill over into humans.

If wildlife markets are not shut down globally and if the international trade in wildlife for human consumption is not ended, then the emergence of the next deadly pandemic is not a question of if. It is a question of when.

And so this bipartisan amendment will take bold steps to address this problem. And, again, fortunately, this amendment is something that is supported now by groups like the Infectious Disease Society of America, the Consortium of Universities for Global Health, the American Society of Tropical Medicine and Hygiene, the Wildlife Conservation Society, along with 80 other groups who all believe that our amendment is critical to saving massive amounts of human life.

So I was assured that we have a pathway to work on this together. I am really hoping we can have some constructive conversation and get this over the finish line—it has bipartisan support—and I am hoping that eventually on the floor it can be added.

So thank you.

The CHAIRMAN. Let me thank my colleague very much. I appreciate his leadership on this. I know Senator Cornyn has also spoken to me about it, and I look forward to working with you to try to get this in order as we move to the floor, and I appreciate your leadership on it very strongly.

I just want to note that we have lost a quorum. So what my intention was to plow forward I cannot do because any amendment that would be taken up would not necessarily be considered being ruled appropriately.

So for comments, I am happy to recognize Senator Portman before I recess briefly.

Senator PORTMAN. Well, thank you, Mr. Chairman.

Thank you for your willingness and the Ranking Member's willingness to look at this wildlife markets issue and, Senator Booker, appreciate your willingness today to pull back on the amendment and work with us on a path forward, because I believe you are right and there is one and, you know, conservation groups are on both sides of this.

I think there is a way to do this. I have worked with Senator Coons on this, who co-Chairs the International Conservation Caucus with me.

We think there is a balanced approach to deal with this zoonotic issue you mentioned, which is the transmission from animals to humans.

I know you and Senator Cornyn, who worked on this, as well as Senator Graham, I just think there is a way to do it in a much more targeted way, because some of these wildlife markets, clearly, are unsanitary, and causing the problem. Others are not.

Also, there is different kinds of wildlife that present a challenge and others that do not. Other markets that do not have the unsanitary conditions and so on do not have those risks, but also they do provide traditional protein to some of the poorest people in the world. And we have to be careful, I think, how we approach it.

So I look forward to working with you, with the Chair and Ranking Member and others, and the stakeholders on the outside who are very interested in this issue, to build on the progress we have made over the last few days and try to develop a targeted approach

to combat this risk of wildlife markets contributing to zoonotic spillover, and I look forward to working with you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Now, because we have lost a quorum, what I will do is I will recess subject to the call of the Chair. It is the Chair's intention to go straight to vote, come immediately back, and restart the process where the next person to be recognized is Senator Hagerty.

With that, the committee stands in recess subject to the call of the Chair.

[Recess.]

The CHAIRMAN. The Senate Foreign Relations business meeting will come to order.

I know that the Ranking Member has just told me he will be in in just a moment. I think our next colleague who is up is Senator Hagerty, and I do not see him presently here. So we will turn to Senator Schatz.

Senator SCHATZ. Thank you, Mr. Chairman. Thank you, Ranking Member.

And I appreciate your willingness to accommodate several of my amendments relating to Oceania, USAID, the Peace Corps, and establishing an Oceania security dialogue and dealing with IUU fishing. All of those are in the base text, and I appreciate it. I have no amendments to offer.

Thank you.

The CHAIRMAN. Thank you, Senator. Thank you for your contributions, and you have definitely, for purposes of this committee and this bill, put Oceania on the map. So we appreciate your engagement.

So, at this point, I will start a new round, since I do not—I will recognize Members who may not have had their opportunity to offer an amendment previously. And, but at this point, I will start over again.

So, turning on the Republican side, Senator Risch? Senator Rubio?

Senator RUBIO. I would like to call up my amendment number 16. Is that right?

And what this amendment would basically do is it would not fundamentally alter U.S. policy towards Taiwan. What it would basically do is follow the lead of allies such as the British and the Japanese and change the title of our highest official in Taiwan to the title of "representative" from "director," from "director" of the American Institute in Taiwan to the title "representative." And it would also give the Senate advice and consent counsel—advice and consent role with regards to who that individual is.

The lack of Senate confirmation on this position I think is out of step with the general trend of affording greater respect to Taiwan's democracy and placing a higher priority on strengthening our relationship with Taiwan. And I also do not think that we should be kept from doing this by an authoritarian regime and its bullying tactics. So following the lead of our British and Japanese allies, that is what this amendment would do.

The CHAIRMAN. I thank the Senator.

Is anyone else seeking recognition?

[No response.]

The CHAIRMAN. Let me commend my colleague for offering this amendment. I agree with him about the importance of elevating the director of the Taipei office of the American Institute in Taiwan. However, the way the law is currently written, the director is not technically a United States Government employee, and while the American Institute in Taiwan is our de facto embassy in Taiwan, it is officially a nonprofit, and the director is a private citizen.

So while I agree with the sentiments expressed by the amendment, it is on that basis that I will oppose it and urge my colleagues to do likewise.

Senator RUBIO. Mr. Chairman, if I could, just a point of clarity. My understanding is that the director is a U.S. Government employee. I do not know if we can get some clarity on that. Certainly, the U.S. taxpayer is funding that director role.

The CHAIRMAN. To the extent that it is a nonprofit and the director is the head of the nonprofit, it is not an official Government position, as I understand it, an official Government employee.

Anyone else wishing to speak to the amendment?

[No response.]

The CHAIRMAN. With that, is the Senator willing to take a voice vote, or he wants a recorded vote?

Senator RUBIO. Well, I would like a recorded vote on this one.

The CHAIRMAN. Okay. The Senator has asked for a recorded vote. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Murphy?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Kaine?

Senator KAINE. No.

The CLERK. Mr. Markey?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cruz?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

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

The CHAIRMAN. And the amendment fails.

Let me recognize Senator Van Hollen, who has returned with us, and this will be his first chance.

Senator VAN HOLLEN. Thank you, Mr. Chairman.

Let me start by thanking you and the Ranking Member for bringing us together. I think this is a very important bipartisan effort to tackle our largest strategic challenge in the world, which is China, which, as I see, is taking a two-pronged approach. They have been very clear in their 2025 plan that they want to be dominant in cutting-edge technologies around the world, and I think it is important that we step up our game, which is why I support the bipartisan Endless Frontier part of this proposal put forward by Senator Young and others.

And then, of course, they want to use that economic muscle to enter into what, as Senator Rubio described, a mercantilist strategy overseas, combined with Belt and Roads, not just to strengthen themselves economically, but to export their model of authoritarian rule. So I think this is a really important effort, and I think we need to also expand our toolbox here in terms of response, which is why I supported Senator Shaheen's amendment and others and believe we need to substantially boost our efforts in this overall area.

I want to thank you and the Ranking Member for including two amendments I proposed as part of the manager's package. One does involve the Development Finance Corporation, which I think is a very important innovation, supported the amendment to increase the authorization to \$100 billion. But it needs direction in a number of areas, and one is in the digital space.

We have seen what has happened not just with our European allies who have been tempted to take on 5G, but in Africa and other places around the world, Huawei is dominant. They have 70 percent of the 4G market in Africa right now. And so one of the amendments adopted would call for a better digital strategy with respect to the Development Finance Corporation.

The other is based on a bill I introduced with Senator Sullivan to identify all of the areas—and there are many, as we know—of lack of reciprocity in how China deals with everything from U.S. diplomats and travel, to how they deal with press and media, to

how they deal with American businesses—identifying those areas and recommending a strategy for how we deal with that.

There are two amendments I proposed that I will not offer because they also fall, as I understand it, within the Banking and Housing Committee jurisdiction. But I will be pursuing them. One has to do with the BRINK Act bill. I teamed up with Senator Toomey a number of years ago to pass secondary sanctions on North Korea.

We know from U.N. reports that there is some leakage in that sanctions regime, especially from banks based in China, and we really want to press this administration, as we did the last administration, on that.

The other relates to reports of China working in Saudi Arabia on uranium ore development, just wanting to make sure that we do not see China supporting uranium enrichment activities in Saudi Arabia going forward, given all the nonproliferation issues.

So those are amendments I will pursue separately. I do just want to say a word about this blue slip issue because I think many of us encountered it over the years, and I would say, Mr. Chairman and Ranking Member, beyond this particular bill, it is my view that the House has taken an incredibly expansive interpretation of the blue slip power. And this is true of both Democrats and Republicans in the House.

So I think beyond this bill, we should have a larger discussion. Many of us have had bills that have been tripped up on that issue. I understand the blue slip power, and I respect it. But the House is trying to drive through a big hole there, and they use it to enhance their leverage on both sides of the aisle.

So I hope we will have that broader conversation with them beyond this particular bill. We have encountered it in many places.

And finally, Mr. Chairman and Ranking Member, I would like to be added as a co-sponsor of the bill.

The CHAIRMAN. Without objection, the Senator will be added. Appreciate your contributions to the bill. Look forward to supporting you at the Banking Committee as a fellow Member on the amendments that you offered.

And I agree, and I look forward to engaging the Ranking Member with our respective leadership about what is the scope of the blue slip. As former House members, some of us, I understand the nature of the blue slip, and I, too, respect it. But we just do not want it to be an over-wieldy process. So we will try to see if there are ways to narrow that.

Thank you.

So, in order to save time, I could just go down the aisle. But if I know that there is a Member on either side that is looking for an amendment, I could call. So, Senator Johnson, do you have one? Senator Markey? Senator Paul? And then I will turn to Senator Cardin.

Senator Paul?

Senator PAUL. This would be amendment number 3 about basic research.

As I mentioned in my opening with the first amendment about the National Science Foundation, it is a perpetual source of waste in Government. The waste in research is not limited to the Na-

tional Science Foundation. NIH, DOE, DOD, all have funded wasteful projects.

What is more troubling is that we do not have uniform standards about how research grants are approved. At NSF, an applicant can actually request which peers will review their application.

So, basically, one guy could say, hey, I would like one of my peers to be that guy who studied Japanese quail on cocaine. That is the guy I want on my review committee. And he could say, well, maybe I would like the woman who studied the mating call of the Panamanian frog. I think she would be a good vote on my committee.

The people asking for the money are choosing their peers. This is why it does not get better decade after decade. Nobody does anything. We would not even authorize—we have not authorized this in a decade. So we really should reform how grants are given out so we have some ability to try to get something better done here.

Even more troubling than creating your own reviewers is the idea that after a grant is issued, they can be subgranted to others without any transparency. This is how we found the Neil Armstrong. Seven hundred grand was going to autism. Most of us, even me, might acknowledge the Government could have a role in studying autism. But the money went to study Neil Armstrong's statement on the Moon, "One small step for man," or "one small step for mankind."

That was subgranted. It was not even what the original thing was. It was supposed to go for autism. So this needs to be reformed. It is never reformed, decade after decade after decade. We did not even bother to authorize the National Science Foundation.

My amendment seeks to make a uniform process across Government, one that includes objective reviewers assessing a grant's merit coming from competing scientific disciplines. So if you want to study Japanese quail on cocaine, maybe there ought to be a diabetic researcher on the committee or a breast cancer researcher or one of the bigger diseases where people would probably more acknowledge money should go, instead of having four people who are doing bizarre behavioral research like yours approving your research.

We also should have a taxpayer watchdog on each of these committees. I think we also need more downstream reporting on what is going on and more control of subcontracting. This is a bill that I think would be a great reform not only for what is going on with doubling the size of the National Science Foundation, but I think if you are going to do it without reform, it is a real disservice to the money we are spending, and I would urge a "yes" vote.

The CHAIRMAN. I understand the Senator has concerns about the efficient use of taxpayer dollars, and I commend him for his work to make spending more responsible. However, I am compelled to rule this amendment out of order for jurisdictional reasons.

The amendment is clearly in the jurisdiction of the Homeland Security and Governmental Affairs Committee. It raises significant concerns about the impact on federally supported research and should be considered by the committee of jurisdiction. Therefore, I rule the amendment out of order.

Senator PAUL. Mr. Chairman? I guess earlier in the proceedings, we had a question of jurisdiction—who was in charge, which com-

mittee should be in charge of the jurisdiction of Mr. Rubio's, and we went ahead and voted on it anyway, right?

The CHAIRMAN. For me, that was the blue slip issue I mentioned, the other. But the blue slip issue was the compelling reason why I objected to it and led a vote because it was on blue slip, not out of jurisdiction.

Senator PAUL. The blue slip has nothing to do with jurisdiction?

The CHAIRMAN. No, blue slip has everything to do with the provision that suggests that it is the Congress and the House of Representatives for anything that has to deal with originating or affecting revenue starts there.

Senator PAUL. All right.

The CHAIRMAN. And so that is why.

Senator PAUL. All right.

The CHAIRMAN. Okay, I thank the Senator. Senator Cardin?

Senator CARDIN. Thank you, Mr. Chairman.

First, I am going to call up an amendment that we have been able to clear through the Ways and Means Committee on Global Magnitsky.

But I just really want to reinforce Senator Van Hollen's point and Senator Rubio's point and Senator Risch's point and the Chairman's point in regards to blue slip issues.

There has to be a way that we can express ourselves as a committee and not just accept *carte blanche* the interpretation by the Ways and Means Committee in the House of Representatives. In the meantime, we were able to clear the Global Magnitsky amendment, as modified, which will just remove the sunset, but not the other provisions that we wanted to include in the Global Magnitsky.

So I will ask consent to call up my amendment number 2 and modify it by eliminating everything from page 1, line 12, through page 3, line 33, which will leave in the amendment only the removal of the sunset provisions, which has been cleared as not violating the blue slip issues.

And if I get that consent, I would just—before we vote, I would like to make one additional comment.

The CHAIRMAN. Is there objection?

[No response.]

The CHAIRMAN. Without objection, the amendment is in order.

Senator CARDIN. I would then like to point out that—

The CHAIRMAN. The amendment—excuse me, I am sorry, Senator. The amendment, as revised, is in order.

Senator CARDIN [continuing]. I just really want to underscore I am not going to give up on the other provisions because I do believe we should have the ability to modify the Global Magnitsky within our jurisdiction. It does not fall within the blue slip issues.

And by the way, it basically conforms to what is in the executive order. So it puts the executive and legislative branches together on the Global Magnitsky. But at this point at least we have the provisions in our bill. It gives us the opportunity to negotiate that, and I would like to thank the Chairman and particularly your staff because they have spent—both staffs have been spent an inordinate amount of time with back and forth with the House on this issue.

And lastly, before we vote, I would ask consent that I be added as a co-sponsor.

The CHAIRMAN. Without objection, the Senator will be added as a co-sponsor.

The question is on the Cardin amendment, as revised. Is there any other Member seeking to be recognized?

[No response.]

The CHAIRMAN. If not, all those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the amendment is agreed to.

Let me turn, continuing to go down the aisle. Senator Barrasso? Senator Rounds? Senator Rounds gets five stars.

So let me turn over here. Senator Shaheen? Senator Coons? Senator Kaine?

Senator Kaine. I would like to be added as a co-sponsor.

The CHAIRMAN. Senator Kaine will be added as a co-sponsor, without objection.

Senator Markey?

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

The CHAIRMAN. You are sure you do not want to be five stars? No, go ahead. I am just kidding.

Senator Markey. Excuse me?

[Laughter.]

The CHAIRMAN. I was just kidding. I said, "Are you sure you do not want to be five stars?" I am giving out five stars for people who are not asking for any more amendments.

[Laughter.]

Senator Markey. When Sister Carita gave me that in the first grade, it really made my mother happy. And the same thing would be true I think for any Member here getting it from you, Mr. Chairman.

Yes, so my amendment here that I am making right now, I am going to withdraw this. But I just want to lay it out because I think it is an important thing for us to begin to consider.

And it is Markey number 6, which because I support the ultimate goal of complete verifiable and irreversible denuclearization of North Korea, as is called for in the Strategic Competition Act. However, I fear that a policy of maximum economic pressure greatly limits the negotiation space for the President and our allies to negotiate a possible agreement that offers some form of tailored sanctions relief in exchange for actions taken by North Korea that advance our security.

A step-by-step process that verifiably freezes North Korea's nuclear weapons and ballistic missile programs would advance our security without surrendering global leverage if the Kim regime were to cheat on its commitments. But I also think we should send a clear message that a policy of maximum pressure must not impact the very people of North Korea we aim to help battle disease and hunger.

My amendment expresses support for the ongoing sanctions review undertaken by the Biden administration to ensure that the

sanctions imposed by the United States and by the international community on the Kim regime does not inadvertently harm humanitarian access and humanitarian travel to North Korea.

I am going to withdraw this amendment at this time, but I do believe that it is a subject that we all have to address as time moves on.

And I also have an amendment that I would like to call up, Mr. Chairman, and that is that China has provided Saudi Arabia with the building blocks for nuclear weapons.

The State Department annual arms control compliance report already faults the Chinese Government for proliferating ballistic missiles to other countries, including to Iran. This amendment requires the State Department to report on whether China transferred missiles capable of carrying nuclear weapons covered under the Missile Technology Control Regime to any other country in the last 3 years and to describe what sanctions the President may impose, pursuant to existing law.

The amendment also requires a report on the policy steps the State Department would take, both to prevent and respond to the export of enrichment reprocessing facilities by China to any other country.

Press reports from last year indicate that China may have aided Saudi Arabia in constructing a yellow cake extraction facility, the stage in the nuclear fuel cycle that precedes enrichment of uranium. Against the backdrop of Iran's concerning advancements in its nuclear program, Saudi Arabia's own reported illicit cooperation with China requires that we make a diplomatic offensive to prevent a regional arms race.

So I urge an "aye" vote on this amendment.

The CHAIRMAN. For the clarification of all Members, I understand this to be Markey amendment 8.

Senator MARKEY. Number 8, yes.

The CHAIRMAN. Thank you. I support the Senator's amendment.

Is there anyone wishing to speak to it? Senator Risch?

Senator RISCH. Yes, Mr. Chairman, I am going to oppose this not because it does not deserve attention. It really does. And unfortunately, the debate on this will take place in a different setting than what we have here. But in any event, I think that this is better handled in a different situation.

I am going to oppose it. I think there are some things in here that deserve our attention. Indeed, there are things in here that are already getting very explicit attention by different agencies of the United States Government.

But in any event, I do not think it is appropriate in this bill. I am going to oppose this.

The CHAIRMAN. Any other Senator wishing recognition on the amendment?

Senator RISCH. Mr. Chairman, we also ought to talk about the blue slip problem here when we are placing sanctions. I mean, this is the same old, same old.

The CHAIRMAN. I am not aware of a blue slip problem here. So I would have raised it with the Senator if I thought there was one.

Well, let me just say I am very concerned about potential Chinese assistance to Saudi Arabia's ballistic missile and nuclear pro-

grams. Any such transactions that we have seen publicly reported would be a violation of the Missile Technology Control Regime and Arms Export Control Act.

I believe Congress should receive full information about these potential Chinese activities that could spur proliferation in the Middle East. So I intend to support the Senator's amendment.

With that, seeing no one else seeking recognition, all those in favor will—

Senator RISCH. Could we have a roll call vote?

The CHAIRMAN. The Senator, the Ranking Member asked for a roll call vote. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator RISCH. No, by proxy.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Young?

Senator RISCH. No, by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 15; the noes are 7.

The CHAIRMAN. And the amendment is agreed to.

Is there anyone on the Republican side of the aisle who wishes to offer an amendment?

[No response.]

The CHAIRMAN. Is there anyone on the Democratic—I am sorry. I am sorry. Senator Paul?

Senator PAUL. This amendment is pretty simple. It establishes a point of order—

The CHAIRMAN. I am sorry. Could you tell us which number just so we can follow?

Senator PAUL. It would be Paul number 4.

The CHAIRMAN. Thank you.

Senator PAUL. This amendment establishes a point of order. We have almost \$300 billion in unauthorized spending that occurs each year, including a large segment that are from actually in the purview of our committee. Many of the programs continue to be funded, have not been reviewed by Congress since the 1980s. My amendment, the Legislative Performance Review Act, says, Congress, do your job.

It would create an order, a point of order to require authorizing committees to look back at programs and determine if they are still needed or effective or how they should be changed to make them more effective. The idea actually is based on S. 1244 from the 95th Congress, whose author was none other than the Senator from Delaware Joe Biden.

The real change we made is to give authorizers a transition period of 4 years to get authorizations up to date. Biden's original bill would have forced it immediately. So this is the moderate version of Joe Biden's bill.

I do not agree with the President on too much, but I think he hit the nail on the head when he called for congressional review of programs we create. It is insane and people are upset that we keep spending, particularly when we find the crazy things that people are spending money on, and these programs have not been reviewed. We should review these things every year. We should authorize them, and we should fix stuff that does not work and quit spending stuff on crazy things like the mating call of the male frog in Panama.

So this would be a point of order that we would establish, and I recommend a "yes" vote.

The CHAIRMAN. While I appreciate my colleague's dedication to the congressional budget process, this amendment is not appropriate for this bill, nor is it under this committee's jurisdiction. If the Senator wishes to reform the budget and appropriations process, I certainly would urge him to take his amendment up on the appropriate bills and the resolutions on the floor. So I have to rule the amendment out of order.

Is there anyone on the Democratic side seeking to offer an amendment?

[No response.]

The CHAIRMAN. There is none. Is there anyone else on the Republican—I am sorry. Senator Markey?

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

The CHAIRMAN. We are down to three stars.

[Laughter.]

The CHAIRMAN. Just kidding. Go ahead. I am sorry.

Senator MARKEY. My mother would have been happy with that, too, unfortunately. My mother always—

The CHAIRMAN. Which amendment is this?

Senator MARKEY [continuing]. My mother always said she was going to donate my brain to Harvard Medical School. It was a completely unused human organ. So three stars would be great.

The CHAIRMAN. I think it would be well used. What amendment?

Senator MARKEY. Mr. Chairman, I would like to call up Markey number 4.

My amendment, co-sponsored by Senator Young, would create a Quad Parliamentary Working Group, modeled on the existing bilateral parliamentary groups that the United States has with the United Kingdom, Canada, Mexico, and others. This would include the United States, Japan, Australia, and India. The Quad Intra-Parliamentary Group would provide a forum for legislators, such as Members of this committee and its staff, to meet regularly to guide the implementation of recommendations from Quad working groups on a variety of subjects.

The amendment will help institutionalize the work of the Quad to sustain cooperation amongst these four democracies, even when a change of government in one or more countries inevitably occurs. The Quad Intra-Parliamentary Group will help poor countries diversify cooperation on issues beyond its traditional defense focus, such as by delivering alternatives to China's Belt and Road Initiative in the Indo-Pacific and delivering on the promise to provide over 1 billion COVID-19 vaccines to the region.

The amendment calls upon the State Department to enter into negotiations with Japan and Australia and India within 30 days on the creation of such a group to give each government maximum flexibility to determine the scope of work and the makeup of its Members.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Markey.

Look, I am pleased to see President Biden raise the importance of the Quad last month with a head of state dialogue meeting, which followed Secretaries Blinken and Austin's trip to the Indo-Pacific in February.

This amendment establishing a Quad Intra-Parliamentary Working Group would take that relationship to the next level, the level it deserves. So I will seek to support the Senator's amendment.

Is there anyone else wishing to speak to the amendment?

[No response.]

The CHAIRMAN. If not, all those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the amendment is agreed to.

Is there any Member on either side seeking recognition to offer an amendment?

Senator BARRASSO. I would like to be recorded as “no.”

The CHAIRMAN. Senator Barrasso will be recorded as a “no.”

Any Member seeking recognition?

[No response.]

The CHAIRMAN. In the absence of doing so, then we are ready to vote on final passage.

Is there a motion to vote on the Strategic Competition Act, as amended by all of the amendments approved today?

Senator RISCH. So moved.

Senator Kaine. Second.

The CHAIRMAN. So moved by Senator Risch. Seconded by Senator Kaine.

The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator HAGERTY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 21; the nays are 1.

The CHAIRMAN. And the legislation is approved and send with a favorable recommendation to the Senate.

Let me—at this point, we have one more piece of legislation, but let me thank all of our colleagues. That type of vote sends an incredibly powerful message, I think, to the world. It sends it to our leadership as we pursue the legislation on the floor.

And I thank all of our colleagues. I hope you appreciated that we have had—this is the essence of what legislating is supposed to be all about. We have not had an opportunity like this in some time. I want to thank the Ranking Member again and all of you for your engagement, and the ideas you added were incredibly powerful and important, and we appreciate it. And it is really a committee product now that goes to the floor.

So my thanks to all of you. And I certainly want to thank—

Senator RISCH. Mr. Chairman?

The CHAIRMAN [continuing]. Very briefly, the staff on both sides. And on my side, I must say that these people spent endless hours. So, Andrew Keller, Ruchi Gill, John Ryan, Michael Schiffer, Damian Murphy, Doug Levinson, Megan Bartley, Elizabeth Schneider. And Senator Risch's staff, among others, Matt Sullivan, Lara Crouch, Andy Olson, Scott Richardson, as well as the staff director, Chris Socha.

So my thanks to all of them. I know we have one more piece of legislation, but—

Senator RISCH. Well, just I want to associate myself with those remarks. I am not going to go through all the names, but certainly, everybody had an input in this. And the hours were incalculable, and the hurdles that had to be crossed were very significant.

History will only judge whether or not this is as important as we think it is. We think it is important. It is finally a step forward on something we all talk about. I hope we get a vote that is similar on the floor.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Merkley, I assume that we are going to forego calling up the legislation independently. Is that correct?

Senator MERKLEY. That is correct. Thank you.

The CHAIRMAN. Thank you very much. That is withdrawn.

So, finally, we turn to S. 814, the Ukraine Security Partnership Act.

I am pleased. I want to thank Senator Risch and the staff, as well as all of our co-sponsors for their partnership on this important piece of legislation. The bill is especially timely now with Russia amassing troops along Ukraine's border, cutting access to key ports in the Black Sea, and we need to stand with our Ukrainian friends who are literally on the frontlines battling Kremlin aggression.

I urge my colleagues to demonstrate our commitment to the U.S.-Ukraine security partnership by supporting the speedy passage of the bill.

I am happy to recognize Senator Risch, who has been a driving force on this.

Senator RISCH. I think this is——

The CHAIRMAN. And I am pleased that we are able to negotiate a manager's amendment, which incorporates the first-degree amendments filed by both Senator Risch, and Murphy, and I will be supporting the manager's amendment.

Is there any Member who wishes to comment on the manager's amendment or the bill at this point?

Senator Murphy?

Senator MURPHY. Thank you, Mr. Chairman.

I know it has been a long meeting. So very quickly, I just want to thank you and the Ranking Member for including language in the manager's amendment that recognizes that while security assistance right now is of vital importance to Ukraine, Putin's game from the very beginning has not necessarily been to march his army all the way into Kiev. It has been to destabilize the country to the point that, ultimately, through the political process, the Ukrainian people decide to install a government that once again settles under the wing of the Kremlin.

And so it is our military support that is important, but frankly, it is also our economic support and our political support, our anti-corruption programming that helps stabilize the Government so that all of these efforts to destabilize, whether they be military efforts, propaganda efforts, from the Russian Government are not successful. And so in the manager's package, we just recognize that our commitment to Ukraine needs to be multifaceted, both a security commitment and also a nonmilitary, economic and political commitment as well.

I thank you for including this in the manager's package.

The CHAIRMAN. Well, thank you for your contribution.

Is there anyone else who wishes to speak on the manager's amendment?

[No response.]

The CHAIRMAN. If not, the question—is there a motion to approve the manager's amendment by voice vote?

Senator RISCH. So moved.

Senator CARDIN. Second.

The CHAIRMAN. So moved. Seconded.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed, say no.

[No response.]

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

Is there any other amendments to be offered? Senator Cruz?

Senator CRUZ. Thank you, Mr. Chairman, and thank you for the hard work on this Ukraine bill.

The amendment I have—I call up Cruz 1—is not an amendment that is going to surprise any Member of this committee.

One of the great victories that this committee has produced over the last 2 years has been standing up to Putin and stopping Nord Stream 2. And we have seen strong bipartisan cooperation to do so.

We have seen this committee twice take up and pass bipartisan sanctions focused on stopping Nord Stream 2.

The first sanctions that we passed overwhelmingly ended up halting construction of the pipeline immediately. For a year, the pipeline lay dormant, a hunk of metal at the bottom of the sea because of the sanctions that came out of this committee. We then passed a second set of sanctions that ratcheted up the pressure even more.

As everyone on this committee is aware, however, Russia has returned to building Nord Stream 2, has done so in November of last year. And they are trying to rush through and finish the last mile of the pipeline and get it online before the Administration acts to impose sanctions.

I will say Secretary Blinken, in part as a result of bipartisan urging from Members of this committee, put out a strong and unequivocal statement that those in violation of Federal law will face sanctions. And that statement should be heard by anyone involved in this project.

This amendment continues to put forward pressure on the Administration to follow the law and impose sanctions. And in particular, it names 20 entities and requires an almost immediate determination whether they should be sanctioned. It is a message that will be heard by every company involved in building this pipeline that if you are involved, you will be sanctioned.

And if we are going to stop this pipeline, that needs to be heard with real immediacy. As you know, I have been concerned that the Biden administration has not moved swiftly enough in terms of implementing the law. As the Chairman has pointed out, I also had concerns the Trump administration did not move swiftly enough implementing the law.

And so with both administrations, this committee, in a bipartisan manner, has leaned in to use every tool we have to stop the Nord Stream 2 pipeline, which stopping that pipeline is good for Europe, it is good for America, and it is very bad—it is good for Ukraine, which is obviously the topic of this bill, and it is very bad for Putin. And so I would urge a bipartisan support of this amendment.

The CHAIRMAN. Anyone else wishing to be recognized? Senator Hagerty?

Senator HAGERTY. I would just like to say I wholeheartedly support the Senator from Texas's amendment, and I appreciate your leadership in terms of bringing urgency to this critical strategic issue.

Thank you.

Senator SHAHEEN. Mr. Chairman?

The CHAIRMAN. Senator Shaheen?

Senator SHAHEEN. I will just be quick. I think right now, as we see Putin trying to eliminate his biggest opposition leader, Navalny, in prison, the best shot we can make is to stop the Nord Stream 2 pipeline, if we are going to get his attention. So I hope we will pass this.

The CHAIRMAN. Anyone else seeking recognition?

Senator MERKLEY?

Senator MERKLEY. Thank you, Mr. Chairman.

I also support this amendment, but for additional reasons, which is that if we are going to tackle climate chaos, we cannot be supporting expansion, massive expansion of national natural gas infrastructure around the world. And so I may come at this from a different direction, but I like the outcome.

The CHAIRMAN. I thank the Senator.

I support the Senator's effort and the amendment. And if he will take a voice vote on this?

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed, say no.

[No response.]

The CHAIRMAN. The ayes have it, and the amendment is agreed to.

I just ask Members to bear with us 2 more minutes. I understand Senator Murphy may have a clarification for us?

Senator MURPHY. Yes, Mr. Chairman. I appreciate it.

With respect to the amendment number 5 that I submitted, the revised amendment, I just wanted to make clear that it is my intention that the increase authorized by my amendment shall be used for loan guarantees.

Senator BARRASSO. And Mr. Chairman, I ask to be added as a co-sponsor to Senator Cruz's amendment.

The CHAIRMAN. Senator Barrasso shall be added as a co-sponsor to Senator Cruz's amendment.

Are there any other amendments to be offered?

[No response.]

The CHAIRMAN. If not, the question is on the motion—is there a motion to approve S. 814, as amended?

Senator RISCH. So moved.

Senator CARDIN. Second.

The CHAIRMAN. So moved. Seconded. Yes, okay. Moved and seconded.

The question is on the motion to approve S. 814, as amended.

All those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the legislation is approved and sent to the Senate with a positive recommendation.

With that, I ask—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 the thanks of the Chair and the Ranking Member, this meeting is adjourned.

[Whereupon, at 1:02 p.m., the business meeting was adjourned.]

BUSINESS MEETING

TUESDAY, MAY 25, 2021

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

Summary of Action Taken by the Committee

LEGISLATION

S. RES. 229, Recognizing the devastating attack on a girls' in Kabul, Afghanistan on May 8, 2021, and expressing solidarity with the Afghan people—Agreed to by voice vote (Menendez, Cardin, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Johnson, Romney, Cruz, and Rounds added as co-sponsors)

NOMINATIONS

The Honorable Bonnie D. Jenkins, of New York, to be an Under Secretary of State (Arms Control and International Security)—Agreed to by roll call vote (12–10)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Paul (proxy)

Nays: Risch, Rubio (proxy), Johnson, Romney, Portman (proxy), Young, Barrasso (proxy), Cruz, Rounds, Hagerty (proxy)

The Honorable Jose W. Fernandez, of New York, to be an Under Secretary of State (Economic Growth, Energy, and the Environment); United States Alternate Governor of the International Bank for Reconstruction and Development; United States Alternate Governor of the Inter-American Development Bank; and United States Alternate Governor of the European Bank for Reconstruction and Development—Agreed to by voice vote (Barrasso recorded as no)

FSO LISTS

Abdulrazak Mahamudu Abass, *et al.*, dated April 13, 2021 (PN 356)—Agreed to by Voice Vote

Ali Abdi, *et al.*, dated April 13, 2021 (PN 355)—Agreed to by Voice Vote

Jonathan Raphael Cohen, *et al.*, dated April 13, 2021 (PN 358), as modified—Agreed to by Voice Vote

Alexander S. Allen, *et al.*, dated April 27, 2021 (PN 476)—Agreed to by Voice Vote

Meeting Transcript

The committee met, pursuant to notice, at 2:20 p.m., in Room SH-216, Hart Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Johnson, Romney, Young, Cruz, and Rounds.

**OPENING STATEMENT OF HON. ROBERT MENENDEZ
U.S. SENATOR FROM NEW JERSEY**

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

This afternoon, we consider two nominees who were held over from last week: Bonnie Jenkins to be the Under Secretary for Arms Control and International Security, and Jose Fernandez to be Under Secretary for Economic Growth, Energy, and the Environment. These positions are critical to our security, diplomacy, our interests, and these two nominees are superbly qualified. I strongly support their nominations and urge my colleagues to work together towards their swift confirmation.

The Under Secretary for Arms Control and International Security is one of the most vital senior security positions in the Department of State. The portfolio ranges from nonproliferation of nuclear weapons to dealing with the legacies of unexploded munitions and land mines. It requires orchestrating global cooperation among both allies and adversaries on critical issues. I am pleased to be supporting Ambassador Jenkins' nomination for this position. Her extensive experience in the Department, her 22 years in the Air Force and Naval Reserve provide her with the type of background and knowledge required for juggling the multiple and complex duties of this office. I look forward to her close cooperation with this committee on our shared goals: the advancement and conservation of U.S. national security interests and promotion of our values in our oversight of these activities.

Similarly, I am pleased to support Mr. Jose Fernandez to be the next Under Secretary for Economic Growth, Energy, and the Environment. His years of service as the Assistant Secretary for Economic Growth in the Obama administration, as well as his extensive experience in the private sector, provide him with the type of skills needed in this role. Mr. Fernandez understands the importance of economic diplomacy and statecraft to build lasting alliances. During his confirmation hearing, he emphasized that U.S. economic engagement that helps ensure equitable economic opportunity, built on partnerships, is critical to countering the exploitive and transactional international development pursued by malign actors on the global stage. As we prioritize competition with China and strive to restore U.S. leadership in the world, Mr. Fernandez's experience and vision for State's economic growth, environment, and energy bureaus will be critical. He has my full support.

Finally, we have four lists with more than 800 Foreign Service officers on the agenda. These are hundreds of hardworking individuals who serve our country at great sacrifice and cost to themselves and their families, and I hope we can move their promotions expeditiously. With that, let me recognize the distinguished Ranking Member, Senator Risch, for his comments.

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

Senator RISCH. Thank you, Mr. Chairman. Regarding the Fernandez nomination, the role of Under Secretary for economic, growth, energy and environment will be critical in our mission to combat China's predatory economic practices. This includes coun-

tering Chinese subsidies and bad bilateral lending, improving the environment in which companies operate, and reducing barriers to investment around the world. I believe Mr. Fernandez has the requisite experience and insights necessary to tackle the challenges ahead. I believe he is sincere in his eagerness to engage with this committee often. I plan to support his nomination.

With regard to Ambassador Jenkins, this is more difficult. I commend her for her long career of service in the arms control space, and I appreciate her efforts to inspire a new expanded generation of national security professionals through her nonprofit work. I also appreciate her answers for the record on the Open Skies Treaty, stating that she believes that, "Congressional authorization would be required for the United States to rejoin the treaty in Open Skies." Should she be confirmed, I am inclined to hold her to that statement.

However, I am deeply concerned about her policy positions on the most basic and critical arms control issues. First and foremost, she consistently refuses to recognize the inextricable link between full modernization of the nuclear triad and arms control agreements. The New START Treaty was ratified in 2010, and only after the Obama administration agreed and promised to modernize the nuclear triad and nuclear weapons complex. The bipartisan consensus on nuclear modernization ensures that, among other things, the U.S. is in a position of strength for further arms control talks. While she and other Biden administration nominees cite support for "a credible modern deterrent," she refuses to specifically commit to full modernization. This position is out of step with commitments made by Secretary Austin and Deputy Secretary Hicks, both of whom have publicly voiced their support for full nuclear modernization. Platitudes and vague promises to consult with Congress on this topic simply will not do. It reminds me of my father when he told me, "we will see," when I asked him whether he was taking me to the fair or not.

In any event, with a modernized Russian arsenal, the Chinese racing to build a robust stockpile, plus many other actors seeking to acquire nuclear weapons, the arms control landscape for the next 20 years will be even more intricate and complex than what we have experienced before. The United States must have a credible deterrent that meets today's threat environment. We will not have successful arms control talks without it, period.

Second, she has publicly advocated for the United States to adopt a no first use policy without requiring the same from Russia and China. This is also a non-starter. The commander of U.S. Strategic Command, Admiral Charles Richard, recently commented that the exceptions in China's no first use policy are large enough to drive a truck through. Without full reciprocity from Russia and China, such a policy would undermine our allies' confidence in our commitment to extend deterrence, especially in the Indo-Pacific.

Third, she supports declassifying the topline number of the total U.S. nuclear stockpile. We tried this repeatedly during Obama administration, and it failed repeatedly as Russia and China never reciprocated by declassifying their topline stockpile numbers. It is delusional to think they would do that or that they would tell the truth if they did it. These failed unilateral transparency measures

not only make the U.S. more vulnerable, they will leave our closest allies out to dry, like the U.K., which recently stopped publishing its stockpile numbers in response to increased threats.

For these reasons, these policy reasons, I cannot support her for this position. I will, however, support the list as indicated by the Chairman. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Risch. I have one question. Did your dad take you to the fair?

Senator RISCH. He did not.

The CHAIRMAN. He did not? What did you do not to be able to—we will not go into that right now.

Senator RISCH. The sins were multiple. The sins were——

[Laughter.]

The CHAIRMAN. Okay. Thank you for your——

Senator RISCH [continuing]. Could I get a roll call vote on the—not the list, at the end of——

The CHAIRMAN. Absolutely. Any other Member wishing to speak to these nominations?

[No response.]

The CHAIRMAN. If not, a roll call vote has been requested on the nomination of Ambassador Bonnie Jenkins to be Under Secretary for Arms Control and International Security to be favorably reported.

The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator RISCH. No by proxy.

The CLERK. Mr. Paul?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Young?

Senator YOUNG. No.

The CLERK. Mr. Barrasso?

Senator RISCH. No by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator RISCH. No by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. Mr. Chairman, the ayes are 12; the noes are 10.

The CHAIRMAN. And the nomination is favorably reported to the Senate for its consideration.

The next vote—I will ask for a voice vote unless there is a request—Jose W. Fernandez to be Under Secretary for Economic Growth, Energy, and the Environment.

Is there a motion to recommend—to vote out the nomination by voice vote?

Senator RISCH. So moved.

The CHAIRMAN. So moved. Seconded?

Senator CARDIN. Second.

The CHAIRMAN. All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and Mr. Fernandez—

Senator RISCH. Mr. Chairman, Senator Barrasso would like to be recorded as “no” on this, please.

The CHAIRMAN. Mr. Fernandez is favorably reported out to the Senate for the Under Secretary for Economic Growth, Energy, and the Environment, and Senator Barrasso will be listed in the negative.

Finally, I ask a motion to favorably report the nominations of the FSO list.

Is there a motion to that effect?

Senator RISCH. I would so move.

The CHAIRMAN. So moved by Senator Risch. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. Second by Senator Cardin.

All in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the nominations on the FSO list are agreed to.

If there is no further discussion—

Senator SHAHEEN. Mr. Chairman?

The CHAIRMAN. Yes, Senator Shaheen?

Senator SHAHEEN. I have an issue I would like to raise before the committee, and I think it is something that all of us should be con-

cerned about. You know, I have introduced a bipartisan resolution that condemns the attack on the girls' school in Kabul, Afghanistan. When we had our hearing on Afghanistan, virtually everyone on this committee, Republican and Democrat, expressed concern about the attack and about what was happening to women and girls. In my conversations with women in Afghanistan, one of the things they ask of the United States is if we could continue to speak out about what is happening in Afghanistan and against the Taliban for their actions.

Now, I am feeling really frustrated because we submitted this resolution. We have been told we cannot hotline it. We have been told the committee was not going to consider anything other than nominations at this meeting. And so we have got a resolution that, by the time we can get it through the Senate, is really going to be outdated and it is going to get less attention. And it undermines the credibility of this committee, Mr. Chairman, in terms of our ability to weigh in on world events if we cannot get something as simple as a bipartisan resolution on an issue like the attack on the girls' school in Afghanistan through this committee. So I do not know what we are going to do about it, but I can tell you I am one unhappy Member today.

The CHAIRMAN. I appreciate Senator Shaheen's leadership on this. I understand her concern. I was willing to put it on this mark-up for a vote. Unfortunately, we could not get an agreement to do that. Hotlining is a challenge. Dispensing the committee of resolutions in general is a challenge because what is the rhyme or reason? I understand this, but I have challenges with dozens of Members, both on and off the committee, who want to bypass the committee and go straight to the floor. In some cases, they are rather simple, but still important. In other cases, the resolutions need a little work in order to get it to a point that we can get agreement on.

And so I understand your incredible passion on this. I share it. I was willing to put it on this agenda. I could not get an agreement. When I bypass the committee, I end up setting a standard. "Well, you did it in this case, why not in this case?" It is as compelling as that. It is not that simple, and that is the frustration I have in terms of it. So I am happy to have more robust business meetings, but we must get concurrence with the Ranking Member, and in the absence of that, I have to respect comity at the end of the day. Sometimes it works to my detriment. I complained about it in the past. I am willing to live by it now. So I will do everything I can to work with the Senator to try to make this happen.

Senator SHAHEEN. I appreciate that. I hope both the majority and the minority feel this way. And, again, I would just say as fast as events are happening in the world today, when this committee cannot make a statement on what is happening in the world, I think it undermines our ability to influence events. And so, I do not know what else to say other than how disappointed I am that we could not reach agreement to get a simple resolution condemning this action through this committee in a timely fashion. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator RISCH. Mr. Chairman? I agree with you, Senator Shaheen. I want to work every way we can to try to do this. I appreciate that.

Senator ROMNEY. Well, if that is the case, may I make a motion that we consider this resolution and vote on it?

Senator SCHATZ. Second the motion.

Senator BOOKER. Second the motion.

The CHAIRMAN. Hold on a second.

[Laughter.]

The CHAIRMAN. I do not know that we can do it—

Senator RISCH. Well, unanimous consent, we certainly could do it.

Senator YOUNG. I will indicate I would consent to it, but I can think of countless times in the last couple of years—I will be general and nonpartisan—where I have had matters of great urgency that I had wished would be considered by this committee, but they would not be waived, and the excuse was always there were other issues that were holding it up, so.

The CHAIRMAN. Well—

Senator YOUNG. But I am fulsomely supportive of the gentle lady from New Hampshire.

The CHAIRMAN. I am sorry. Well, what I could say is if we can take a minute, get a copy of the resolution to everybody so that they know what they are agreeing to. And if the request is by unanimous consent, which is the only way we could consider it, then if no one objects to the unanimous consent request, then we could consider it. Otherwise, it would not be possible until it was formally listed for a future meeting.

Senator RISCH. Would you change your request to a unanimous consent, Senator Romney?

Senator ROMNEY. Yes.

The CHAIRMAN. All right.

Senator ROMNEY. If that is the only way it could be considered, yes.

The CHAIRMAN. There is a unanimous consent request that has been made.

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. Senator Cruz?

Senator CRUZ. I expect I will consent, but it would be—

The CHAIRMAN. You need to see the resolution.

Senator CRUZ. I would like to see the resolution first.

The CHAIRMAN. So we will take 2 minutes and get our staff to get a copy of this and circulate it to every Member. But let me ask, assuming that the copy is satisfactory, is there any objection, because if there is, then there is no need to make copies.

[No response.]

The CHAIRMAN. Okay. So we will—

Senator COONS. Mr. Chairman, would it be faster to simply read the resolution?

The CHAIRMAN. Would it be faster to read the resolution? That is—

Senator RISCH. How many pages is it?

The CHAIRMAN. I think we can get this—you know.

Senator BOOKER. Does this give us time to hear Ranking Member Risch's stories about his childhood?

[Laughter.]

The CHAIRMAN. If he so desires.

Senator RISCH. No.

[Laughter.]

The CHAIRMAN. He reserves the right on that. Senator Merkley?

Senator MERKLEY. Mr. Chairman, while we are waiting for copies [inaudible].

Senator SHAHEEN. I would be happy to do that. I just gave my only copy to the staff.

[Laughter.]

The CHAIRMAN. But maybe, Jeanne, what you can do, because we presume that everybody knows, but you can just describe the events that took place and what you are trying to do.

Senator SHAHEEN. Yes. As I am sure people are aware, several weeks ago there was a bombing of a girls' school in Afghanistan. It was over the weekend, and initially, it was reported that it killed about 50 people, mostly girls who were attending school. Ultimately, they determined that it killed over 80 people and the Taliban was responsible. And I saw one young girl interviewed, and I think she was about 14, and they asked her about the bombing, and she said, well, it is because the Taliban does not want girls to go to school.

So this was all about part of the Taliban's continued effort to limit the ability of women and girls to live full lives in Afghanistan. And, as I said, one of the reasons I feel so strongly about this is because in conversations that I have had with women from Afghanistan, women leaders, and asking them what can we do—we are withdrawing our troops, which, as I am sure everyone here knows, I have reservations about, but that is happening. And I said, okay, what else can we do to help given that, and one of the things that they talked about was the importance of the United States speaking out against atrocities by the Taliban and other terrorist groups.

We know that what we say in Congress sends a strong message to people around the world, and this is an opportunity for us to send a message that this is not acceptable and that it is important for girls to have an opportunity to go to school. So that is what the resolution is about. Thank you.

Senator CRUZ. Mr. Chairman? My staff just sent me a copy of the resolution. I read it. I have no objection to our taking it up and passing it. And, in fact, I would ask unanimous consent that I be added as a co-sponsor.

Senator SHAHEEN. Thank you. I appreciate that.

The CHAIRMAN. Without objection, we will add you as a co-sponsor.

Senator ROMNEY. May I be added to that list of co-sponsors?

The CHAIRMAN. Senator Romney will be added as a co-sponsor.

Senator CARDIN. I think everyone will be—

Senator SHAHEEN. Yeah.

Senator CRUZ. And if Mitt and I agree and Jeanne agrees, my guess is the rest of us agree, too.

Senator SHAHEEN. Thank you. I appreciate that.

VOICE Are we getting copies?

The CHAIRMAN. We are getting copies. This is S.Res. 229 that we are considering for Senator Shaheen, Senator Collins, and for all of those who have been added to the resolution and who wish to be added, we are happy to do that. While we get copies here, maybe I can just read through this.

Recognizing the devastating attack on a girls' school in Kabul, Afghanistan on May 8, 2021, and expressing solidarity with the Afghan people: whereas on May 8, 2021, a car bomb and several other mechanisms were detonated at the front gates of the Sayed Ul-Shuhada High School in Kabul, killing more than 85 people, many of whom were girls attending the school; whereas, the attack took place as the girls and their families prepared to celebrate Eid al-Fitr; whereas the school provides education to the Dasht-e Barchi neighborhood, an underserved area of Kabul where many members of the Hazara minority community live; whereas the Hazara in Dasht-e Barchi have been the target of extremist violence for many years; whereas on March 12, 2020, assailants attacked a maternity hospital in Dasht-e Barchi, killing 24 people including two newborn babies, mothers, and members of the hospital staff; whereas, one of those killed in the attack on the hospital was Maryam Noorzad, who was a midwife serving the Hazara community, who dedicated her life to providing access to healthcare to women in remote parts of Afghanistan, who was murdered after refusing to leave the bedside of a patient in labor, and whose bravery was recognized by the Department of State with an honorary International Women of Courage award; whereas, Afghan girls were restricted from accessing an education under the Taliban, forcing some girls to dress up as boys in order to attend secret schools and continue their education; whereas, according to a report by the Office of the Director of National Intelligence, there are approximately 3,500,000 girls among the 9,000,000 children who are enrolled in school in Afghanistan, only 17 percent of girls in rural parts of Afghanistan attend school, while 45 percent of girls in urban areas in Afghanistan attend school, 80 percent of Afghan women older than 15 years of age are illiterate, and schools are increasingly being forced to close due to rising insecurity; whereas, the education of girls is a necessary requirement for any country to achieve long-term stability and peace; whereas the attack coincides with an escalation of violence in Afghanistan, perpetrated by the Taliban, the Islamic State of Iraq and the Levant—ISIS—and other terrorist organizations; whereas the recent escalation in violence has disproportionately impacted women, who have been targeted while working as reporters, administering vaccines, serving in prominent positions, and helping their communities:

Now, therefore, be it resolved, that the Senate extends its heartfelt condolences to and stands with the people of Afghanistan and the Hazara community; condemns all forms of violence against women and girls in Afghanistan;

supports United States and international efforts to ensure that girls in Afghanistan are able to safely attend school; affirms that the United States should continue to provide assistance to support the rights of women and girls to achieve an education; calls on the Government of Afghanistan to support girls' education and to ensure that girls are able to safely attend school; calls for international condemnation of violence against Afghan women and girls, and asks the international community to devote the resources and attention necessary to provide for the continued safe education of girls in Afghanistan.

That is the resolution, S.Res. 229. There is a unanimous consent. Is there any objection?

[No response.]

The CHAIRMAN. Without objection, the resolution will be reported favorably.

Senator JOHNSON. May I be added as a co-sponsor?

The CHAIRMAN. Add Senator Johnson as a co-sponsor, Senator Coons, Senator Kaine, Senator Van Hollen, Senator Risch, Senator Rounds, Senator Cardin—excuse me—Senator Murphy, Senator—let us put it this way. If you do not want to be added on, let us know.

[Laughter.]

The CHAIRMAN. Very good. Thank you, Senator Shaheen. The resolution is favorably reported to the Senate, and this hearing is—this meeting is adjourned.

[Whereupon, at 2:42 p.m., the committee was adjourned.]

BUSINESS MEETING

TUESDAY, JUNE 22, 2021

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

Summary of Action Taken by the Committee

LEGISLATION

- S.J.Res. 10, a joint resolution to repeal the authorizations for use of military force against Iraq, and for other purposes—held over
- S. 1041, RENACER Act, with an amendment—agreed to by voice vote
- Managers amendment—agreed to by voice vote
- S. 65, Uyghur Forced Labor Prevention Act, with an amendment—held over
- S. 2000, a bill to promote the United States-Greece defense partnership, and for other purposes, with an amendment—agreed to by voice vote (Coons to be added as cosponsor)
- Substitute amendment—agreed to by voice vote
- S. 93, Global Magnitsky Human Rights Accountability Reauthorization Act, with an amendment—agreed to by voice vote
- Substitute amendment—agree to by voice vote
 - Cruz 1st Degree amendment #1—failed by roll call vote (10–12)—tally below, voted on en bloc with Cruz 2nd degree amendment
 - ◆ Cruz 2nd Degree amendment to Cruz 1st Degree amendment #1—failed by roll call vote (10–12)
 - Yeas: Risch, Rubio (proxy), Johnson, Romney, Portman (proxy), Young, Barrasso (proxy), Cruz, Rounds, Hagerty
 - Nays: Menendez, Cardin, Shaheen (proxy), Coons, Murphy, Kaine, Markey, Merkley, Booker (proxy), Schatz (proxy), Van Hollen, and Paul
 - Paul 1st Degree amendment #1—failed by roll call vote (4–18)
 - Yeas: Johnson, Paul, Cruz, Hagerty
 - Nays: Menendez, Cardin, Shaheen (proxy), Coons, Murphy, Kaine, Markey, Merkley, Booker (proxy), Schatz (proxy), Van Hollen, Risch, Rubio (proxy), Romney (proxy), Portman (proxy), Young, Barrasso (proxy), Rounds
- S. 1061, Israel Relations Normalization Act of 2021, with an amendment—held over
- S. 14, Combatting Global Corruption Act of 2021, with an amendment—agreed to by voice vote
- Manager's amendment—agreed to by voice vote
- S.Res. 67, a resolution calling for the immediate release of Trevor Reed, a United States citizen who was unjustly found guilty and sentenced to 9 years in a Russian prison—agreed to by voice vote (Coons to be added as a cosponsor)
- S.Res. 165, a resolution calling on the Government of the Russian Federation to provide evidence or to release United States citizen Paul Whelan, with an amendment —agreed to by voice vote

- Manager's Preamble amendment—agreed to by voice vote
- S.Res. 107, a resolution expressing the sense of the Senate relating to the 10th anniversary of the March 11, 2021, earthquake and tsunami in Japan—agreed to by voice vote
- S.Res. 154, a resolution congratulating the people of the Hashemite Kingdom of Jordan on the centennial of the founding of the Jordanian state, with an amendment—held over
- S.Res. 176, a resolution urging all parties in Georgia to seek prompt implementation of the agreement signed on April 19, 2021, and reaffirming the support of the Senate for Georgia, the territorial integrity of Georgia, and the aspirations of Georgians to join the Euro-Atlantic community with amendments, agreed to by voice vote (Coons to be added as a cosponsor)
- Johnson 1st Degree amendment #1—agreed to by voice vote
 - Johnson 1st Degree amendment #2—agreed to by voice vote
 - Manager's Resolving Clause amendment—agreed to by voice vote

NOMINATIONS

- The Honorable Michele Jeanne Sison, of Maryland, a Career member of the Senior Foreign Service, Class of Career Ambassador, to be an Assistant Secretary of State (International Organization Affairs)—held over
- The Honorable Larry Edward Andre, Jr., of Texas, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Somalia—held over
- The Honorable Maria E. Brewer, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho—held over
- The Honorable Tulinabo S. Mushingi, of Virginia, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe—held over
- Ms. Elizabeth Moore Aubin, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria—held over
- Mr. Eugene S. Young, of New York, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo—held over
- Mr. Christopher John Lamora, of Rhode Island, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon—held over
- The Honorable Todd D. Robinson, of New Jersey, a Career member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs)—held over
- The Honorable Daniel J. Kritenbrink, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (East Asian and Pacific Affairs)—held over

FSO LISTS

- Susannah Holmes, *et al.*, dated April 27, 2021 (PN 479)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 2:23 p.m., in Room SH-216, Hart Senate Office Building, Hon. Robert Menendez, Chairman of the sub/committee, presiding.

Present: Senators Menendez [presiding], Cardin, Coons, Murphy, Kaine, Markey, Merkley, Schatz, Van Hollen, Risch, Johnson, Romney, Paul, Young, Cruz, Rounds, and Hagerty.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

The bipartisan bills and resolutions we will be marking up reflect the priorities and hard work of many Members of this committee, and I want to thank the Ranking Member and his staff for working with us to build today's agenda. I have a few items to bring to your attention up front.

First, there have been requests for holdovers on S.J.Res. 10, S. 65, S. 1061, S.Res. 154, and all of the nominations on the agenda, and so I, as always, will honor that. We will take up the nominations, however, along with S. 65 and S. 1061 on Thursday, which is the next scheduled business meeting. With regard to S.J.Res. 10, I understand that some Members of the committee are seeking additional information on the repeal of the 2002 AUMF. I am willing to work with those Members to ensure that they get answers to their questions. To that end, my staff and I are available to engage on this critical matter and, if needed, to facilitate discussions with the Administration, and I urge those Members who are interested to take advantage of that offer.

The Administration has already issued a formal Statement of Administration Policy, or SAP, supporting the repeal of the 2002 AUMF. Nonetheless, I am planning a Members' briefing for the beginning of the July work period so we will all have an opportunity to hear directly from the Administration and to question State and Defense Department officials concerning the proposed repeal. We will continue to work with Senators Kaine, Young, and others, and with the Ranking Member to get a markup agenda soon thereafter.

Finally, I also want to mention one item that we will not be marking up today, but that is a priority for the Ranking Member and myself, and that is a global health bill. We are working on finalizing bill text for introduction this week, and we have agreed that we will be marking up the bill in the July work period. We look forward to sharing text with all of you as soon as it is ready and to move forward with a strong committee product.

Turning to the legislative items on our agenda, as you have heard me say before, I believe the only way for this committee to be truly relevant is to be legislating on the important issues of our time, and this agenda reflects many of those issues. Let me highlight a few of them.

I would like to commend Senator Cardin for his leadership on two very important pieces of legislation on the agenda today, Global Magnitsky Human Rights Accountability Reauthorization Act and the Combatting Global Corruption Act. This committee must

address the challenges of human rights violations and the scourge of corruption around the world, and I look forward to moving both bills out of the committee. I have two bills on today's agenda that are priorities for me, and I appreciate, in particular, Senator Rubio's co-sponsorship on both items. The RENACER Act recognizes the need for the U.S. Government to send a clear message to the Ortega regime, which is unleashing authoritarianism in a way that we have not witnessed in our hemisphere for decades. In a good news story, the Greek defense bill is a recognition of the strong bilateral relationship between the U.S. and Greece. It would bolster support for Greek military modernization and increase multilateral engagement among Cyprus, Greece, Israel, and the United States. I hope that both items receive strong support from the committee. Finally, I would also note that we have two important resolutions on the agenda, including in relation to unlawfully detained American citizens in Russia, Paul Whalen and Trevor Reed, and I look forward to a unanimous support on those.

With that, I recognize the distinguished Ranking Member for his remarks. Senator Risch?

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

Senator RISCH. Thank you, Mr. Chairman. First of all, like you, I was disappointed we were not able to include the global health legislation on this markup, but let me say, all of us have spent a lot of time on this. I truly believe everyone is working in good faith to get us to a good place. It is complicated, no question about that, and I hope we can, as you suggested, introduce it this week and have a business meeting after we return from the 4th of July recess. I think a lot of us believe this could be one of the most significant things that this committee does in this Congress.

As to the 2002 AUMF—the AUMF has always been vexing. I have sat through scores of hours of testimony in arguing on that amongst the lawyers, and politically, and everything else. But on today's agenda was Senate Joint Resolution 10, which would repeal the 2002 Authorization for the Use of Military Force. While I support the assertion of congressional authority over decisions to send American men and women into harm's way, the 2002 AUMF has long been used to address threats emanating from Iraq where our troops have been facing threats from the Islamic State and Iran-backed Shia militias over recent years. I am further concerned about the message that this repeal could send to the region. Indeed, I think that is the most important thing that we are doing when it comes to the 2002 AUMF, because both sides agree that the existence of the AUMF probably does not make that much difference when it comes to making a decision as to whether or not to use military force under certain circumstances, such as the Soleimani attack, which I thought was one of the best moves the last Administration made against the Islamic State. And I am particularly concerned about the message it would send as negotiators continue to gather in Vienna to jump back into the Iran Nuclear Deal. This action would send an unintended message that we are ceding security interests in Iraq to Iran.

I support Senator Romney and other Members of the committee in their request for a public hearing and classified briefing on the ramifications of repealing the 2002 AUMF. These are important issues, and I believe some Members, who have not been here for the past 10 years-plus of this debate, should feel confident in the potential ramifications of repealing the 2002 AUMF before they have to vote on such a measure. And I want to thank the Chairman for working on making that happen, and I have confidence he will get that done.

On the Israel bill, I would like to thank Senators Portman, Booker, Cardin, Young, and Menendez for working with our staff on the Israel Relations Normalization Act. This bill underscores the importance of normalization agreements between Israel and its Arab neighbors. The Abraham Accords and the agreements like them have the potential to fundamentally change, and are beginning to do so, the region for better. This bill calls for a strategy to strengthen and expand the Accords, ensure that the agreements reap tangible economic and security benefits, and ensure that the State Department and other Federal agencies are appropriately resourced to drive additional agreements forward. I understand that this bill will be held over and considered at the next mark up.

On the Uyghur Forced Labor bill, I was pleased to see Senate Bill 65 on the agenda today. I am proud to be an original co-sponsor of this bill, and I would like to commend Senators Rubio and Merkley for their efforts in promoting this legislation, which, if enacted, would have a meaningful impact on combating the use of forced labor in Xinjiang and throughout China. I also understand that this bill has been held over and will be considered at the next markup.

As far as Senator Cardin's anti-corruption bills, I would also like to recognize him for his leadership, and join the Chairman in that regard, in highlighting the problems of global corruption and putting forward proposals to address these issues. The Global Magnitsky Act is a vital tool to combat corruption and human rights abuses around the world. I am eager to reauthorize it through Senate Bill 93. We have seen certain countries use corruption as a geopolitical weapon. In the provisions of Senate Bill 14, the Combatting Global Corruption Act, if enacted, will hopefully help our government expose and counter such efforts. I am also happy that we were able to take up the two resolutions on U.S. citizens and former Marines, Paul Whalen and Trevor Reed, both of whom have been arrested, falsely convicted, and imprisoned by the Russian Government. Russia must cease holding our citizens as political hostage, which is exactly what this is.

Finally, the resolution calling on all parties in Georgia to sign and fulfill the agreement made on April 19th is an excellent effort by Senators Johnson and Shaheen that I am proud to co-sponsor. All political parties in Georgia must put their disagreements in the past and fulfill their obligations under the agreement. This is the only path to improving Georgia's democratic institutions. I do not see Senator Shaheen here. She and I were there in 2012 when they had their initial elections. I think both of us had been happy with those elections to start with and have had disappointments along the way. We continue to meet with the various political parties, in

my judgment, that over rely on the United States to move things forward. And every time I meet with them, my message is you, Georgians, need to figure this out and move this forward, and I will continue with that message.

With that, I yield back. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you for your comments. Given that a vote has just started, I intend to take up a number of those items, those without amendments, en bloc, then I will turn to S. 93. And I realize that many of you want to discuss some of the items that were held over, and I support that discussion, but I would ask you to hold off until after we have taken the committee votes since we have the appropriate quorum at this time.

With that, without objection, we will now consider seven bills and resolutions on the agenda, en bloc, as amended by the following noticed amendments, as well as a Foreign Service Officer promotion list: S. 1041, as amended by the manager's amendment; S. 2000, in the nature of a substitute; S. 14, as amended by the manager's amendment; S.Res. 67, S.Res. 165, as amended by the manager's preamble; S.Res.107, S. 176, as amended by Johnson's First Degree amendment Number 1, Johnson First Degree amendment Number 2, and the manager's resolving clause amendment; and FSO List, USAID, PN 479.

Is there a motion to approve these items, en bloc, as amended by the noticed amendments I just referenced?

Senator Kaine. So moved.

The CHAIRMAN. It has been so moved. Is there a second?

VOICE. Second.

The CHAIRMAN. Second. Yes?

Senator Cruz. Is there going to be an opportunity to call up amendments on these ... [inaudible].

The CHAIRMAN. No amendments were filed on these bills, and so—

Senator Cruz. [Off audio.]

The CHAIRMAN [continuing]. S. 93 is not in the en bloc group, yes. So, again, a motion has been made and seconded.

All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say nay.

[No response.]

The CHAIRMAN. The ayes have it, and those bills and resolutions, as well as the Foreign Service List, are approved and sent to the Senate with a favorable recommendation.

Senator Markey. Mr. Chairman?

The CHAIRMAN. Senator Markey?

Senator Markey. Yeah, Mr. Chairman, if I could be recognized briefly on one of those bills that we just passed.

The CHAIRMAN. Could I ask you to withhold a moment, and then we will turn to a full conversation?

Senator Markey. Right.

The CHAIRMAN. Let me turn to S. 93, the Global Magnitsky Human Rights Accountability Reauthorization Act. Before we have amendments on it, is there a motion to approve the substitute amendment?

VOICE. So moved.

The CHAIRMAN. So moved. Is there a second?

Senator Kaine. Second.

The CHAIRMAN. Second. The motion has been made and seconded.

The question is on the motion to approve the substitute amendment.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed, say no.

[No response.]

The CHAIRMAN. The ayes have it, and the amendment is agreed to.

With that, are there any further amendments? Senator Cruz?

Senator Cruz. Thank you, Mr. Chairman. I would like to call Cruz First Degree 1 and Cruz Second Degree to Cruz First Degree 1. What both of these amendments do is impose Global Magnitsky sanctions on the supreme leader of Iran, Ayatollah Khamenei, and the regime's recently elected president-elect, Ebrahim Raisi. Both of them are currently and well-deservedly sanctioned right now under Executive Order 13876 because of their ties to the Office of the Supreme Leader, which sets Iran's foreign policy, including its repeated attacks on American troops, its global terrorism, its unacceptable actions in international waters, and, of course, its seemingly never-ending drive for nuclear weapons. However, just yesterday, Biden administration officials were asked if they intended to keep those sanctions in light of Raisi's election. They reiterated that they were likely to revoke much of the Trump-era sanctions regime.

Both Khamenei and Raisi richly deserve to be sanctioned under Global Magnitsky for corruption and human rights abuses. Khamenei has used corruption, violence, and confiscation to amass a conglomerate of entities worth approximately \$200 billion, stolen from the Iranian people. His three most valuable possessions are: the execution of Imam Khamenei's orders, the Mostazafan Foundation, and the Astan Quds Razavi. These companies also conduct international business. The U.S. should use Global Magnitsky to isolate and freeze this business empire and to block the regime.

And as for Raisi, Raisi is a monster and a tyrant. He was one of the four judges on the death committees in 1988 responsible for the mass executions of thousands of political prisoners over 5 months. He then served as a prosecutor in Tehran and other judiciary positions which he used repeatedly and systematically to persecute Iranian dissidents. And he has already said he intends to intensify crackdowns and increase Iran's military aggression. And so I would urge adoption of these amendments.

The CHAIRMAN. Thank you. Senator Cardin?

Senator Cardin. Thank you, Mr. Chairman. First, let me thank Senator Menendez and Senator Risch for bringing forward the Global Magnitsky Reauthorization Act. I also want to thank you for including in the package S. 14, the Combatting Global Corruption, because this committee has been a leader on fighting corruption. I want to thank Senator Young for his help on the Combatting Global Corruption where we will be able to evaluate every country's mission to fight corruption with tier ratings, and those that are not

making significant enough progress will be subject to sanctions. But, more importantly, we will also have capacity in each mission to deal with how a country is dealing with corruption. The Global Magnitsky Reauthorization, S. 93, reauthorizes this program and it strengthens this tool. Senator Wicker is my co-sponsor, and I know it is supported by a lot of Members of this committee.

The Global Magnitsky has worked. It was an initiative by Congress, resisted initially by the Administration, and has now become a global standard. We have gotten our allies to act on the Global Magnitsky framework. Canada, the U.K., Europe have all followed America's leadership. We know that this discussion has been on the agenda of Mr. Putin. We certainly have reached him. So, Senator Cruz, you raised a very valid point about making sure we have sanctions against anyone who is violating these basic principles, but I oppose your amendment and I need to explain why.

It is very important that we are dealing not just with visa restrictions, but also banking restrictions and confiscating money, and there is a process that needs to be followed in each of these cases. And that has been one of the hallmarks of why Global Magnitsky has been so well received among the democratic states of the world because we have a process. We also have an unprecedented ability of Congress to make recommendations as to who should be sanctioned. We can do that under the Magnitsky law. So we are involved in this process already. We have never used the basic framework to single out an individual or individuals, and I think that is inconsistent with what we are trying to do with Global Magnitsky is to have a framework where we can consider individuals for sanctions. Congress plays a role, the Administration plays a role, there is a process, and we could have accountability. But for us to start naming people in the basic statute, I think, would be a mistake, and for that reason, I regrettably oppose your amendment, but I certainly do not oppose your passion to hold these individuals accountable.

The CHAIRMAN. Anyone else wishing to be recognized? Senator Markey?

Senator MARKEY. Yes, thank you, Mr. Chairman, very much. Global Magnitsky is obviously a very important concept that we all agree upon, and it has become the standard by which we operate. And we saw in Senate 14 how we are going to be using it as a way of dealing with the Nord Stream project, bringing natural gas from Russia into Germany, and use it as way of sanctioning, you know, individuals who are engaging in corruption. And that is an important thing to do, and I support it.

But I just want to say here at this time that we should also take note of the fact that the United States imports 650,000 barrels of oil a day from Russia at \$70 a barrel, tens of billions of dollars over the course of a year. So it is difficult to preach temperance from a bar stool. If we are going to be telling Germany that they should not be importing natural gas from Russia, then we should not be importing oil from Russia either. We just should not be. And so to the extent to which those are corrupt individuals in Russia as part of this petrol oligarchy that exists there, we know it is the principal source of funding for their government, well, we are providing billions of dollars to Russia on a yearly basis. Tens of billions.

So I just want to say to my colleagues, I want to work with all of you in terms of backing out that 650,000, 700,000. We are at our highest level of imports from Russia in 10 years right now. It is getting higher and higher. So I would love to work with my colleagues, ensuring that we back out all that oil as we are asking Germany to do the same thing with natural gas. And, again, the same people who are being sanctioned, are being targeted under Global Magnitsky in the natural gas sector, will be pretty much the same people in the oil sector. And so I just would like say that I think it is a great opportunity for us to work together because we know at the heart of it, that so many of these regimes are just dependent upon the oil and gas revenue. And it gives us an opportunity to move in different directions domestically as well, that we break the addiction, but we also are sending a signal to the rest of the world that we are serious about it. We are not just going to preach, but we are also going to act.

So I thank you Mr. Chairman. I just wanted to take that opportunity to raise the issue as we are moving forward. I will be trying to take some action here, and I would love to do it on a bipartisan basis. I think it is an important message to send to Russia. Thank you.

The CHAIRMAN. Thank you. I will remember “temperance from a bar stool.” That is a keeper. So Senator—

Senator RISCH. It sounds like John Kennedy.

Senator CARDIN. Senator Cruz.

Senator RISCH. Mr. Chairman, briefly?

The CHAIRMAN. Yes?

Senator RISCH. I want to speak in favor of the amendments. First of all, I cannot tell you how much I appreciate Senator Cardin’s working on this and the good work it has done. I think we can actually strengthen this by doing what we are doing here. I have been deeply disappointed by Administrations not doing what was intended by Magnitsky, and I think this pushes the envelope just a little bit further and actually strengthens what we are doing, and so I am going to support this. I do not think it in any way undercuts Magnitsky.

The CHAIRMAN. Senator Cruz, unless somebody else? After that, I will have a comment, and then we will go to a vote. Senator Cruz?

Senator CRUZ. If I could briefly respond on a couple of things. One, Senator Markey’s comments where he suggested a desire to decrease oil imports from Russia. I emphatically share that desire and would more than welcome Senator Markey’s cooperation in pulling back on the policies of this Administration that are decreasing U.S. energy production. The reason we are importing more from Russia is because the Biden administration has canceled the Keystone pipeline, has shut down new leases on Federal lands, has shut down new leases in offshore waters. And as we produce less, that ends up sending billions of dollars to our enemies. And so the easiest way to take money out of Putin’s pocket is for us to produce our own energy rather than importing it from Russia. That, I suspect, is a much longer and more extended debate which we will certainly have in this committee and other places.

Let me say more broadly on the specific issue before the committee right now, I share Senator Cardin's passion for Global Magnitsky. I think it is an incredibly important tool. I think it is a tool that America has used to protect human rights globally, and so I am an enthusiastic supporter of reauthorizing it. I also think there is an acute need here because the Biden administration is foreshadowing their intention to lift sanctions on Khamenei and Raisi, two individuals currently sanctioned, two individuals whose human rights records are atrocious. They are not even a little bit bad. They are unspeakably bad. And the Biden administration is foreshadowing an intention to lift sanctions on them in exchange for nothing, not in exchange for any agreement, not an exchange, but simply to lift sanctions on them unilaterally. And so this amendment is an opportunity for Members of this committee on both sides of the aisle, Republicans and Democrats, to voice your opinion on whether Khamenei and Raisi should have sanctions lifted upon them or whether the same standard should apply to them that apply to other bad actors across the globe.

Senator MARKEY. Mr. Chairman?

The CHAIRMAN. Briefly. Senator Markey?

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

The CHAIRMAN. I would just acknowledge for Members that there is a vote that is ongoing.

Senator MARKEY. Yes, thank you. So just for the record, the number that I am using of 650,000 barrels a day imported from Russia is during the Trump Administration. Those are the most recent numbers, just so you understand, and this is as he is meeting with Putin and simultaneously saying that we have reached energy independence in the United States. Clearly, we had not under the Trump Administration. So this an inherited problem that President Biden has from the Trump administration. And, of course, we know that President Trump never raised this issue about dependence upon oil coming in from Russia, but we know right where that oil went: out of the pockets of American consumers directly into the hands of those oligarchs. So I am just raising it because it is a continuation right from the Trump administration, and Joe Biden, as he has with many other issues, just inherited the problem. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Let me turn to the amendments at hand. I will oppose the amendment. First, these sanctions already are not sanctions under Magnitsky as it is. These individuals have been sanctioned for other reasons. First, the president-elect of Iran, Ebrahim Raisi, is already subject to human rights sanctions due to his involvement in the abuse and extrajudicial killings of protesters in 2019. More critically, this amendment, as I view it, does not enhance the Global Magnitsky Accountability Act, which is already the most comprehensive, targeted human rights and anti-corruption sanctions law in U.S. history. The law already provides a thorough, effective framework for State and Treasury to investigate cases and for the Administration to sanction individuals engaged in serious human rights abuses, and it provides a formal mechanism for Congress, a mechanism that I have invoked in the past with the former Chairman, to recommend officials who have committed significant corruption or serious human rights abuses to be sanc-

tioned. So I applaud the efforts of my good friend to strengthen and extend the Global Magnitsky framework. I am a strong supporter of sanctions as a tool. I have devised many of them against Iran, and I do believe that Raisi, under existing sanctions, should continue to be sanctioned, as well as the questions—on to this—the First Degree amendment, which I will oppose for largely of the same reasons as I have just stated.

With that, unless there are any other Members who wish to speak to it—do you seek a recorded vote?

Senator CRUZ. Yes.

The CHAIRMAN. Okay. The clerk will call the roll. Now this is on the first degree amendment—is it sufficient, a roll call vote? Are you looking for a roll call vote on both of them?

Senator CRUZ. I'm looking for a roll call vote on both, but if by unanimous consent I could combine them, that is fine.

The CHAIRMAN. That is fine. Unanimous consent has been asked to combine both the first and second degree amendments into one vote. Is there any objection?

[No response.]

The CHAIRMAN. Without objection, so ordered.

The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINÉ. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Schatz?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator HAGERTY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The CLERK. Mr. Chairman, the yeas are 10; the nays are 12.

The CHAIRMAN. And the amendment fails.

The question—therefore, unless there are any other amendments which I am unaware of—

Senator PAUL. Mr. Chairman?

Senator CARDIN. Senator Paul.

The CHAIRMAN. I am sorry. Senator Paul?

Senator PAUL. For over a decade, I have been talking about countries that have blasphemy laws that lead to the death penalty. I first advocated for Asia Bibi back in 2011. In Pakistan, they are still putting people to death for blasphemy. Shagufta Kausar and her husband, Shafqat Emmanuel, are Christians in Pakistan. They have been on death row for 7 years. My amendment would have the President to submit a report to our committee detailing countries that have the death penalty or life imprisonment for anti-apostasy laws, anti-blasphemy laws, or laws prohibiting marriage between individuals of different religions. If countries were found to be on this list, they would then be prohibited from getting foreign aid from us, and that is the extent of the bill. And I would request a recorded vote, if possible.

Senator CARDIN. Mr. Chairman?

The CHAIRMAN. Okay. Senator Cardin?

Senator CARDIN. Just briefly in opposition to the amendment. I certainly share Senator Paul's concerns about this type of behavior, and it should have consequences. We are dealing with the Magnitsky sanctions here, which are individual sanctions against human rights violators. This is not a country-sanctioned regime, so I think you are putting into a bill an amendment that is really not germane to the structure of the Global Magnitsky, and I would urge my colleagues to oppose.

The CHAIRMAN. I share Senator Paul's concerns about religious freedom. I am also concerned that religion should never be used as a pretext for persecution or denying anyone's basic rights. I think there are other venues for this which I would look to work with the Senator on, but—Magnitsky, as was pointed out, is about individuals, not country specific. So I will oppose the amendment for that reason.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. I want to agree with those exact remarks. In addition to that, I want to state that putting this in here is going to cause us some real unintended consequences and difficulties with some nations that we have relationships with that are delicate, to

say the least. I in no way denigrate the efforts to try to obtain religious freedom, but this is a very difficult way to go about it, so I am going to oppose this amendment.

The CHAIRMAN. Is there any other—Senator Cruz?

Senator CRUZ. Mr. Chairman, I am going to support this amendment. I recognize the concerns that Senator Risch just raised, and there are certainly countries that their current law includes this, and we have strategic interests for working and cooperating with them. That being said, I think Senator Paul is exactly right that enforcing so-called blasphemy laws and, in particular, opposing the death penalty because of someone's choice of religious faith is an abomination. And I do not think we should ignore the impact of U.S. law on helping change the policies of other countries. If Senator Paul's amendment were adopted, I think we would see some of these countries have a very serious consideration about repealing those laws, and I think when it comes to U.S. aid, we ought to use it in a way that supports our interests and supports our values. And so I will be supporting Senator Paul's amendment, even though he did not support my amendment.

[Laughter.]

The CHAIRMAN. Very gallant of you. Senator Paul?

Senator PAUL. Well, what to say? In response to those who are worried about our strategic relationship with countries that put people to death for blasphemy, this would only prevent foreign aid, not military sales of weapons, alliances, going to war with people. So if you still want to fight arm-in-arm with those people, killing people for blasphemy, you would be allowed to under this. This is just foreign aid. I think at the very least we can limit gifts to people and say, for goodness sakes, you cannot put people to death, you know, for intermarriage of faiths or blasphemy. And the reason we put it on this vehicle is because this vehicle will pass. If we put it on another vehicle, then it will become symbolic and never become law. Thanks.

The CHAIRMAN. The clerk will call the roll on the Paul amendment.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Coons?

Senator COONS. 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. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Schatz?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.
 The CLERK. Mr. Risch?
 Senator RISCH. No.
 The CLERK. Mr. Rubio?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Johnson?
 Senator JOHNSON. Aye.
 The CLERK. Mr. Romney?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Portman?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Paul?
 Senator PAUL. Yes.
 The CLERK. Mr. Young?
 Senator YOUNG. No.
 The CLERK. Mr. Barrasso?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Cruz?
 Senator CRUZ. Aye.
 The CLERK. Mr. Rounds?
 Senator ROUNDS. No.
 The CLERK. Mr. Hagerty?
 Senator HAGERTY. Aye.
 The CLERK. Mr. Chairman?
 The CHAIRMAN. No.
 The clerk will report.
 The CLERK. Mr. Chairman, the yeas are 4; the nays are 18.
 The CHAIRMAN. And the amendment is not agreed to.
 The question is on the motion to approve S. 93, as amended.
 All those in favor will say aye.
 [Chorus of ayes.]
 The CHAIRMAN. All those opposed will say nay.
 [No response.]
 The CHAIRMAN. The ayes have it, and S. 93 is reported favorably to the Senate.
 Now, my understanding is that this vote will only be held open until 3:00 because the Vice President is waiting to cast a vote, and so I am happy to come back and entertain remarks. If somebody can do it in a minute, I am happy to consider that. Senator Kaine?
 Senator KAINE. In 1 minute, just with respect to S. J. Res. 10, the AUMF, we were anxious to move to that today because the 1991 and 2002 AUMFs were AUMFs to authorize military action against a Government of Iraq that no longer exists. They were not to authorize action in Iraq. We toppled the government of Saddam Hussein, and Iraq is now a strategic partner. However, I do think the comity provision in this committee that allows something to be postponed for one meeting makes sense, and I also believe that the request for a briefing on the topic is a good faith request. And so I believe, together with my co-sponsor Senator Young, look forward to that discussion.
 The CHAIRMAN. Thank you very much. Senator——
 Senator YOUNG. Mr. Chairman, I have some remarks along those lines that I just ask be submitted for the record.

The CHAIRMAN. Absolutely. Without objection, they shall be submitted.

[The information referred to follows:]

STATEMENT SUBMITTED BY SENATOR YOUNG

AUMF REPEAL / HOLD-OVER

I appreciate, and share, the comments and sentiments expressed by my colleagues concerning the need for this committee to conduct rigorous oversight while jealously guarding our war powers authorities.

Most Members around this room will recall a debate we had last Congress (May 2019) during the Caesar Syria bill. I was inclined to support an amendment offered by former Senator Udall concerning the 2001 AUMF and its applicability to Iran. The only reason I ended up opposing that amendment is because then-Chairman Risch made a commitment to hold a hearing on the topic. True to his word, that hearing was held in July 2019.

I supported then, as I do now, the prerogatives of this committee to engage on these issues.

However, I think the provision before us today is quite a bit different. Unlike last Congress, where we were dealing with potentially expanding authorities in the 2001 AUMF, we have before us this week a resolution to repeal and take back the authorities that we have granted the Executive Branch that are no longer required.

I do not support calling the Secretary of State or others from the Administration to appear before this committee to discuss this topic because we already know where they stand.

We have a Statement of Administration Policy [SAP] that clearly articulates the Administration's support for repeal—"As the United States has no ongoing military activities that rely solely on the 2002 AUMF as a domestic legal basis, and repeal of the 2002 AUMF would likely have minimal impact on current military operations."

I brought up this very topic to Secretary Blinken during his confirmation hearing. To my question about the applicability of the 1991 and 2002 AUMF he replied "I think it is long past time that we revisit and review them. I think in many instances they have been cited and used in countries or against groups that were not part of the original authorization."

Taken together, it is clear that the Administration supports this committee taking this action. Delaying for additional hearings with members of the Administration is not necessary given the support they have expressed.

That said, I do support my colleagues' expressed desire to better understand these issues in a classified setting.

I would like to see the committee hold such a briefing before we move forward with a vote.

Mr. Chairman, I would request that we work together get a classified briefing accomplished before this repeal is considered by this committee or is moved on the Senate Floor.

Thank you.

Senator COONS. I look forward to working with you and the Ranking Member on the health bill. I think it is critical we partner with State and AID to make sure we know their perspectives and we are well prepared for the pandemic. I would ask to be joined as a co-sponsor to S. 2000 and S.Res. 67, 154, and 176. Thank you, Mr. Chairman.

The CHAIRMAN. Without objection, so ordered.

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. Senator Cruz?

Senator CRUZ. I likewise have some remarks that I would ask be submitted to the record on the committee's adoption of my amendments concerning Nord Stream 2 pipeline, on S. 14, the Combating Global Corruption Act. And so I would ask that they be submitted for the record.

The CHAIRMAN. Without objection.

[The information referred to follows:]

STATEMENT SUBMITTED BY SENATOR CRUZ

I'd like to thank the Chairman, Ranking Member, and Senator Cardin on working with my team to include this important provision into this crucial bill, S. 14, Combatting Global Corruption Act.

Putin's Nord Stream 2 pipeline will be a generational geopolitical catastrophe if it comes online.

It is also one of the most corrupt infrastructure projects in the world. In 2018 there was a report published by Sberbank, the largest bank in Russia and Central Europe, about that corruption. No one will be surprised to learn that the report was very quickly pulled down.

The report was damning regarding the pervasive levels of corruption around Nord Stream 2 and the company ultimately building it, Gazprom. It said that that Nord Stream 2 was "deeply value-destructive," "foisted on the company by the government pursuing a geopolitical agenda," and "employ[s] a closely knit group of suppliers in Russia, with little outside supervision." It repeatedly outlined how Nord Stream 2 has been used as an excuse to pay companies to expand Russian energy infrastructure internally, and bids went to that small group of oligarchs including shareholders under US sanctions.

This Committee has led the fight to block it and impose costs on the companies building the pipeline. It has been a multi-year, bipartisan push. I'm proud that we are again taking action.

Today's vote will send a strong signal: United States will not allow Russian corruption to continue without accountability. As long as Nord Stream 2 remains under planning, construction, and operation, those efforts will be extended and deepened. Anyone involved in this project should understand that their reputation and credibility are being put in breathtaking danger – and will continue to be – by the endemic corruption that surrounds it.

The CHAIRMAN. With that, unless there is any other Member seeking recognition, this 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, the committee stands adjourned.

[Whereupon, at 2:58 p.m., the committee was adjourned.]

BUSINESS MEETING

THURSDAY, JUNE 24, 2021

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

Summary of Action Taken by the Committee

LEGISLATION

S. 65, Uyghur Forced Labor Prevention Act, with an amendment—agreed to by voice vote

- Substitute amendment—agreed to by voice vote
- Cruz 1st Degree amendment #1 as modified by Hagerty 2nd Degree amendment #1—failed by roll call vote (7–15)

Yeas: Johnson (proxy), Romney (proxy), Paul (proxy), Young (proxy), Barrasso (proxy), Cruz, and Hagerty

Nays: Menendez, Cardin, Shaheen (proxy), Coons, Murphy (proxy), Kaine (proxy), Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Rubio, Portman (proxy), and Rounds

S. 1061, Israel Relations Normalization Act of 2021, with an amendment—agreed to by voice vote (Cruz recorded as no and asked to be removed as a cosponsor)

- Managers amendment—agreed to by voice vote
- Cruz 1st Degree amendment #1—failed by roll call vote (3–19)

Yeas: Rubio, Cruz, Hagerty

Nays: Menendez, Cardin, Shaheen (proxy), Coons (proxy), Murphy, Kaine, Markey, Merkley, Booker, Schatz (proxy), Van Hollen (proxy), Risch, Johnson (proxy), Romney (proxy), Portman (proxy), Paul (proxy), Young, Barrasso (proxy), Rounds

- Cruz 1st Degree amendment # 2—failed by roll call vote (11–11)

Yeas: Risch, Rubio, Johnson (proxy), Romney (proxy), Portman (proxy), Paul (proxy), Young, Barrasso (proxy), Cruz, Rounds, and Hagerty

Nays: Menendez, Cardin, Shaheen (proxy), Coons (proxy), Murphy, Kaine, Markey, Merkley, Booker, Schatz (proxy), Van Hollen (proxy)

- Hagerty 1st Degree amendment #1—failed by roll call vote (11–11)

Yeas: Risch, Rubio, Johnson (proxy), Romney (proxy), Portman (proxy), Paul (proxy), Young, Barrasso (proxy), Cruz, Rounds, Hagerty

Nays: Menendez, Cardin (proxy), Shaheen (proxy), Coons (proxy), Murphy, Kaine, Markey (proxy), Merkley, Booker, Schatz (proxy), Van Hollen

NOMINATIONS

The Honorable Michele Jeanne Sison, of Maryland, a Career member of the Senior Foreign Service, Class of Career Ambassador, to be an Assistant Secretary of State (International Organization Affairs)—agreed to by voice vote

The Honorable Larry Edward Andre, Jr., of Texas, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Somalia—agreed to by voice vote

The Honorable Maria E. Brewer, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Lesotho—agreed to by voice vote

The Honorable Tulinabo S. Mushingi, of Virginia, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Angola, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Sao Tome and Principe—agreed to by voice vote

Ms. Elizabeth Moore Aubin, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Democratic Republic of Algeria—agreed to by voice vote

Mr. Eugene S. Young, of New York, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Congo—agreed to by voice vote

Mr. Christopher John Lamora, of Rhode Island, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cameroon—agreed to by voice vote

The Honorable Todd D. Robinson, of New Jersey, a Career member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (International Narcotics and Law Enforcement Affairs)—agreed to by voice vote (Risch and Rubio recorded as no)

The Honorable Daniel J. Kritenbrink, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (East Asian and Pacific Affairs)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 11:16 a.m., in Room SD-106, Dirksen Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Rubio, Young, Cruz, Rounds, and Hagerty.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Foreign Relations Committee will come to order.

Today we will be taking up two bills and nine nominations that were held over from our business meeting on Tuesday. And before I turn to the agenda, I would like to make some brief remarks about our committee and its practices.

I am a believer in the ability of Senators on this committee to hold over an item. As Chair, I have always honored holdover requests, but we are seeing a new and unfortunate trend on the committee, one that is different than anything I have seen during my 14 years on the Foreign Relations Committee, one that is putting additional burdens on all of your time, and one that I find to be counterproductive to our collective cause: advancing the foreign policy and national security of the United States. I cannot recall a time when there was a blanket holdover on career nominees, people who have sacrificed to serve their country and then are held in

limbo, presumably because of unhappiness over a policy that has nothing to do with the positions for which they have been nominated and over which they have no influence. I do not recall any Democratic Member doing that during the Trump administration. I certainly did not, and I would not have supported it despite deeply problematic policies and behavior at the most senior levels of that Administration.

Similarly, I cannot remember any situation that is analogous to the holdovers of the Uyghur Forced Labor Act and the Israel Normalization Act. Both of these bills have been co-sponsored by 50 or more Senators. Think about that: half of the Senate or more is on these bills, yet amendments on both with 7 days' notice would, for some reason, not have been sufficient to move them out of committee without a holdover. We need to return to a place where we are moving strong bipartisan legislation, and career nominees in particular, in regular order and without holdovers.

Finally, a housekeeping note. In consultation with the Ranking Member, I set amendment deadlines for each business meeting. These deadlines are shared with every Member of the committee and noticed publicly 7 days in advance. The purpose of the deadlines is to ensure that we are balancing Members' rights to offer amendments with the need for each Member to have the opportunity to adequately consider all amendments prior to the markup. We have run into several situations recently where Members have submitted amendments after the deadline, and while I have tried to be flexible within reason and have treated Democratic and Republican Members in the same manner, I am concerned that if this trend continues, it will ultimately undermine the purpose and utility of the amendment deadline to the detriment of all Members. As a matter of fact, there are several of our colleagues who have spoken to me in the past about the concerns they have of not having ample time to understand the amendments being offered. And that is what, in part, brought those deadlines.

As a result, going forward, I do not plan to take up amendments that are filed after the applicable deadline. Please keep this in mind for future business meetings, and I will be rather firm on that proposition. I think every Member has a right to offer amendments, and I think everyone has a right to understand what amendments are being offered so they can cast an educated vote.

With that, let me turn to today's agenda. The two bills before us are S. 65, the Uyghur Forced Labor Prevention Act, and S. 1061, the Israel Relations Normalization Act. As you all know, the Uyghur Forced Labor Prevention Act was pending before the committee last year, and Senators Rubio and Merkley reintroduced a modified version this Congress. And while I am pleased that the sanctions provision from this bill passed out of our committee in the Strategic Competition Act and has now been approved by the full Senate, the bill is critical to addressing the genocide in Xinjiang. So I want to commend Senators Rubio and Merkley for their leadership on this issue, and particularly for their extensive engagement with the prior Administration and the current Administration on the technical aspects of the text.

I would also note that the Administration announced yesterday that it is taking certain additional steps to combat forced labor in

Xinjiang. Nonetheless, it is time for us to act on this piece of legislation, and I look forward to passing it out of the committee today with a strong bipartisan vote, and I intend to support it.

Turning to the Israel Relations Normalization Act, I would like to recognize Senators Portman and Booker for their leadership on the bill, which represents important bipartisan support for the Abraham Accords and continued U.S. leadership in promoting Arab-Israeli cooperation. I am pleased that the substitute amendment we are considering today incorporates amendments filed in advance of our last markup by Senators Kaine, Van Hollen, Merkley, with the support of Senator Risch. This bill clearly has the support of many of our colleagues in the Senate, and I look forward to a swift passage.

Finally, turning to the nominations before us today, we have a number of qualified nominees, including ambassadorial nominees, for Algeria, Angola, Sao Tome, Principe, Cameroon, Lesotho, the Republic of Congo, and Somalia. We also have before us three assistant secretary nominees for International Organization Affairs, International Narcotics and Law Enforcement Affairs, and East Asia and Pacific Affairs. I look forward to their quick confirmations. I also want to note that I believe the IO Bureau, in particular, is in dire need of strong, seasoned leadership. Many of us will recall the concerning reports of political retaliation and poor management that were documented by the State Department inspector general in a report issued by my office. I am confident that Ambassador Michele Sison has the skills and experience to rebuild morale and capably lead the IO Bureau.

With that, let me recognize the distinguished Ranking Member for his remarks.

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

Senator RISCH. Well, thank you very much, Mr. Chairman. First of all, let me briefly respond to your remarks on process. As you know, I have a no whining policy, and I recognize the Chairman's ability in the committee to run the committee, and having been in an institution like this for 41 years, it is important, I think, that the Chairman have the ability to do that. What you are talking about is not a change of the rules, but a change of the procedure. The only suggestion I would have, and I think it is important that everyone have a full understanding where we are going, is that you do a memo maybe and put it in writing as far as what to expect in the future. I think that will make it—

The CHAIRMAN. If I may. I am not changing the procedure. What I am doing is simply adhering to the procedure we are supposed to have, which has been bled over by people filing after the amendment deadline. So I am just notifying people we are going to live within the rules as we have adopted.

Senator RISCH. Fair enough. Thank you. Thank you, Mr. Chairman. We will work—as you know—we will work with you every way we can to make this work.

Turning to the business meeting very briefly because we have already worked this over quite a bit. On the Israel bill, as I mentioned on Tuesday, I am glad to see that Senate Bill 1061, the

Israeli Relations Normalization Act, will be voted on by the committee. The last time I checked, the bill had over 50 co-sponsors. In particular, I want to recognize Senators Portman, Booker, Cardin, Young, and Menendez for their leadership on this bill, which emphasizes the importance of normalization agreements between Israel and its Arab neighbors. This has wide support within this body, and rightfully so. Many of us have concerns that the Administration lacks the resources to further the Accords. This important legislation requires a strategy to strengthen and expand the Abraham Accords and an assessment of resources required to do so. These agreements and agreements like them have the potential to transform the Middle East, and I hope Congress will act swiftly to approve this bill.

As to the Uyghur Forced Labor bill, let me start by thanking Senators Rubio and Merkley, recognizing them for their work on this certainly important work. It is another bill that has broad bipartisan support. The atrocities and human rights abuses being committed by the Chinese Government in Xinjiang are truly abhorrent. The PRC Government's endorsement of forced labor in Xinjiang is detestable, and this bill will focus on our government's diplomatic and economic efforts to address this practice. Senate Bill 65 will require the Administration to work with the private sector and provide comprehensive guidance to ensure U.S. companies are not using forced labor in their supply chains. It would significantly strengthen our government's ability to restrict the importation of goods made with forced labor in Xinjiang. I urge my colleagues to support this bill.

With that, I want to thank you and yield back. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Risch. With that, we will now consider nine nominations on the agenda, en bloc. They are Michele Sison to assistant secretary of state for International Organization Affairs; Larry Andre, Jr., to be ambassador to Somalia; Maria Brewer to be ambassador to Lesotho; Tulinabo Mushingi to be ambassador to Angola and to serve concurrently as ambassador to Sao Tome and Principe; Elizabeth Moore Aubin to be ambassador to Algeria; Eugene Young to be ambassador to the Congo; Christopher Lamora to be ambassador to Cameroon; Todd Robinson to be assistant secretary of state for International Narcotics and Law Enforcement Affairs; and Daniel Kritenbrink to be assistant secretary of state for East Asia and Pacific Affairs.

Do any Members have any comment that they wish to make on any of these nominations?

[No response.]

The CHAIRMAN. If not, is there a motion to approve these nominations en bloc?

VOICES. So move.

The CHAIRMAN. So moved. Seconded?

VOICES. Second.

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

All in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the nominations are agreed to.

Okay. We will now consider S. 65, the Uyghur Forced Labor Prevention Act. Are there any Members who wish to comment on the bill?

Senator RUBIO. Mr. Chairman?

The CHAIRMAN. Senator Rubio?

Senator RUBIO. Thank you, Mr. Chairman and the Ranking Member, for bringing this up. I want to thank Senator Merkley who has been a phenomenal partner in this. I do not think this issue needs a lot of explanation, by the way, with 53 co-sponsors, many Members of this committee. Just briefly, for those who may be watching or thinking about—wondering why this is coming up, the Chinese Communist Party has turned Xinjiang into a huge labor camp. If you look at the satellite imagery, it indicates that there are more than 100 mass detention facilities in the area. They have—researchers have identified 15,000 companies that are located in or near these facilities that are exporting products to places around the world, and that actually just scratches the surface about what we know because auditors are not allowed to conduct proper due diligence in China. In fact, last—a report from last September noted that there are at least five organizations that they will not help companies audit their supply chain in Xinjiang because the police state and the Government of the Chinese Communist Party makes it impossible to determine whether factories or farms are relying on forced labor. This is slavery, simple as that.

American companies argue that their supply chains are clean, and what this bill says is prove it, especially if it is coming out of Xinjiang. It says if you want to import something to the United States from this region, you have to prove that those goods were not made with forced labor; otherwise, it is presumed that it was. And that presumption applies to everything, every good everywhere, every article, every merchandise, everything that is mined, produced, manufactured, wholly or in part. Everything is presumed to be made with forced labor unless they can prove otherwise, which will be, I think, in most cases, nearly impossible to do, if not all cases, because the Chinese Communist Party does not allow those kinds of audits to occur.

So that is what the bill does. I hope we can pass it. We have had to work with the House to get the language lined up. We really just want to make this a law. Can we always make it better and stronger? I imagine you always could argue that, but if we do not get this thing past the finish line and over to the House, there is a chance it will take another year to pass it. And I think it is time to act on this, and I hope we will. Thank you.

The CHAIRMAN. Thank you. I commend both you and Senator Merkley on your work here. Senator Merkley?

Senator MARKLEY. Thank you, Mr. Chairman, and a huge thanks to Senator Rubio for leading this effort. I have been pleased to partner with him on that. The Senator from Florida also was Chair of the Congressional Executive Commission on China, and I am Chair now. We have worked—been working together on these

human rights issues, and I appreciate the support of the Commission team in helping develop insights and strategies for this bill.

The scope and scale of forced labor in Xinjiang demands bold action. The Chinese Government is systematically and pervasively exploiting the forced labor of Uyghurs, Kazakhs, and other predominantly Muslim ethnic minorities through labor and mass internment camps, prisons, labor transfers, and so forth. This is part of a larger pattern of oppression that includes restrictions on reproductive possibilities for Uyghurs and other groups.

The former Secretary of State went through the process and found that the actions of China constituted genocide. Our current Secretary of State's team has done the same and reached the same conclusion. This labor abuse occurs—is involved in a staggering range of industries and products, so it taints the supply chain if American companies and consumers are buying products from that region. It makes us complicit in this horrific abuse of human rights, and, thus, this bill is absolutely necessary to sustain our values. It comes a week after we recognized Juneteenth as a holiday, Juneteenth a holiday that celebrates the end of slavery, forced labor in America. Let us follow up on that by recognizing and acting on the issue of slavery, forced labor in China.

The CHAIRMAN. Thank you, Senator Merkley. Anyone who wishes comment on this bill at this point? Senator Cruz?

Senator CRUZ. Thank you, Mr. Chairman. I have an amendment on this bill that I want to call up. It is Cruz First Degree 1.

The CHAIRMAN. I would ask the gentleman to withhold. I was looking for comments. We are going to have a substitute and then your amendment would be in order.

Senator CRUZ. Okay. Then I will withhold, and I will discuss my amendment at the appropriate time.

The CHAIRMAN. Okay. If there are no other Members looking to comment on the bill, I would ask that there be a motion to approve the substitute amendment by voice vote. Is there so—

VOICE. So moved.

The CHAIRMAN. So moved. Seconded? I will second it myself. It is moved and seconded.

The question is on the motion to approve the substitute amendment.

All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

[No response.]

The CHAIRMAN. There are no noes. The ayes have it, and the amendment is agreed to.

Okay. All right. Now, are there any further amendments? Senator Cruz?

Senator CRUZ. Thank you, Mr. Chairman. At this point, I call up Cruz First Degree 1. Let me say the underlying bill is an important initiative, and I am proud to support it. I commend the Members on both sides of the aisle who have worked on it. This is—there is an existing and deepening bipartisan consensus that you—if you have got a product with metals or minerals from Xinjiang, that it was made with forced labor, that it was made with slavery. However, there is one major potential exception to this bill that has the

potential to dramatically undermine its effectiveness and weaken it, and that concerns electric vehicles.

Right now, China, according to the most recent authoritative report on this issue published just a few days ago, “China leads across the electric field—vehicle value chain, from critical mineral inputs, to battery production, to vehicle manufacturing, and even increasingly to EV brands. The global transition to EVs relies on Chinese inputs. More specifically, Chinese manufacturers account for over 50 percent of global EV production. China also leads global battery production and has developed outsized control over the critical materials inputs.”

EVs and the inputs for EVs are being manufactured in Xinjiang, manufactured with forced slave labor, manufactured with horrific human rights conditions. What my amendment does is make clear that we cannot import electric vehicles from Xinjiang. Now, one of the objections to this amendment is the amendment is redundant, but I am going to tell you why it is not redundant, because there is countervailing legal authority that we have, and, in particular, it is that President Biden signed Executive Order 14008 directing the Administration to use the full extent of all legal authorities to import electric vehicles.

The mandates in Executive Order 14008, they are vast. They require officials to subordinate all domestic and foreign priorities to the requirements in the order. The order applies to all executive officials, including explicitly the Secretary of Homeland Security, who oversees Customs and Border Protection, and they are ordered to use all legal means and “all available procurement authorities to acquire EVs for the government fleet.” They are ordered explicitly to prioritize these mandates in their contracting and procurement.

Today, the House Appropriations Committee is advancing a fiscal year 2022 bill that creates a \$300 million electric vehicles fund for agencies to purchase EVs. If my amendment is not adopted, here is what I believe will happen. This bill will pass into law, and the Administration will follow the terms of this executive order and grant an exemption for EVs coming from Xinjiang, and we will begin bringing in hundreds of millions of electric vehicles manufactured by slave labor in grotesque circumstances. I do not believe that is justified. I think this committee should speak clearly that we are not going to be importing vehicles made through slavery. And so I would urge adoption of my amendment.

Senator RUBIO. Mr. Chairman?

The CHAIRMAN. Who seeks recognition? Senator Rubio?

Senator RUBIO. I, too, do not want us to see us import anything from Xinjiang because I think everything that is made there, we have to presume is made with slave labor, and that is what this law does. This law would prohibit it. Senator Cruz makes an important point about executive orders, and I, too, am concerned about that executive order, which is why passage of this bill is so important because legislative language implemented into law by the House, the Senate, signed by the President, would supersede. Now, could they obviously issue an executive order and ignore the law? They could. That is why we have courts, but, ultimately, they would be in violation of the law.

By its own terminology—I do not have it in front of me, but I imagine it reads “all legal authorities.” This takes away the legal authority to import anything—anything—from a plastic toy to an electric car from Xinjiang, unless you can prove a bunch of things, the most important being that the good was not mined, produced, or manufactured wholly or in part by forced labor. So I actually think that this bill is needed in order to make sure that that executive order cannot be used in the way that the Senator is concerned about, and I oppose this amendment because I just think the bill covers everything. It says everything is banned from Xinjiang, and the bar for meeting the presumption is so high given the nature of the Chinese Government in particular, it is practically impossible to conduct proper due diligence in Xinjiang because of the Government’s control. They will not allow it. And so I just do not—I do not believe this amendment is necessary, but—and I actually think that it speaks to the importance of the bill as a whole.

The CHAIRMAN. Senator Merkley?

Senator MARKLEY. Thank you, Mr. Chairman, and I echo my colleague’s points. The structure of the bill presumes that goods have been built with forced labor, with slave labor, but it provides an opportunity for corporations to show otherwise and prove their case, referred to as rebuttable presumption. That rebuttable presumption should be applied equally across all industries, which it would not be if that was stripped from one particular industry. And so for those reasons, I join my colleague in opposing the amendment.

The CHAIRMAN. Any other Member seeking recognition on this amendment?

Senator HAGERTY. Mr. Chairman?

The CHAIRMAN. Yes.

Senator HAGERTY. Mr. Chairman?

The CHAIRMAN. Senator Hagerty, yes?

Senator HAGERTY. Thank you. Mr. Chairman, I would like to compliment my colleagues, Senators Merkley and Rubio, for the hard work that they put into this amendment, which I supported, but I also share Senator Cruz’s concerns about this executive order. And I would like to call up an amendment, Hagerty Second Degree 1 to Cruz First Degree 1.

This amendment, which I introduced earlier this week, seeks to explicitly prohibit the importation of solar panels, which similarly would be covered under the executive order that Senator Cruz mentioned, and prohibit the importation of those panels that are produced or manufactured in Xinjiang with slave labor, keep them from entering the United States. There is growing bipartisan consensus that China’s supply chain, with respect to solar panels, heavily relies upon forced labor. Indeed, the Biden administration just put out a fact sheet this morning highlighting the issue and authorizing our Customs and Border Patrol to detain shipments that contain products made by Hoshine. That is a Chinese company that uses forced labor to make solar panels. So I suggest that we should expand the ban and make it explicitly clear that solar panels made in China with forced labor will not enter the United States. Mr. Chairman, I ask for a recorded vote.

The CHAIRMAN. Anyone seeking recognition? Senator Markey?

Senator MARKEY. Yes, Mr. Chairman, I have an amendment at the desk, and I would like to offer my second degree amendment to—depending upon the—

The CHAIRMAN. In procedure—in procedure, we have the Hagerty amendment before us as a second degree. We are going to have to vote on that first.

Senator MARKEY. Well, may I speak on the Hagerty amendment and Cruz amendment—

The CHAIRMAN. Yes, you may.

Senator MARKEY [continuing]. As they are both pending before I make my amendment. So I—my amendment and, you know, my objection to these two amendments is that each of these amendments is selectively targeting electric vehicles and solar technologies. My amendment will replace the unnecessary Cruz amendment language with a requirement that the United States Government address the true source of the problem that leads to the importation of goods implicated in Chinese forced labor, the fact that these items are no longer produced in the United States. Senator Cruz's amendment to prohibit exceptions only for electric vehicles is so selective, so targeted, that its true purpose is undeniable. It is aimed at slowing and demonizing the transformative clean energy economy, which is saving consumers money and saving us from the existential threat of carbon pollution energy. If we want to protect human rights, let us look at the big picture problem. Millions of items come into the United States from China every year, yet we are supposed to believe the only special concerns relate to solar panels and electric vehicles.

What do these two items have in common? Well, they pose a threat to the big oil industry, and I would like to direct my colleagues' attention to the July 2020 Business Advisory issued by the Trump Administration—the Trump administration—identifying specific sectors implicated in forced labor inside Xinjiang. Here is what Donald Trump says. It is agricultural items. Cellphones. Every one of us is carrying a cellphone on us right now that is cited by the Trump Administration. Cleaning supplies, construction, cotton, electronics assembly, extractives, hydrocarbons, oil, uranium, zinc, fake hair and wigs, food processing, noodles, printing products, footwear, sugar, textiles, toys. That is a lot of products. That is a lot of products, yet this amendment targets one particular industry.

Senator Cruz targets the electric vehicle industry; Senator Hagerty, the solar industry. Every single one of us has an iPhone as we are sitting here. Did you shop on Amazon Prime for a day? Did you check your email using Microsoft technology? These companies all reportedly provided web services to Chinese surveillance firms that help repress religious minorities. So we have to, in my opinion, have a—an ability to deal with all of these issues. So that is what my amendment does. It reinforces the fact that we are truly looking to halt the import of false—of forced labor products, then we need to be ready to investigate all products that may be produced by forced labor in China. But we also have to recognize the other side of this coin. United States companies have abandoned American workers to bring their businesses to China. They have just abandoned our own workers where they are then

complicit in human rights abuses, and that is across the board. If we want to stop the cycle of U.S. businesses facilitating and benefiting from forced labor and other abuses, we have to bring the production back home. And that is why my amendment will require the United States Government to offer a concrete proposals to increase United States domestic production to replace all imports we know are being made by forced labor.

We need to be honest in the pursuit of human rights internationally. We just cannot be selective. We have to do this as a policy in our country, and we should not be backing any commercial interests that have a track record of putting personal profit over the lives of Americans and foreign workers. So I would say to my colleagues, I want to work with you. If you want to do something here domestically to protect the electric car industry or the solar industry to create production incentives, let us do it. Let us work together. Let us have a plan. China has a plan. We need a plan here domestically if we are going to win. And so my amendment basically says that our job here should be to not only to be condemning what is going on, but to simultaneously put a plan together in order to make sure that we do not have to do this again in the future. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Now, before I call on Senator Cardin, the second vote is about to be closed, and I am understanding that they—I am not sure how much longer they are going to keep it open, and we need to maintain this quorum. I would ask Senator Van Hollen if he could just stay with us a moment so that we can—so that we can—well, my purpose is to try to move to a vote on the amendment so that we can move forward, but we will need to keep the quorum or else we will not be able to do that.

Senator VAN HOLLEN. Mr. Chairman, I do not know if they are going to close to vote, but I do have to vote there as well as here.

Senator SCHATZ. I think we all—

Senator VAN HOLLEN. Are we all the same vote?

Senator SCHATZ [continuing]. We all have to vote.

Senator VAN HOLLEN. Oh, I did not realize that no one here has voted. Okay.

The CHAIRMAN. Yes, no one, including the Chair, has voted.

Senator VAN HOLLEN. Okay.

Senator CARDIN. Mr. Chairman?

The CHAIRMAN. One moment, please. Senator Cardin, yes?

Senator CARDIN. And will be brief. We had a subcommittee hearing on the circumstances with the Uyghurs. This is genocide what is happening there. I really applaud Senator Rubio and Senator Markey—Merkley for bringing us this bill. This bill is critically important for us to get done. It is drafted properly to deal with any product. Any product. This is not the debate on the climate agenda, so the amendments actually, I think, weaken the bill. Any one of the versions would weaken the bill. Now, I am very much opposed to any of these amendments. I think the Markey amendment is the best of the three, so I would support it as to what we should vote on, but I hope that we reject all these amendments. The bill is drafted for all goods. We should not be getting into a climate discussion on a bill that is so important to deal with a global human rights urgency.

The CHAIRMAN. Thank you. Senator Cruz, I will give you another shot here, and then we are going to go to a vote.

Senator CRUZ. Thank you, Mr. Chairman. Let me, first of all, thank Senator Hagerty for his amendment. I think it is a good and positive amendment, and I am willing to accept it as a friendly amendment and incorporate it into my amendment because I think it is consistent with the spirit and objective of my amendment, and I think it improves it.

Addressing the arguments that have been made in response to this amendment, I do not think the arguments withstand even the slightest scrutiny. There are two possibilities. One, Senator Rubio suggested this amendment is unnecessary. The bill already prohibits electric vehicles made with slave labor. If the bill already does it, if it is purely redundant, then it ought to be easy to accept this amendment. The problem is that argument is not true. The bill explicitly contains a provision for the commissioner of Customs and Border Patrol to make exceptions. If it were redundant, it would be easy for everyone to vote for it. The reason why this is contested, the reason why this—there is disagreement is because it is not redundant. Several Senators have asked, why would you directly address electric vehicles or solar panels? It is not complicated. Because the Biden administration has made clear that its priority is electric vehicles and that priority trumps everything else. So there is a reason to anticipate that the Biden administration will invoke that exception.

I would note, Senator Markey, in his language, I think perhaps grabbed the wrong folder walking in and got his talking points from the 1970s when he said that Texas does not understand alternatives to energy. I will point out the State of Texas is the number one producer of wind energy in the country. The State of Texas produces far more solar energy than does the Commonwealth of Massachusetts. Tesla is now building electric vehicles in Texas. I am a big believer of all of the above. I think electric vehicles have enormous potential, I think solar has enormous potential, I think wind has enormous potential, and Texas is leading the front on all of those. But if this committee votes on a party-line basis right now to reject the amendment, I want people to understand the consequences of that because history is long. In particular, the votes in this committee last through history.

If this amendment is voted down, the underlying bill will pass, and then mark my words, the Biden administration intends to waive these provisions for electric vehicles. And what any Member of this committee who votes “no” on this amendment will be saying is that a political commitment to the Green New Deal matters more than stopping slave labor, because Members of this committee will be deciding you are willing to bring in electric vehicles that were produced by slave labor in horrific human rights outcomes.

The CHAIRMAN. I think the gentleman has made his point. Gentlemen, I do not—I do not—

Senator MARKEY. Point of personal privilege. One minute.

The CHAIRMAN [continuing]. I do not want to mitigate debate, but the option is going to be to recess, go vote, and come back, and then I do not know that we will have a quorum—

Senator MARKEY. I can do it in—

The CHAIRMAN [continuing]. Which may be the object of some not to have a quorum. Therefore, a vote cannot take place. But I will recognize the gentleman.

Senator MARKEY. I thank the Chairman very much. I will just say this. Texas does produce oil, Texas does produce natural gas, but it does not produce solar panels or wind turbines. That is important. That is what we are talking about. We are talking about the imports, not our exports from the United States, which is something that I think the Senator from Texas wants to increase. A lot of the stuff that we are importing, it is made with slave labor, okay? That is what we are talking about.

Senator SCHATZ. Mr. Chairman?

Senator MARKEY. Texas does not manufacture those goods. Thank you, Mr. Chairman.

Senator SCHATZ. I have to preside at noon, and that is not a commitment I can avoid.

The CHAIRMAN. I understand.

Senator SCHATZ. So I would like to take the vote, with all due respect to all the Members and their rights.

The CHAIRMAN. With that—

Senator MARKLEY. Mr. Chairman, 1 minute?

The CHAIRMAN. Less than 1 minute, please.

Senator MARKLEY. Less than 1 minute. The solar industry has already worked to start moving its production out of Xinjiang because of the important work that we are undertaking. If they were, in fact, accused of producing in that region, then they have the right and ability to demonstrate under the rebuttable presumption that that data is outdated and they have shifted their production. If you remove the rebuttable presumption, you basically take away the ability of any company to show that they have done what we have asked them to do, which is to move their production. The waiver that Senator Cruz speaks to is not—is a waiver in which the company must prove that they have altered their behavior, and that is a very tough bar we are going to make sure the Administration enforces. Thank you.

The CHAIRMAN. Thank you. Based on Senator Cruz's suggestion, I will entertain that the vote be on the Hagerty amendment to the Cruz amendment, as amended by Hagerty. Is that acceptable to Senator Cruz?

Senator CRUZ. It is certainly acceptable to have a vote on the amendment as modified by the Hagerty amendment.

The CHAIRMAN. All right. Thanks. So that is the vote, the Cruz amendment as modified by Hagerty.

The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Murphy?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Kaine?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MARKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. No.

The CLERK. Mr. Johnson?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Romney?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Portman?

Senator RISCH. No by proxy.

The CLERK. Mr. Paul?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Young?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator HAGERTY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The CLERK. Mr. Chairman, the yeas are 7; the nays are 15.

The CHAIRMAN. And the amendment is not agreed to. I would ask if we can—does the Senator withhold his amendment based upon—

Senator MARKEY. Yes, I do.

The CHAIRMAN. Thank you very much. The question then is a motion to approve S. 65, as amended.

All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the legislation is approved, as amended, and reported to the Senate in favorable consideration.

Now, without objection, we will consider S. 1061, the Israel Relations Normalization of 2021.

Is there a motion to approve the substitute amendment?

VOICE. So moved.

The CHAIRMAN. So moved. Is there a second?

VOICES. Second.

The CHAIRMAN. All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed, say no.

[No response.]

The CHAIRMAN. The noes—the ayes have it, and the motion to approve the substitute amendment is agreed to.

Are there any amendments to this legislation? Senator Cruz?

Senator CRUZ. Mr. Chair, I have two amendments on this, which will take some time. So I know we have a vote, but I think these amendments need to be considered, so I do not know if the committee wants to recess or how the Chairman wants to handle it.

The CHAIRMAN. Well, I do not think that the floor will keep the vote open anymore, so we will—we will recess and immediately come back. I urge Members—this is the only piece left. It is an important piece of legislation, but obviously we need the appropriate quorum for it to be considered.

So the committee stands in recess subject to the call of the Chair.

[Recess.]

The CHAIRMAN. This meeting will come to order.

When we recessed, Senator Cruz was offering an amendment, and I do not see him here.

Senator HAGERTY. Mr. Chairman?

The CHAIRMAN. Senator Hagerty?

Senator HAGERTY. May I call up—

The CHAIRMAN. If you could put your microphone on, please.

Senator HAGERTY. It is—

The CHAIRMAN. Oh, there it is.

Senator HAGERTY. Can you hear me?

The CHAIRMAN. Yes.

Senator HAGERTY. Okay. Now we got it. Sorry about that. Mr. Chairman, I would like to discuss Hagerty Second Degree 2, Hagerty Second Degree 1, and Hagerty First Degree 1. I intend to call for a recorded vote only on my first degree amendment. Hagerty Second Degree 2, which is the Iran Sanctions Relief Review Act, is what I would like to talk about first. This amendment would enable Congress to approve or block any Administration effort to suspend or terminate U.S. sanctions against the Iranian regime.

U.S. law empowers Congress to vote on supporting or blocking sanctions relief to Vladimir Putin and his regime in Russia. We need the same for the Iranian supreme leader and his regime. U.S. law empowers Congress to vote on supporting or blocking sanctions relief to Vladimir Putin and his regime in Russia. We need the same for the Iranian supreme leader and his regime, including the supremely hardline new president who was placed into power less than a week ago in a rigged election. Meanwhile, the Biden administration is reportedly ready to lift sanctions on Iranian oil and shipping in an effort to reenter the flawed Nuclear Deal. This will provide billions of dollars to the Iranian regime, which will continue to fund Hamas and other terrorist organizations. In lieu of a vote on this amendment, I would request that the Chairman and the committee work with me to address this issue.

Now, I would like to turn to discuss Hagerty Second Degree 1. This amendment would help our Israeli allies replenish their highly-effective Iron Dome rocket system. In Israel, I inspected the dev-

astation caused by the rocket attacks of Hamas and other Iran-backed terrorists. Resupplying the lifesaving Iron Dome interceptors must be a top priority for Congress. The bill that I introduced with Senators Rubio, Cotton, and Cruz would redirect U.S. foreign assistance to replenish Israel's missile defense interceptors. This is not a partisan issue. This is about standing with Israeli allies and protecting innocent lives from terrorism. In lieu of a vote on this amendment, I also ask that the Chairman and committee work with me to address this crucial issue.

Now to Hagerty First Degree 1. Mr. Chairman, this first degree amendment would reaffirm that we must prevent any U.S. assistance to the Palestinian territories from being diverted to terrorists. This is especially important for Gaza, which is under the control of the Iranian-backed terrorist group, Hamas. On my recent visit Israel, top Israeli officials briefed me on many troubling examples of how Hamas diverts foreign assistance from the United States and from other donor nations. Too often this happens at the expense of the Palestinian people. Hamas diverts foreign assistance to fund their terrorist acts, and we must put an end to it. Mr. Chairman, I ask for a recorded vote on this amendment to prevent the diversion of foreign assistance to Hamas. Thank you.

The CHAIRMAN. Thank you. Is there anyone who wishes to speak to this amendment?

[No response.]

The CHAIRMAN. Well, let me just briefly speak to it. First, let us be clear. I do not believe anybody on this committee supports sending funds to terrorist organizations. This Administration does not support sending funds to terrorist organizations. Secondly, while I appreciate the Senator's arduous advocacy for oversight, there are numerous laws on the books that prevent diversion of funds to terrorist organizations. Indeed, the Middle East Partnership for Peace Act is one such law that includes a provision that explicitly says none of the authorized funds can go to a terrorist organization or anyone involved in terrorist activity. So it would seem this amendment, like some others, has been drafted for a purpose that is either redundant or an effort to tweet against those who are voting against it.

And while I do not have substantive objections since this is already the law, there is absolutely no value added to S. 1061 or legitimate purpose, from my view of the amendment. This bill was carefully negotiated. It has garnered the support of more than half of the Senate, and therefore, I will oppose the amendment.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. Well, Mr. Chairman, I take a little different view of this, and that is that I really believe, as you stated, we already have laws that prevent this. Unfortunately, these laws are frequently waived, ignored, or simply not followed, and I guess I view this as "we really, really mean it language" going forward, so I am going to vote for this. This despicable practice that they have over there that the terrorists have of the pay-for-slay program is just atrocious. And we keep pushing back against it, and, of course, the argument that, well, we do not use that exact language. Well, money is fungible, and as long as they have got that program, it

is our money that is going into that. And I want to commend Senator Hagerty for bringing this up. I think it is something we need to talk about publicly, regularly, all the time, and until they get rid of that pay-for-slay program, I do not think we can say this enough. So I am going to vote for this.

The CHAIRMAN. The Senator has asked for a recorded vote, as I understand it.

Senator HAGERTY. Mr. Chairman?

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Cardin?

The CHAIRMAN. No by proxy.

The CLERK. Mrs. Shaheen?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Coons?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINÉ. No.

The CLERK. Mr. Markey?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Merkley?

Senator MARKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Romney?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Young?

Senator YOUNG. Aye.

The CLERK. Mr. Barrasso?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator HAGERTY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

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

The CHAIRMAN. And the amendment fails. Is there any other amendments to be offered? Senator Cruz?

Senator CRUZ. Thank you, Mr. Chairman. I would call up Cruz First Degree 1, and I am going to have two different amendments on this bill, but we will start with Cruz First Degree 1.

Over the last few years, we have seen an incredible flowering of peace in the Middle East, culminating in the signing of the Abraham Accords. The reason for the success of the Abraham Accords is worth understanding. For years, U.S. foreign policy, both Democratic foreign policy and Republican foreign policy, began from the premise that there must be a full and permanent solution to the Israel-Palestinian dispute before any other peace accords could be reached. Resolving that conflict was viewed as the first and pre-eminent concern.

Hand-in-hand with that, both Democratic and Republican administrations engaged in a pattern of consistent and deliberate ambiguity where they would blur the lines in terms of whether they would support Israel or whether they would support the Palestinians, and the enlightened wisdom in Washington was that ambiguity somehow furthered peace. After decades of failure, we have seen that that path does not work. In the last 4 years, the Trump administration changed path in a way that I urged them to do so, which is clearly and unequivocally supporting the Nation of Israel, moving our embassy to Jerusalem, pulling out of the Iran deal, and that clarity, in turn, produced the Abraham Accords.

Unfortunately, in the first 5 months of the Biden administration, they have reverted to the same failed approach that did not work in the Middle East. They have begun undermining the State of Israel. They have begun sending hundreds of millions of dollars to the Palestinian Authority that is in bed with Hamas. They are discussing opening a consulate in Jerusalem directed to the Palestinian people to undermine Israel's claims of sovereignty on Jerusalem. That approach—and, indeed, the Biden administration has gone so far in the State Department, they have prohibited employees from the State Department from using the words “Abraham Accords.” Those words are now—there is a blacklist at Foggy Bottom. You are required to call them now “normalization agreements” and not the “Abraham Accords,” not the historic peace deal that they were.

What Cruz 1 does is it strikes one provision of this bill that was not in there until the very, very end, and I am a co-sponsor of this bill. But this—at the very end there were a couple of things added to the bill that were not there, and as a condition of my support were not there, and then at the very last minute, they were added to this bill. What this amendment does is it strikes the provision of the bill that says, “It is U.S. policy to support a negotiated solution to the Israeli-Palestinian conflict resulting in two states living side by side in peace, security, and mutual recognition.” My view is we may well see a two-state solution, but it is not America's place to arrogantly lecture Israel that that has to be the resolution.

I think what this change and the other amendment that I am going to offer are doing, what the changes are to this bill are to codify the new Biden administration pivot towards the Palestinian Authority and away from Israel. And so I believe we ought to allow

the Israelis and the Palestinians to negotiate and arrive upon a peace deal. We saw that with UAE. We saw that with Bahrain. We had the first peace deals between Israel and Arab nations in decades. And by declaring that it is United States policy to support a two-state deal, we are going backwards on the progress we made in the last 4 years. I think we are decreasing the chances of peace, and I believe America should not be presuming to dictate the terms of peace to Israel.

Nobody wants peace more than the people of Israel, and the barrier to peace is the Palestinian Authority's consistent support of Hamas, support of terrorists. We saw Hamas just launch over 4,000 rockets into Israel. You cannot have peace when the other side of the negotiation demands your destruction and seeks your death. That is the barrier to peace. I think the people of Israel are eager for peace, but not peace with terrorists who will continually seek to murder them. And so I think this is a step backwards that hampers the peace process, and so my amendment simply strikes that provision.

The CHAIRMAN. Anyone else seeking recognition ?

Senator Kaine. Mr. Chair?

The CHAIRMAN. Senator Kaine?

Senator Kaine. The language that Senator Cruz objects to was language that I recommended with colleagues that was included in the manager's package. But contrary to his statement, this is not the U.S. imposing anything. This has been U.S. policy since it was part of the U.N. mandate that created the Nation of Israel. A U.N. mandate, following up courageous activity by Israelis, created the Nation of Israel with a two-state solution, led President Truman to overturn his own State Department and immediately recognize the State of Israel under those conditions. The notion of a two-state solution is the preferred policy of every Israeli politician that I have ever spoken with in all of my visits to Israel.

So this is not an imposition of anything. There is an attempt to strip the language, and Senator Cruz read it accurately: U.S. policy is to support a negotiated solution. Are we now against negotiated solutions to the Israeli-Palestinian conflict? Are we against a resolution to that conflict resulting in two states? Are we promoting one state now after 80 years of a U.N. mandate that the U.S. and other nations have supported, resulting in two states living side by side in peace, security, and mutual recognition? Do we have problems with peace or security or mutual recognition? This language is a restatement of the very conditions that surrounded the creation of the Nation of Israel and the U.S.'s immediate recognition of the State of Israel.

I am proud to co-sponsor this resolution because I came out immediately upon the Trump administration's announcement of the Abrahamic Accords and said that it was a very positive step, and I believe that, and I think it has already borne some fruit in some ways. And I think those accords actually add additional resources and even momentum to potentially finding the just resolution with the two-state solution and Israel and Palestine living side by side as peaceful neighbors. So I do not think this is about imposing anything. I just think it is a matter of stating what I believe would

be the desires of virtually everyone on this committee. So for that reason, I would oppose the amendment.

The CHAIRMAN. Is there any other Member seeking recognition?

[No response.]

The CHAIRMAN. If not—

Senator CRUZ. Mr. Chairman? Mr. Chairman, I would like to very briefly respond to something Senator Kaine said.

The CHAIRMAN. And it will be brief.

Senator CRUZ. I would like to very briefly respond to—

The CHAIRMAN. It will be brief. Yes, go ahead.

Senator CRUZ. Senator Kaine just said a moment ago, and I am sure he said it in good faith, that he was not aware of any Israeli politician who opposed a two-state solution. As the Members of this committee are well aware, there is a new prime minister in Israel. His name is Naftali Bennett. I want to read you the title of an op-ed Naftali Bennett wrote in the New York Times on November 5th, 2014. The title of it is, “For Israel, Two-State is No Solution.” And I would ask unanimous consent to enter that op-ed into the record.

The CHAIRMAN. Without objection.

[The information referred to follows:]

For Israel, Two-State Is No Solution

BY NAFTALI BENNETT, NOV. 5, 2014

<https://www.nytimes.com/2014/11/06/opinion/naftali-bennett-for-israel-two-state-is-no-solution.html>

JERUSALEM—Recent events in the Middle East are a reminder of how the old models of peace between Israel and the Palestinians are no longer relevant. The time has come to rethink the two-state solution.

This past summer, Hamas and its allies fired over 4,500 rockets and mortars at Israel, demonstrating once again what happens when we evacuate territory to the so-called 1967 lines and hand it over to our adversaries. Peace is not obtained. Rather, we are met by war and bloodshed.

The rise of the Islamic State, also known as ISIS, and other extreme elements in Iraq, Syria and Lebanon, make the risks just as clear. Israel cannot afford to gamble with its security. There are no second chances in the volatile Middle East.

That is why, for its security, Israel cannot withdraw from more territory and cannot allow for the establishment of a Palestinian state in the West Bank. If we were to pull out of the West Bank, the entire country would become a target for terrorists who would be able to set up rocket launchers adjacent to the Old City of Jerusalem and on the hills above the runways of Ben-Gurion International Airport and the Tel Aviv Stock Exchange.

Take the Jordan Valley. The Palestinians demand that Israel withdraw from this narrow piece of land, which borders Jordan. But if we do so in today’s climate, we potentially open the door for the Islamic State and other extremists to flood into the new Palestinian state. We cannot take that risk.

How do I know? Because it happened. Not once, not twice, but three times.

In the mid-1990s, we pulled out of Palestinian cities as part of the Oslo agreement. In 2000, the second intifada erupted and over 1,000 Israelis were killed in attacks carried out by terrorists, many of whom came from the very cities we had evacuated.

When we pulled out of Lebanon in 2000, we saw a significant strengthening of Hezbollah, the Iranian-backed militia. During the second Lebanon war six years later, Hezbollah fired more than 4,300 rockets at our cities.

And in 2005, we withdrew from the Gaza Strip and handed it over to the Palestinian Authority. We were told that Gaza would turn into the Singapore of the Middle East and that peace would grow out of the greenhouses the Jewish residents had left behind.

Instead, those greenhouses were used to cover up terrorists’ tunnels dug across the border into Israeli towns and villages. Gaza quickly turned into a fortress of terror.

But this does not mean all hope is lost. There is still much we can do to improve ties with our Arab neighbors, to generate peace and to cultivate economic prosperity for all people who live in this land.

The secret is bottom-up peace. After more than two decades of working on a single solution for the Israeli-Palestinian conflict—the establishment of a Palestinian state—it is time to realize that coexistence and peaceful relations will not be obtained through artificial processes imposed on us from above. Instead, I propose a four-step plan.

First, we would work to upgrade the Palestinian autonomy in the West Bank, in the areas largely under Palestinian control (known as Areas A and B, according to the Oslo Accords). Ideally, this will be done in coordination with the Palestinian Authority.

The Palestinians will have political independence, hold their own elections, select their own leadership, run their own schools, maintain their own social services and issue their own building permits. They should govern themselves and run their day-to-day lives. Israel should not interfere. Much of this already exists, but we can do better.

This Palestinian entity will be short of a state. It will not control its own borders and will not be allowed to have a military.

Gaza already functions like a state, but the Hamas Government in control there is bent on Israel's destruction. As long as Gaza remains on this path, it cannot be a party to any agreement.

The second step will see the massive upgrade of roads and infrastructure, as well as the removal of roadblocks and checkpoints throughout the West Bank. The objective will be to ensure freedom of movement for all residents—Palestinian and Israeli—and to improve their quality of life.

No peace, though, can last without economic viability. So the third step will be to build economic bridges of peace between Israelis and Palestinians.

In my former career as a high-tech entrepreneur, I saw how diverse people from different backgrounds could learn to work together in pursuit of economic prosperity. Already, there are 15 industrial zones in the West Bank where Israelis work alongside about 15,000 Palestinians. These zones pump about \$300 million a year into the Palestinian economy. Imagine what another 15 industrial zones could do.

Lastly, I propose applying Israeli law in Area C, which is the part of the West Bank controlled by Israel under the Oslo agreement. The Palestinians who live there would be offered full Israeli citizenship. We can start with the known settlement blocs that everyone agrees will remain part of Israel even under a final status agreement. By applying Israeli law and asserting national sovereignty in those blocs, while upgrading Palestinian autonomy in Areas A and B, we will reduce the scope of territory in dispute, making it easier to reach a long-term agreement in the future.

I am aware that the world will not immediately accept this proposal. It seems to go against everything Israel, the Palestinians and the international community have worked toward over the last 20 years. But I will work to make this plan government policy because there is a new reality in the Middle East, which has brought an end to the viability of the Oslo peace process.

The regional upheaval and disintegration of nation states oblige us to act responsibly. We must work toward realistic goals that are capable of providing real security and economic prosperity.

Senator CRUZ. Given that the current prime minister of Israel has been explicitly on record raising concerns about a two-state solution, particularly a two-state solution forced from outside of Israel, I think the Senator was mistaken when he said Israeli officials have not made this case. And I believe we should be agnostic. We should allow Israel and the Palestinians to achieve peace on their own terms without presuming to dictate the terms of peace or without presuming to dictate the terms of security.

The CHAIRMAN. The Senator from Texas is opposed to language that reaffirms longstanding bipartisan U.S. policy to support direct negotiations between Israelis and Palestinians in support of a two-state solution, but I am not totally really clear on the Senator's position here. Is it that he no longer believes a two-state solution is the most viable and sustainable path for Israel's long-term national security and democratic character? I would also point out that the

Senator is a co-sponsor of the base bill, which includes the following finding: "These historic agreements could help advance peace between Israel, the Arab states, and relevant countries and regions, further diplomatic openings and enhance efforts towards a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic Jewish state of Israel and a viable democratic Palestinian state living side by side in peace, security, and mutual recognition." So I look at this, and I will ask unanimous consent that the rest of my statement be included in the record.

[The information referred to follows:]

STATEMENT SUBMITTED BY SENATOR ROBERT MENENDEZ

Last month's violence between terrorists in Gaza and Israel offered yet another reminder that the status quo is not tenable for the safety and security of Israelis or Palestinians.

While the United States should not—and indeed cannot—impose a two state solution or any final status agreement, it remains in our interest to support those efforts. Israelis and Palestinians deserve to live in peace, security, and dignity—and the best way to achieve that is through continuing the longstanding, bipartisan objective of supporting a two-state solution.

I oppose this amendment and urge my colleagues to do the same.

The CHAIRMAN. The base bill that the gentleman ultimately co-sponsored before anything was changed talked about that. So with that, the question is—

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. The question is on the Cruz amendment.

Senator CRUZ. Mr. Chairman, you just raised something about what I said. I would like to be able to respond to it.

The CHAIRMAN. The gentleman has had—the gentleman has had two rounds to make—

Senator CRUZ. You just raised something about—you asked why I sponsored something. I would like the ability to respond to the charge you made.

The CHAIRMAN. I asked—the gentleman has had two rounds, and it is time to vote on the Cruz amendment.

Senator CRUZ. So a point of personal privilege. If you are going to say something about me and what I support, then I should have the ability to respond to it.

The CHAIRMAN. I said—I said nothing about the gentleman. I asked a question as to what is his ultimate goal.

Senator CRUZ. So you are afraid of a response? You are unwilling to allow me to respond?

The CHAIRMAN. Senator Cruz, this committee has had a long history which you are blackening.

Senator CRUZ. I am blackening it by wanting to respond to a charge you directed at me.

The CHAIRMAN. By virtue of turning—of turning the committee's—

Senator CRUZ. You want to make charges and not have—

The CHAIRMAN [continuing]. Of turning the committee's business for a political purpose.

Senator CRUZ. What political purpose—

The CHAIRMAN. We have had no history of that.

Senator CRUZ [continuing]. What political purpose is that?

The CHAIRMAN. We have had no history of that.

Senator CRUZ. Mr. Chairman, what political purpose is that?

The CHAIRMAN. You understand the political purpose very well.

Senator CRUZ. No, I really do not.

The CHAIRMAN. Maybe it is your presidential aspirations, I do not know, but you are turning it into political purposes.

Senator CRUZ. Mr. Chairman——

The CHAIRMAN. You held over every nominee. Every nominee. I have never seen that.

Senator CRUZ [continuing]. Well, and I did so for a policy that, Mr. Chairman, you supported——

The CHAIRMAN. It has no policy issue.

Senator CRUZ [continuing]. That the Biden administration has deliberately undercut and given a gift to Putin and Russia. And at least in the prior Administration, you agreed with that. You leveled a charge against me. Apparently you do not want a response to that.

The CHAIRMAN. But I never in the prior Administration held up all of the nominees on an agenda because I had a policy difference. You are the first Member that I know of to do that. In any event, I will give you 2 minutes to respond, and then we are going to vote on your amendment.

Senator YOUNG. Can we turn to something easier, like AUMF, Mr. Chairman?

[Laughter.]

The CHAIRMAN. I hope you can make that easy.

[Laughter.]

The CHAIRMAN. Two minutes. The gentleman is recognized.

Senator CRUZ. Mr. Chairman, the language you that read from the base bill, I did agree to because the base bill discussed that the Abraham Accords could lead to a negotiated two-state solution. I agree with that. It could lead to that. And that language, my staff specifically negotiated with your language as being agreeable, then in the manager's package at the last minute, that language was changed. Now, people are entitled to change the language, but I disagree with the change of the language, and it went from saying it could lead to a negotiated two-state solution to it is U.S. policy to support that. Making it U.S. policy to try to impose a two-state solution, I believe, is a material change. I think it is a harmful change. I think it is harmful to the peace process, and that is why I believe this bill should not have that language. I would be very happy going back to the original language that was there before it was changed.

The CHAIRMAN. The vote is on the Cruz amendment, and the clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Coons?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINE. No.

The CLERK. Mr. Markey?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Merkley?
 Senator MARKLEY. No.
 The CLERK. Mr. Booker?
 Senator BOOKER. No.
 The CLERK. Mr. Schatz?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Van Hollen?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Risch?
 Senator RISCH. No.
 The CLERK. Mr. Rubio?
 Senator RUBIO. Aye.
 The CLERK. Mr. Johnson?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Romney?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Portman?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Paul?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Young?
 Senator YOUNG. No.
 The CLERK. Mr. Barrasso?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Cruz?
 Senator CRUZ. Aye.
 The CLERK. Mr. Rounds?
 Senator ROUNDS. No.
 The CLERK. Mr. Hagerty?
 Senator HAGERTY. Aye.
 The CLERK. Mr. Chairman?
 The CHAIRMAN. No.
 The CLERK. Mr. Chairman, the ayes are——
 The CHAIRMAN. Senator Markey wishes to be recognized as voting?
 Senator MARKEY. In person.
 The CHAIRMAN. No, in person. The clerk will report.
 The CLERK. Mr. Chairman, the ayes are 3 and the noes are 16.
 The CHAIRMAN. And the amendment fails. Senator Cruz, you have another amendment?
 Senator CRUZ. I do. I call up Cruz First Degree 2. When it comes to the Abraham Accords and the Biden administration's policies, in the last several months the Biden administration has sent hundreds of millions of dollars to the Palestinian Authority. They have sent \$75 million for general economic support. They sent \$150 million for UNRRA. They have sent \$15 million for COVID-19. Secretary Blinken announced \$360 million after meeting with Palestinian President Abbas, and on Monday, they sent the committee notification for another \$275,000. This money is flooding into the Palestinian Authority, even though the Palestinian Authority is unabashedly in bed with Hamas, even though Hamas just finished raining 4,000 rockets down on the people of Israel, and even

though the Palestinian Authority continues the so-called pay to slay policy, where they pay ransoms to the families of suicide bombers who murder Israelis and murder Americans. And they continue to pay them, and they continue to pay them in recent weeks.

Now, money is fungible. Unfortunately, it appears the Administration treats the Taylor Force Act as a problem to circumvent, so they made the determination they are willing to pay one account, but not another account, even while the recipient of those funds continues paying to encourage terrorism and the targeting of innocent Israeli civilians, innocent American civilians. I believe the American taxpayers are rightly horrified at the idea that U.S. taxpayers' money goes to support, on an ongoing basis, to reward and celebrate terrorists who have murdered innocent people, and yet that is exactly what the Palestinian Authority is doing.

And so the Second Degree amendment—Cruz First Degree 2 rather—adds the words, “should the Secretary of State certify that the Palestinian Authority, the Palestine Liberation Organization, and any successor affiliated organizations where such entities have ceased payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism, and by individuals who died committing acts of terrorism as described by the Taylor Force Act.” And this ensures that the provisions of the Taylor Force Act are honored and that we do not have funds that are continuing to go for people to carry out acts of terrorism.

The CHAIRMAN. Any other Member seeking recognition? Senator Risch?

Senator RISCH. Mr. Chairman, briefly. I am going to support this for the reasons I stated previously. And, again, I cannot underscore enough that we have laws, and we have executive orders, and everything else, and this money continues to leak for payments to the terrorists. I think there has been some recent proposals that indicate that there needs to be a third party independent group that oversees the disbursements of funds that are needed for humanitarian relief because this is not working. Hamas is pulling money off of this. They are taxing the people, and it is U.S. taxpayer dollars that are going for this. And we cannot say it enough: this has got to stop. There is a way to stop it, and that is for some type of a third party entity that oversees the disbursement of these funds so it goes to where we intend it to go. Thank you, Mr. Chairman.

The CHAIRMAN. While this amendment is somewhat inartfully drafted, I believe the intention is try to impose a new standard on the Middle East Partnership for Peace Act. However, the amendment is written in such a way that can only be described, from my view, as a partisan “gotcha” attempt to come away with some sort of statement that those who vote against it are voting against the Taylor Force Act or its requirements. Personally, I have had enough of that.

The Middle East Partnership for Peace Act, or MEPPA, which 92 Senators voted for, already has a provision specifically stating that all funds will comply with all U.S. laws and regulations regarding assistance, including to the Palestinians. By definition, this includes the Taylor Force Law. Indeed, this text was negotiated spe-

cifically with those concerns already in mind. MEPPA also explicitly prohibits funding to PA, the PLO, or, like all U.S. assistance, to terrorist organizations. Its goal is, in fact, to work outside the parameters of governmental entities to support private enterprise, economic partnerships, and people-to-people connections. MEPPA was carefully negotiated and garnered the support of nearly 535 members of the House and Senate, and S. 1061 has support from more than half of the Senate. So I, for those and many other reasons, will oppose the amendment.

Senator KAINE. Mr. Chair, thank you. You have done a good job of explaining. But just for colleagues, MEPPA is designed, as indicated, to fund the work of nonprofit or NGO groups to support economic development and peacebuilding efforts among Israelis and Palestinians. These are the kinds of groups that we should be trying to help and support because they can have a significant impact for good among Israelis and Palestinians. The effect of the Cruz amendment would be, unless the Secretary of State said the PLO was done with terrorism, all of these good actors that are trying to do good things would no longer be able to receive funds under MEPPA. We should be helping good people do good things and stopping bad people from doing bad things. But we should not hold the bad things that some people do against those who are trying to do good in a region that needs more organizations trying to do good. And for that reason, I oppose the amendment.

The CHAIRMAN. Is there anyone seeking recognition?

Senator RISCH. Mr. Chairman, for a second time, briefly.

The CHAIRMAN. Senator Risch?

Senator RISCH. With all due respect, Senator Kaine, you know, it is ironic that we are sitting here defending or debating this when we all agree on MEPPA and what it is trying to do and wants to do. The difficulty is that these payments just flat are not working. We got a GAO report that says the law is not being followed and this money is going to places we did not intend it to go. Why have a GAO if we do not follow that? In addition to that, I will bet everybody in this room has read the story about Abbas himself taking money to one of the terrorist's families and delivering it right after the U.S. cache hit them. That is the problem, it is not working. As far as the goals of MEPPA, we all agree on that. I could not agree with you more as far as trying to get the right people to do it. The problem is we do not have the right people right now. The cash is not being administered to the right people. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Is there any other Member seeking recognition?

Senator HAGERTY. Mr. Chairman?

The CHAIRMAN. Senator Hagerty?

Senator HAGERTY. I would just like to echo the statement of the Ranking Member. I was just in Israel. This is continuing. This is not working. I saw it with my own eyes on the ground. This is not working.

The CHAIRMAN. With that, the vote is on the Cruz amendment. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Coons?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Murphy?
 Senator MURPHY. No.
 The CLERK. Mr. Kaine?
 Senator KAINE. No.
 The CLERK. Mr. Markey?
 Senator MARKEY. No.
 The CLERK. Mr. Merkley?
 Senator MARKLEY. No.
 The CLERK. Mr. Booker?
 Senator BOOKER. No.
 The CLERK. Mr. Schatz?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Van Hollen?
 The CHAIRMAN. No by proxy.
 The CLERK. Mr. Risch?
 Senator RISCH. Aye.
 The CLERK. Mr. Rubio?
 Senator RUBIO. Aye.
 The CLERK. Mr. Johnson?
 Senator RISCH. Aye by proxy.
 The CLERK. Mr. Romney?
 Senator RISCH. Aye by proxy.
 The CLERK. Mr. Portman?
 Senator RISCH. Aye by proxy.
 The CLERK. Mr. Paul?
 Senator RISCH. Aye by proxy.
 The CLERK. Mr. Young?
 Senator YOUNG. Aye.
 The CLERK. Mr. Barrasso?
 Senator RISCH. Aye by proxy.
 The CLERK. Mr. Cruz?
 Senator CRUZ. Aye.
 The CLERK. Mr. Rounds?
 Senator ROUNDS. Aye.
 The CLERK. Mr. Hagerty?
 Senator HAGERTY. Aye.
 The CLERK. Mr. Chairman?
 The CHAIRMAN. No.
 The clerk will report.
 The CHAIRMAN. Mr. Chairman, the ayes are 11; the noes are 11.
 The CHAIRMAN. And the amendment fails. Any other Member
 seeking recognition for the purpose of an amendment?
 Senator CRUZ. Mr. Chairman?
 The CHAIRMAN. Yes?
 Senator CRUZ. I ask unanimous consent that my name be re-
 moved as a co-sponsor of this bill.
 The CHAIRMAN. Without objection.
 Is there a motion to approve S. 1061, as amended?
 VOICE. So move.
 The CHAIRMAN. So moved. Is there a second?

VOICE. Second.

The CHAIRMAN. Seconded.

Senator MURPHY. Mr. Chairman?

The CHAIRMAN. I am sorry.

Senator MURPHY. Before we vote——

The CHAIRMAN. Yes.

Senator MURPHY [continuing]. Could I just have two moments? I am very supportive of the underlying resolution. I just wanted to advance one important equity of this committee moving forward as we try to incentivize through this legislation additional recognition agreements. Senator Cruz laid out his sort of version of the reasons for which these agreements became possible. That is a complicated story, but we should be really honest that one of the reasons is that the United States was prepared to do things for the parties to these agreements that we were not prepared to do, for instance, the recognition of Morocco's claims over the Western Sahara, the decision to sell F-35s and Reaper drones to the UAE, something that we had never done before to any ally in the Middle East not named Israel. And so as we move forward this resolution, I just want to protect our equity as an institution to make sure that these agreements, to the extent the U.S. is an official or unofficial party, are transparent. It may be that if we saw all of the pieces on the table, we would still all be very supportive, but it is pretty clear that commitments were made by the United States that this committee, in particular, and Congress did not get a chance to review.

One, you know, final comment on the first Cruz amendment. I am glad we rejected it in a bipartisan fashion. But, you know, frankly, this idea that expressing U.S. policy is arrogance, you know, runs counter to decades and centuries of U.S. foreign policy. It is not arrogance for the United States to express a preference about how we believe our interests would be protected anywhere in the world, even when it comes to our closest allies. We do it all the time in Europe. We have done it historically when it comes to U.S.-Israel relations. I think while there are all sorts of dangerous precedents that would be created if we had adopted the Cruz amendment, if that is the reason behind it, I would add that to the list. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. Senator Portman is a sponsor of this bill, and he has a statement he would like entered into the record. I ask unanimous consent.

The CHAIRMAN. Without objection.

[The information referred to follows:]

ROB PORTMAN
OHIO

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS
RANKING REPUBLICAN MEMBER
FINANCE
FOREIGN RELATIONS
JOINT ECONOMIC

Thank you, Mr. Chairman, for including this bipartisan legislation in today's business meeting.

I would also like to thank my colleagues who joined me in crafting this legislation: Senator Booker, my Democrat partner on the bill, along with Senators Young and Cardin. I would also like to give special thanks to Ranking Member Risch for his support and thank those of you in the room today who are amongst the 56 bipartisan cosponsors.

The bill builds upon the success of the Abraham Accords, the peace and normalization agreements between Israel and the United Arab Emirates, Bahrain, Sudan and Morocco, by stating U.S. policy is to strengthen and expand these normalization agreements while requiring coordination throughout the Administration. It also includes a report on the status of anti-normalization laws throughout the region which punish people to people engagement at the local level. This has been a priority for Senator Booker and I -- and I commend him for his leadership on this issue.

This bill could not be timelier. With a new Israeli government and increasing security challenges, the time to strengthen and expand these normalization agreements is now, and I look forward to seeing this legislation on the floor of the Senate soon.



Rob Portman
United States Senator

312 WALNUT STREET
SUITE 3425
CINCINNATI, OH 45202
PHONE: (513) 684-3285

1240 EAST 9TH STREET
SUITE 3201
CLEVELAND, OH 44119
PHONE: (216) 522-7096

448 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
PHONE: (202) 224-3553

37 WEST BROAD STREET
SUITE 200
COLUMBUS, OH 43215
PHONE: (614) 466-6774

425 MADISON AVENUE
SUITE 1210
TOLEDO, OH 43604
PHONE: (419) 256-3866

The CHAIRMAN. The question is on the motion to approve S. 1061, as amended.

All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the legislation, as amended, is—

Senator CRUZ. Mr. Chairman, I would like to be recorded as voting no.

The CHAIRMAN. Senator Cruz shall be recorded as a voting no.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. Before we close today, I would like to have myself and Senator Rubio recorded as a “no” on the Robinson nomination, please, for the record.

The CHAIRMAN. It shall be so recorded.

Senator RISCH. Thank you.

The CHAIRMAN. Any other Members want to be recorded a certain way on anything?

[No response.]

The CHAIRMAN. If not, with the thanks of the Chair, this—oh, I am sorry—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, the committee stands adjourned.

[Whereupon, at 12:40 p.m., the committee was adjourned.]

BUSINESS MEETING

WEDNESDAY, JULY 28, 2021

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

Summary of Action Taken by the Committee

LEGISLATION

- S. 2297, International Pandemic Preparedness and COVID–19 Response Act, as amended—agreed to by voice vote
- Manager’s amendment—agreed to by voice vote
 - Cruz 1st Degree amendment #2—ruled out of order; appeal failed by roll call vote (7–15)
Yeas: Rubio, Johnson, Paul, Young (proxy), Barrasso (proxy), Cruz, and Hagerty (proxy)
Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine (proxy), Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Romney (proxy), Portman (proxy), and Rounds (proxy)
 - Paul 1st Degree amendment #2—not agreed to by roll call vote (4–18)
Yeas: Johnson, Paul, Barrasso, Cruz
Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine (proxy), Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Rubio, Romney, Portman (proxy), Young (proxy), Rounds (proxy), Hagerty (proxy)
- S. 812, A bill to direct the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organization, and for other purposes—agreed to by voice vote
- S.Res. 310, Expressing solidarity with Cuban citizens demonstrating peacefully for fundamental freedoms, condemning the Cuban regime’s acts of repression, and calling for the immediate release of arbitrarily detained Cuban citizen, as amended—agreed to by voice vote
- Manager’s Resolving Clause amendment—agreed to by voice vote

NOMINATIONS

- The Honorable Gentry O. Smith, of Virginia, to be an Assistant Secretary of State (Diplomatic Security)—held over
- Ms. Monica P. Medina, of Maryland, to be an Assistant Secretary of State (Oceans and International Environmental and Scientific Affairs)—held over
- The Honorable Rena Bitter, of the District of Columbia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Consular Affairs)—held over
- Mr. Marc Evans Knapper, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam—held over
- The Honorable Brian Nichols, of Rhode Island, to be an Assistant Secretary of State (Western Hemisphere Affairs)—held over

Dr. Karen Donfried, of the District of Columbia, to be an Assistant Secretary of State (European Affairs and Eurasian Affairs)—held over

The Honorable Mary Catherine Phee, of Illinois, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (African Affairs), a member of the Board of Directors of the African Development Foundation, and a member of the Board of Directors of the African Development Foundation—held over

Ms. Anne A. Witkowsky, of Maryland, to be an Assistant Secretary of State (Conflict and Stabilization Operations), and to be Coordinator for Reconstruction and Stabilization —held over

FSO LISTS

Jeanne Frances Bailey, *et al.*, dated April 13, 2021 (PN 359)—agreed to by voice vote

Russell Anthony Duncan, *et al.*, dated April 27 2021 (PN 477)—agreed to by voice vote

Marc Clayton Gilkey, dated April 27, 2021 (PN 478)—agreed to by voice vote

Gabriel J. Allison, *et al.*, dated June 22, 2021 (PN 724)—agreed to by voice vote

Wade C. Martin, *et al.*, dated June 22, 2021 (PN 727)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 9:00 a.m. in Room SD–G50, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Rubio, Johnson, Romney, Paul, Barrasso, and Cruz.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

I acknowledge that we have our nominees for the subsequent hearing before us, so we just ask you to sit and hold tight.

Today we will be marking up three legislative items, and voting on five Foreign Service Officer Promotion lists. As you all know, today's business meeting will be followed immediately by a nominations hearing.

Now I have to make some remarks about today's meeting. We were also set to vote on a number of nominations today but, unfortunately, we have another request to hold over the entire slate of nominees.

This has now happened several times this Congress, with all of the requests coming from the same Member of the minority. These holdovers are not a game. They can have serious and negative consequences for the State Department, U.S. personnel, and for our constituents.

Just look at two of the nominees from today's list that were held over. Absent the holdover we would have voted on Gentry Smith's nomination. Mr. Smith is a nominee to head the State Department's Bureau of Diplomatic Security. His nomination has been pending for over 90 days, and it will be further delayed due to this holdover. So I ask, why stop the person whose job it is to keep our people safe?

We would have also voted on Rena Bitter, the nominee to be Assistant Secretary of Consular Affairs. Every one of us has constituents who are desperate to get passports, and are frustrated by the enormous backlog at the State Department.

Ms. Bitter is a proven leader and committed to focusing like a laser on eliminating the backlog. She has been pending in the committee for over 90 days, but she will have to wait longer due to the holdover, and as a result, our constituents will likely have to wait longer as well.

For decades Members of this committee have used holdovers sparingly and, overall, responsibly, generally, when they have a question that needs to be answered, or they need a little more time to engage on the nominee. These constant and blanket holdovers are unprecedented, and in my view, unjustified in this committee.

No Member of this committee has weaponized a holdover as has happened today, and over the last several months. As Chairman, I have returned the committee to operating under comity. That means that the Ranking Member has cleared every item on every markup agenda, including all nominees. Given the extensive minority input, input that often, you know, understandably slows the process on the front end, it is clear that these holdovers serve no purpose, other than delay. They are bad for the country, they are bad for our constituents, and they are testing the bounds of comity.

We now have almost 30 nominees pending in the committee with completed files, and we will likely have more than 50 nominees pending by the end of the August recess. It takes some hard work, but I am looking forward to working with the Ranking Member who has been, I must say, very cooperative and helpful in this regard, in trying to get more nominees up before the committee and hopefully to the floor before the recess.

Now let me turn to the legislative items on our agenda, we have before us today, S. 2297, the International Pandemic Preparedness and COVID-19 Response Act; S. 812, a bill championing Taiwan's observer status in the World Health Organization; and S.Res. 310, a resolution expressing solidarity with Cuban citizens and condemning the Cuban regime's latest acts of repression.

I am pleased that we will be marking up S. 2297, the International Pandemic Preparedness and COVID-19 Response Act. Senator Risch and I agreed to collaborate on this bill a few months ago, and today we have before us a bipartisan global health bill that includes a number of important measures to both enhance current COVID-19 response efforts and to ensure that we are better prepared for the next pandemic, whenever it may occur.

COVID-19 is continuing to rage in many countries around the world, most recently as the Delta variant is showing us, the novel coronavirus continues to pose a threat to American lives and livelihoods as long as it persists anywhere in the world. And as we have learned from the pandemic, this dark chapter in which we have lost so many lives, only with better planning and better preparation here in the United States and around the world can we protect ourselves, our communities, and future generations from emerging pathogens.

So I want to thank Senator Risch and his staff for their work on this bill, and the dedication to this critical issue. It is one of the

issues the Ranking Member has made a central one with me, and I am glad that his name goes first on the bill.

We will also be considering S. 812, which I introduced with Senator Inhofe in support of Taiwan's observer status in the World Health Organization. Efforts by the People's Republic of China to block Taiwan from gaining observer status at the World Health Assembly are narrow-minded and endanger the international community, particularly as we work to recover from the COVID-19 pandemic.

This bill makes clear that the United States must do more to champion Taiwan's engagement in the international community and, particularly, at the World Health Organization at this time.

Finally, we will be marking up S.Res. 310, which I introduced along with Senators Rubio, Risch, Kaine, Cardin, and several other Members, to demonstrate our bipartisan support for the Cuban people at a time when the Diaz Canel regime is desperately unleashing a campaign of violence, human rights abuses, and forced disappearances against the Cuban people.

We must make sure that U.S. actions are aimed solely at helping the Cuban people and holding the regime to account for its brutality. This is a bicameral, bipartisan resolution that shows the United States Congress is united in its unflinching support for Cubans' fundamental human and social rights. We are speaking in honor and admiration of the work being carried on by brave freedom fighters in Cuba, and we are making a solemn promise not to ignore the suffering and subjugation of the Cuban people as they inch closer to realizing a future of freedom and prosperity.

I look forward to the strong support on this and the other two legislative items before that.

And with that, let me recognize the distinguished Ranking Member, Senator Risch.

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

Senator RISCH. Well, Mr. Chairman, thank you very much. This bill, as you pointed out, has been a long time in coming. I started the first draft of this very, very early on in the pandemic when it became obvious that the world really was not equipped to deal with this.

We had the World Health Organization that all of us thought would be the appropriate way to respond to this, but this pandemic was different. The WHO had done very good work in helping with PEPFAR, and the AIDS epidemic. It did very good work on polio, it did very good work on smallpox, but it was pretty evident right from the beginning that they were not prepared to respond to something that was moving as quickly as this was.

So as I started to draft this, I went back and forth on a lot of different provisions and as most of us would recall, it was pretty political right at the beginning.

And the then President weighed in on the WHO, which raised that issue to a political level that made it somewhat difficult to deal with.

I want to thank Senator Murphy. I had the first conversation with him, in which he did not discourage me, but it was a spirited

conversation, as to which direction we should go with this. And I kept an open mind throughout as to how we should do this. Then of course we have struggled to put a bill together that would be a strong bipartisan bill. This has to be bipartisan, something of this magnitude. Indeed, it is of the magnitude that at some point in world history, it may be the most important thing that everyone on this committee had done, because this is going to happen again.

There is absolutely no question. This is going to happen again. And how we respond to it is going to be very important. After the Chair changed, Senator Menendez was kind enough to lend his ear to this, and his good graces. And we set about, again, resetting the bill, and getting it on a bipartisan track to accomplish what we wanted to accomplish.

And what we wanted to accomplish, the object was not rocket science. It was very simple. And that is to have an organization that acted as a fire department, that when the house caught fire, somebody was there to answer the phone and respond. That was the model I set up for this at the very beginning. And I am pleased to say that I think we have reached that.

And I want to thank every Member of this committee, whether you vote for the bill or against the bill, everybody has had thoughts about it, they have had input into it, and people have been very generous in a give and take.

Obviously, like every bill, particularly one of this magnitude to pass this Congress, there is not one of us here that would vote for every provision stand alone, but together, I think it does do what is an important thing for this Congress to do. We are leading the world on this. The world looks for this.

As I talk to people, as all of you do on this committee, from all over the world, they all agree that there needs to be a different way of responding than the way we responded to this. And so this is important in that regard. This bill elevates global health as a national security imperative, we know that that has been around for some time as when we look at the world threats from the intelligence committee every year, pandemic has always been one of those threats. It has been given kind of short shrift, because we have not had it, but it has been on there.

This bill enables more effective diplomatic engagement and program coordination, builds upon the success of other models and effective foreign aid, PEPFAR and the Millennium Challenge Corporation to ensure—that those are examples to ensure transparency, accountability, self-reliance, and results. We stole every good idea we could from those other models that have been used before.

It promotes burden sharing and partnerships through an innovative financing mechanism, which incentivizes eligible countries to more effectively identify threats, and invest in their own health security, and authorizes funds to carry out a strategic plan with clearly-defined roles and responsibilities to help countries close the gaps in health security, that keep us all vulnerable to pandemic threats.

We all know what happens there affects us here, that that has become so obvious and apparent over the last 20 months. I want to thank the Chairman and our other co-sponsors, Senator Murphy

and Senator Portman, for their important contributions. And again, I want to reiterate every Member of this committee who participated in this in one way or another.

On the Cuba resolutions and the Taiwan bill I want to associate myself with the Chairman's remarks.

And, with that, I will yield back. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Risch.

Without objection, we will now consider en bloc, five Foreign Service Officer Promotion lists, and two legislative items. They are, PN 359, PN 477, PN 478, PN 724, PN 727, S. 812, and S.Res. 310, as amended by the Managers Resolving Clause amendments.

Would any Members like to comment on any of these items before the vote?

If not, is there a motion to approve these items en bloc with a resolution as amended by the Notice amendment I just referenced?

Senator RISCH. So moved.

The CHAIRMAN. So moved. Is there a second?

Senator KAINE. Second.

The CHAIRMAN. So moved and seconded.

The question is on the motion to approve the items as amended.

All in favor, we will say aye.

[Chorus of ayes]

All those opposed will say no.

The ayes have it. With the majority of Members having voted in the affirmative, the ayes have it, and the items as amended are agreed to.

Without objection, we will now consider S. 2297, the International Pandemic Preparedness and COVID-19 Response Act.

Is there a motion to approve the substitute amendment?

Senator RISCH. I will move, Mr. Chairman.

The CHAIRMAN. They are so moved. Is there a second? Is there a second to approve the substitute amendment?

Senator CARDIN. Motions enthusiastically.

Senator RICH. Thank you for the enthusiasm.

The CHAIRMAN. Senator Cardin is very gracious.

So moved and seconded. The question is on the motion to approve the substitute amendment?

All those in favor will say aye.

[Chorus of ayes]

All those opposed will say no.

The majority of Members present, having voted in the affirmative, the ayes have it, and the amendment is agreed to.

At this point, I just want to very briefly say, we are proud of the work that this bill has, I am pleased that the manager's amendment that we just voted to include, includes numerous contributions from our colleagues.

And that is including Senators Cardin, Coons, Murphy, Markey, Merkley, Schatz, Van Hollen, Rubio, Paul, Portman, and Senator Hagerty. And I urge my colleagues to support this bill.

Are there any amendments to this legislation?

Senator PAUL? Yes.

Senator PAUL. My amendment would reduce foreign aid by 10 percent. Foreign aid welfare has been increasing at a rapid rate over nearly 70 percent increase over the past decade. Meanwhile,

our overall debt approaches \$30 trillion. I think it is time we reconsider paving roads overseas and consider paving roads here at home.

The author, Dr. M.G. Quibria, in the Georgetown Journal of International Affairs writes, "The history of foreign aid has been inextricably linked with corruption." He quotes Dambisa Moyo, who has a book called *Dead Aid*, which argues that the root cause of much of the development affliction of Africa can be traced to the large inflow of foreign aid that generates a cycle of corruption that results in slower growth and poverty.

All of us have seen the stories where aid has come in and destroyed local markets, and destroyed local farmers, but this is not the exception, but the rule.

Former U.N. Secretary, Ban Ki-moon, says that corruption devours about 30 percent of all development assistant money or aid. If you give more aid, you will get more corruption, if you give less aid, maybe you will get less corruption.

The Mubarak family is a great example of the corruption of foreign aid. Over a couple of decade period they got somewhere around \$30 to \$40 billion. They managed to steal about half of it. The Elder Mubarak was estimated to be worth between \$15 and \$20 billion, even his kids were estimated to be worth about \$5 billion each. This is the history of foreign aid. It is a history of corruption. It is a history of money going from poor people in rich countries, to rich people in poor countries. And I think we should consider reducing foreign aid by 10 percent.

And now I would ask for a recorded vote.

The CHAIRMAN. Is there any other Senator wishing to be recognized on this amendment?

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. Mr. Chairman, I am going to vote no on this amendment. I think, first of all, Senator Paul has to be commended. He has been a tireless advocate to review not just foreign aid assistance, but the entire U.S. budget. There is absolutely no doubt that there are things in here that need to be reviewed, that need to be cut out, that need to have sideboards on them, that need to be followed more closely.

I think, though, that an across-the-board 10 percent cut is not the way to do this. I think it needs to be taken on, on a piece-by-piece basis. But I share his concern. I share his view on the waste and corruption, but I am going to vote no on this amendment.

The CHAIRMAN. Any other Member seeking recognition?

Very briefly, this amendment caps the Fiscal Year 2022 appropriations for foreign assistance at a specific amount, 10 percent below FY 2021 appropriations across all foreign assistance programs.

With the pandemic surging here at home, thanks, in part, to the Delta variant, this amendment would reduce U.S. support for global efforts to combat COVID-19. And if we retreat in this regard, China will fill the void that we create.

I commend the Senator for his constant commitment to making sure U.S. taxpayer dollars are used in the most effective way, but I cannot support this amendment.

The Senator has asked for a recorded vote. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. 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. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. No.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator RISCH. No, by proxy.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Young?

Senator RISCH. No, by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator RISCH. No, by proxy.

The CLERK. Mr. Hagerty?

Senator RISCH. No, by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. No. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 4; the nays are 18.

The CHAIRMAN. And the amendment is not agreed to.

Senator Cardin, I understand you want to be recognized?

Senator CARDIN. Yes. Mr. Chairman, I had an amendment that dealt with Section 107. I am not going to offer that amendment, but I do want to raise the issue.

And first, let me thank the Chairman and Ranking Member, particularly Senator Risch for all your efforts in trying to reach out

and work with all of us on this particular bill. I thank you for the input of allowing some of our issues that we raised to be included in the manager's package.

I still have a concern on Section 107, and let me express it, because I hope we can work this out as the bill works its way through the United States Senate. Section 107 says, "Governments using the COVID-19 pandemic as a pretense for repression have undermined democratic institutions, debilitated institutions for transparency and public integrity, quashed legitimate dissent, and attacks journalists, civil society, organization, activists, independent voices, and vulnerable and marginalized populations, including refugees and migrants, with far reaching consequences that will extend beyond the current crisis."

That is absolutely accurate. And we have to deal with that. And I applaud you for including that section in the bill. It is very important that we do it.

You then go on to say that, program priorities, including programs that support democratic institutions, human rights defenders, civil societies, and freedom of the press, should be targeted to the extent feasible towards civil societies, organizations, in countries in which emergency government measures taken in response to COVID-19 pandemic, have violated internationally recognized human rights.

My problem with that section is, I certainly want to fund this, but I do not want to take money away from programs that are currently underfunded, that are targeting the development of democratic institutions, and dealing with problems that we have.

I have raised, several times, that we are not appropriating enough of the foreign assistance programs for good governance, the anti-corruption, to deal with the decline of democratic states.

And I am concerned that this language could be interpreted to take money away from that program.

Now, I know we have the distinguished Chairman of the subcommittee, the Senator from Delaware, on our committee, and I am sure he will protect that during the appropriation process, but I just really want to raise the issue that we do not take money away from programs that are already underfunded to meet this very desperate need. I would have been more comfortable if we would authorize additional funds for this purpose, which I think we should have.

And I look forward to working with the Chairman and Ranking Member as this bill goes forward. And I will not press my amendment.

Senator RISCH. Thank you, Senator Cardin.

I will respond briefly. First of all, I think that is a legitimate concern that you have. We have gone back and forth on funding on this bill, to a large degree, and settled on what I think is an appropriate number, but that, that number is written on paper for this year. It is not written in stone.

There is no doubt in my mind that if we wind up with another one of these pandemics, that the money we are talking about here is peanuts compared to what we will wind up spending, just like this pandemic is. My idea is, that I really think these institutions will do better if we do not throw a whole bunch of money at it at

the beginning that they are trying to spend when they are not really prepared to spend it.

It is my idea that this thing get up, get running, we take the training wheels off next year, and then we keep going forward. But I fully intend, and I assume other Members of this committee are in the same position, and that is, we are going to be looking over the shoulder of this. We are going to be watching what this organization does as a new organization, because its newness, as everyone knows, can cause real difficulty sometimes.

So I agree with you. I hope to join you in future years as we go forward.

Senator CARDIN. Mr. Chairman, if I could just respond very briefly. The concern is, we are dealing with the general fund foreign aid appropriations that go for democracy institutions. In the American Rescue Plan there are some funds available, and you have dealt with that in a different section, which I think you have handled the right way. I am concerned about the future appropriations being compromised, because there is just not enough funds available for this purpose.

Where I want to see this purpose funded, I think we should be looking at how much additional funds are needed, or how we reallocate funds in order to meet all these priorities. That is the only reason I raise this. It should not be put ahead of other priorities that are currently being funded that are, in my view, underfunded.

The CHAIRMAN. Thank you. I, first of all, appreciate the Senator withholding his amendment. Secondly, if the effect of the language would create the result that the Senator is concerned about, then I would share his concern, and we look forward to working with you as we move to the floor to refine it.

Any other Senators wishing to offer an amendment, or recognition? Senator, Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman. Very quickly, let me thank you for your leadership, along with Senator Risch. No small thing to make this substantial bill bipartisan, I appreciate your willingness to work with all of us. In particular, I want to draw our attention to Section 3 of this bill, which sets up some new, creative financing mechanisms.

This comes from legislation Senator Risch and I had developed last year, modeled after the Millennium Challenge Corporation, public-private partnerships, working with individual nations to use U.S. dollars in order to leverage domestic policy changes, which can strengthen local public health systems. I think that is a smart usage of U.S. taxpayer funds.

I did a couple of amendments I had offered here in the manager's package, and thank you for that. I did have an amendment relative to funding for the Coalition for Epidemic Preparedness that I will not call up. But it is really important that the United States make a substantial contribution to CEPI, I know only half of us voted for the American Rescue Plan, but in that bill I think it was commonly understood that there was an amount of money set aside for this organization.

We were very fortunate this time around that it was American companies that were able to develop vaccines that right now are saving lives all across the country, and the world. CEPI, though,

is an international organization that works both in a public and private sector manner to develop vaccines. And it may be the next pandemic comes with a vaccine that is developed through that international group. And the United States should be a substantial player there, just to make sure that if we do not develop the vaccine, if the international group does, that we have a seat at the table.

And so I look forward to working with the Chair and the Ranking Member in continuing to make sure that we have an adequate contribution that we are at the table on CEPI's work. And at this time I will not call for an amendment requiring that contribution to be made, but I look forward to working with folks on that project.

The CHAIRMAN. I thank the Senator for withholding his amendment. And we look forward to working with you. I share your views on CEPI.

Senator Risch.

Senator RISCH. Very briefly. Thank you, Senator Murphy for withdrawing that. I think CEPI is going to be a player in this no matter what, and how it works with this new organization will be important. I think we are going to continue to review that as we go down the pike.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cruz seeks recognition.

Senator CRUZ. Thank you, Mr. Chairman. I call up Cruz first degree two. This is an amendment that would prohibit U.S. participation in the creation of a vaccine passport. And let me say, I think there are a lot of Texans, I think there are a lot of Americans across the country that are very frustrated at the Government responses to COVID-19. And I think the decision yesterday by the CDC to reverse its guidance, and to mandate masks for vaccinated people is the kind of decision that is infuriating people across this country.

I believe the CDC's decision yesterday was politics. It was not science. It was a decision that somehow pretends vaccines do not work. The CDC months ago, rightly concluded that vaccinated people do not need to wear masks because the whole purpose of a vaccine is not to get the disease.

That decision was right. The science has not changed, the only thing that has changed is the politics. A-year-and-a-half ago the CDC was one of, if not, the most respected, scientific and medical organization in the country. Today, the credibility of the CDC is in tatters, because leadership of the CDC has been willing to allow science to become politicized.

We have seen Dr. Fauci take virtually every position, on virtually every subject under the sun. We have seen Dr. Fauci in his emails explain his view that masks do not work, and are not effective in preventing COVID-19. We then see Dr. Fauci changes positions over and over again. We have seen Dr. Fauci say that when he told people masks did not work, he actually believed masks did work, but he wanted people not to wear masks because he wanted first responders to have them first.

I believe that when government scientists and health experts allow politics to trump the science, it does enormous damage to the

willingness of the American people to believe anything they have to say. I think one of the aspects of yesterday's decision that illustrates the arbitrariness of this is the brand new decree that everyone in schools must wear a mask. It does not matter if you are vaccinated or not. If you enter a school, you must wear a mask.

Now there is no great new scientific discovery that mandates this new edict. Indeed, we have seen throughout this crisis, that while COVID-19 can be very, very serious for vulnerable populations, for the very elderly, for those with significant comorbidities, that we have seen the incidence of serious disease with COVID-19 among children is very, very low. And there is no credible demonstration that children are a significant vector for spreading the disease.

But the CDC, nonetheless, said anyone who steps in a school must be masked. It is not complicated why. They did so because the Teacher Union bosses demanded. That is a political decision. Political players can make political decisions. It would not surprise me to see elected officials deciding, I am going to give the union bosses what they demand. But that is not what the Center for Disease Control should be doing.

My view on COVID is, it is serious. We should take serious steps to combat it. We have taken extraordinary steps to combat COVID-19, including an unprecedented effort to develop vaccines, hundreds of millions of which have been administered as we have come together and fought against this disease. But we have also seen stupid policies. We have seen lockdowns across this country that have shut down small businesses, destroyed restaurants, destroyed bars, destroyed generational businesses.

We have seen schools shut down. Tens of millions of children sent home for over a year, children who are falling behind academically, who are falling behind in reading, who are falling behind in math, and the children being hurt are disproportionately low income, they are disproportionately Hispanic and African-American, and nonetheless, the edicts to shut down schools have continued. They were utterly unjustifiable.

My view is simple. We should not have mandates. What does that mean? That means no mask mandates, that means no vaccine mandates, and I will say, you know, it was interesting, as I was reading through this COVID bill, Section 107, talking about what foreign governments are doing, an awful lot of the description of foreign governments can apply to our own government. So section 107 of this bill says, "Certain foreign governments have taken measures in response to COVID-19 that violate the human rights of their citizens without clear public health justification."

Well, I think you could delete the word "foreign" in that because we have seen governments here, domestically, arbitrarily exercising power as well. This Section 107 also says, "Government is using the COVID-19 pandemic as a pretext for repression, and undermine democratic institutions," check, "Debilitated institutions for transparency and public integrity," check, "Quashed, legitimate dissent."

I might remind you that Anthony Fauci in those emails asked Facebook to silence anyone who said anything different than the government directive on speech, including if you suggested the origin of the Wuhan virus was actually in Wuhan China in a Chinese

government lab. And Facebook willingly complied, censored that view, you are not allowed to have that view that this escaped from the government lab.

Then miraculously, a couple of months ago, the Administration was forced to recognize, well, yeah, there is actually very significant evidence that the Wuhan virus escaped from a Chinese Government lab in Wuhan, and beyond that, that it may well have been developed with government research, with American taxpayer funding on gain-of-function research. Those views that were banned for a year are now acknowledged as having very significant scientific basis behind them.

My view, there should be no mandates. No mask mandates, no vaccine mandates, and no vaccine passports. And what my amendment focuses on, is just the last piece of it, vaccine passports. And I will say, finally, this should be a proposition that is bipartisan. The Biden administration at least claims to oppose vaccine passports.

Jen Psaki at the White House said, "Let me be clear on this. I know there is a lot of questions, Psaki said, "The government is not now, nor will we be supporting a system that requires Americans to carry a credential." If that is right, if that is credible, then I would urge the committee to adopt my amendment, prohibiting U.S. taxpayer funds from going to, or the American Government participating in, an international body, creating a vaccine passport that would be required for Americans traveling abroad.

The CHAIRMAN. I have a number of questions and concerns about the substance of this amendment. However, the text of this amendment is clearly outside the scope of the Foreign Relations Committee's jurisdiction. Indeed, the text is drawn directly from S. 1932, a bill sponsored by the Senator from Texas that has been referred to the HELP Committee.

"This amendment prohibits the use of federal funds for the creation of a vaccine passport system or vaccine tracking database, including at the state level. And it requires that COVID-19 vaccination records be destroyed by all federal departments and agencies."

Neither of these issues fall within our committee's jurisdiction. Accordingly, I rule this amendment out of order.

Senator CRUZ. Mr. Chair. Mr. Chairman?

The CHAIRMAN. The Senator from Texas.

Senator CRUZ. Mr. Chairman, I think that jurisdictional argument is not justifiable based on the underlying bill. The underlying bill is about policies engaging in a bilateral basis in response to COVID. This amendment is prohibiting participating in an international organization creating a vaccine passport.

This bill talks about vaccine monitoring, and this amendment ensures that we are not establishing a federal government vaccine database that is monitoring U.S. citizens in violation of their privacy rights. This bill talks about enhancing transparency of health data, and I think the amendment would protect the privacy of health data from a vaccine passport. And this bill also talks about establishing partnerships with the private sector to improve pandemic preparedness and response.

This amendment addresses the same topic. To prevent the U.S. Government from working with a third party in the private sector

to develop a vaccine passport and force it on the American people. And so accordingly I appeal the ruling of the Chair that the amendment is out order.

The CHAIRMAN. The Senator appeals the ruling of the Chair that the amendment is not in order because it is outside of this committee's jurisdiction.

The question for the committee is, shall the decision of the Chair be overturned? A "yes" vote means you wish to allow the amendment. A "no" vote means you agree with the Chair, that the amendment should not be allowed. As such, I will vote "no."

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch is recognized, then Senator Shaheen.

Senator RISCH. Mr. Chairman, likewise, I am going to support the ruling of the Chair.

First of all, Senator Cruz makes a passionate and legitimate case about some very clear domestic issues that we are wrestling with. I think every state is wrestling with it. My state is having the same arguments about vaccinations, about passports, about masks, and everything else.

But this is a bill dealing with the creation of an international institution for dealing with these things. It in no way requires the United States, or any state, or any locality, to follow any regulations that are adopted in an international forum.

Really, if we are going to get this thing passed, it needs to have bipartisan support of the general proposition that we have here. If we get down into dealing with these, that really are, as the Chairman points out—[Technical issue.]

Senator RISCH. But if this Rule 15 of the Senate says that we are getting the Standing Committee, the language, that they submit that they are not within the jurisdiction of the committee, and as the Chairman pointed out, these matters clearly have been in the jurisdiction more broadly. So I respect the Chair's—

The CHAIRMAN. Senator Shaheen?

Senator SHAHEEN. Well, Thank you, Mr. Chairman, and I also intend to support the ruling. But I want to respond to—I guess everybody gets the word, some of the misstatements that you made, I think too many of us, for too long, have been unwilling to correct misinformation that is out there. I think it is very clear, and the CDC said that, that they are responding to new, scientific information about what is happening with the coronavirus.

It is the spread of the Delta variant, and the increasing amount of contagion and virus that comes with that Delta variant, that has produced this response from the CDC. And I would argue that we are where we are now, because the previous administration did not follow science, what they did is politicize the virus in a way that has gotten us to where we are today.

You know, when I enrolled my kids in school they all had to produce vaccination records that showed they had been vaccinated for serious illnesses, in order to go to school. I was happy to do that, because I wanted my kids to be safe. I want my grandchildren to be safe. That is why I have encouraged all of them to get vaccinated, and they are at this point.

And I think it is incumbent on us as political leaders to be clear with our constituents. You have a lot of people who look up to you, Senator Cruz, in Texas, and your unwillingness to acknowledge the coronavirus and the need for vaccinations, I think is one of the reasons that we see Texas is one of the third highest states in the country with the spread rate, because of the Delta variant.

We need to encourage people to get vaccinated. Now it is their own choice, I agree with that, but when they understand the threat that faces them if they are not vaccinated, and we take the politics out of it, I think we have a much better chance of protecting people in this country, and that should be our goal.

So I recognize your ability to offer this amendment, I intend to vote against it. And I think it is, again, it is not helpful to the debate to not have accurate information when we are talking to people.

The CHAIRMAN. Senator Paul? Senator Paul seeks recognition.

Senator PAUL. You know, I think the Senator is right. The facts are very important, but I think also, it is very important as we discuss the facts of the virus that we realize that someone's opinions, we should not be discussing—believing your opinion is the truth, and no one else can be heard on it. But this is the real problem, I think it is not the real thing. So I will give you a couple of examples, if you want to malign Texas for taking them a lighter touch than some of the other states.

The highest death rate in the world is New Jersey and New York. States with the heaviest touch in the entire world, New Jersey and New York have the highest death rates by far. No one is going to exceed them.

As far as the facts of the Delta virus, the Delta variant, Public Health England looked at 92,000 people who got the Delta variant. Many, many articles have shown it to be more transmissible. I do not think anybody disputes that, but when you look at the death rate of the Delta variant, both vaccinated folks and unvaccinated folks who died from it, the death rate was a great deal lower than the wild variant.

For those who were vaccinated and over 50, the death rate was about 1.4 percent, for those over 50 who were unvaccinated was about 3.4 percent. This is much lower than the wild variant, the wild variant above 50 was about a 5 to 6 percent death rate for all-comers last year.

So there is a great deal of evidence, but when one side presumes that you know the truth, and that, oh, everything says that the Delta variant is more deadly. No, there are facts that on both sides, you can argue what science you see and what we see. But the real danger in our country is people presuming to know the truth and calling other Senators misinformation, and I presume this would be the argument.

Well, why don't we shut down Ted Cruz? Why don't we not let him speak at all, that is what is going on in our country, that—

Senator SHAHEEN. I did not suggest—

Senator PAUL. It is not your time. When it is your time, you can have your time back. It is not your time to interrupt.

But here is the point. The point is, is this is going on across America. There are people on your side of the aisle introducing leg-

isolation to tell Facebook that my opinion cannot and should not be heard. I quote from scientific literature every day, and you can disagree with it, but the thing is, your side is wanting to take down the argument and have your way imprinted on the American mind with no objection. That goes against everything with regard to free speech that we know of our country. Mr. Chair?

The CHAIRMAN. The Chair will remind Members, that when they have their time it is their time. And corrections can be made subsequently. I will take the opportunity to correct the Senator with reference to New Jersey, at the height of the pandemic, yes, we did have a high death rate, but now as a result of vaccinations, where nearly 60 percent of the population is vaccinated, we have the lowest of any place in the nation, we have the lowest transmission rate, even though we are now facing the challenge of the Delta variants. So everything has to be put in the appropriate context.

Senator JOHNSON. Mr. Chairman?

The CHAIRMAN. Senator Kaine has asked for recognition. I will get back to you.

Senator Kaine. Thank you, Mr. Chairman. I am going to be brief. I also wanted to make a quick correction of Senator Cruz to go to the point Senator Shaheen mentioned. This is not about shutting off debate, or keeping people from expressing their opinions, but Senator Cruz, at the beginning of his comment, I do not have the court reporter's transcript ahead of me, but he said, that the CDC action yesterday to recommend mask wearing, the only thing that had changed was politics.

That was what he said.

The only thing that justified the CDC's guidance was politics. And that is frankly ridiculous.

It is ridiculous because in your comment, you never said anything about the Delta variant. You never said anything about the rising caseload in Texas, and Virginia, and everywhere. You did not acknowledge that the Texas Department of State Health Services before the CDC, is still recommending that people wear masks because of the Delta variant. You can have opinions about the potency of the Delta variant, we can debate those. But when you say that the CDC action yesterday was based purely on politics, and was unrelated to the surge in the Delta variant that is hospitalizing people at near-record numbers, and killing far too many Americans, I just worry about folks who are watching a hearing like this. When they think that their representatives of government are trashing the institutions of government, and asserting that they are only acting by politics, when we are in the middle of such a challenging spike in the pandemic, the effect of those comments is to weaken people's belief in the institutions of this country.

And these institutions are not perfect because humans are not perfect, but I have lived in a military dictatorship, I have seen how other people live, and I just do not feel that we should be needlessly trashing our health agencies, as they are trying to recommend, in a difficult circumstance, ways for people to be safe.

This is not about politics, what the CDC did yesterday, just as the Texas State Health Department's recommendation, which, like the CDC's, is not a mandate. It is a recommendation about how people should stay safe. We are just trying to do the very best we

can to keep people safe, and I do not know why folks would want to undermine that.

The CHAIRMAN. Senator Johnson?

Senator JOHNSON. Mr. Chairman, I just had to push back. When we hear accusations from the other side that Republicans have politicized COVID. I mean, go back to March, April, May, June of 2020, who was politicizing COVID? It is the current President and Vice President in their campaign that expressed skepticism over a Trump vaccine. So I cannot stand by and let the other side accuse Republicans of politicizing COVID. It has been your side that has done that.

And you did it, and you won the campaign, you won the presidency. Congratulations. Now my point with the agencies is they have not been forthright. I listened to Jen Psaki yesterday. Well, it is all based on data. Okay, show us the data. Be transparent. There is a law on the books that says if five members of the Homeland Security Committee, which I formerly chaired, sign an oversight request, the agencies shall not say "would you kind of maybe do it," they shall turn over the information.

We have five members of the Homeland Security Committee asking the Health and Human Services Department to turn over the emails from Anthony Fauci, unredacted, unredacted. What we got yesterday was the 4,000 pages of redacted emails. The agencies are not being transparent. And I would argue that that is the reason you are seeing people hesitant. It is not vaccine hesitancy.

I held an event in Wisconsin on June 28th, with five women and a 13 year old girl who believed they were vaccine injured. The CDC, NIH, the vaccine manufacturers are ignoring these people. They are casting them aside. They just want to be seen, they want to be heard, they want to be believed so that somebody might just acknowledge that maybe it is the vaccine that was the problem, so they can get effective treatment.

Where is the ounce of sympathy for the truth? So again, we want transparency. We want data. It is not our side that has politicized this. It is the Democrats that have politicized this. I am getting tired of hearing the false accusations coming from the other side. I am getting sick of being attacked for just asking legitimate questions.

You know, as long as I have been alive, when it comes to health matters, it has always been stated, get a second opinion. I do not know when all of a sudden the CDC, NIH, and the FDA have become the gods of information, and we should never question their considered judgment. There is plenty of other people have different views. Those views should be respected, and they should be allowed to be aired.

And I totally agree with Senator Cruz. I am completely opposed to mandates and passports. We have given up enough freedom during this pandemic. It is time for Americans to reclaim their freedom. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Cruz seeks recognition. And then I am going to call a question. We have had a robust discussion on this. And after Senator Cruz, Senator Risch will have a chance. Then we will have a vote.

Senator CRUZ. Thank you, Mr. Chairman.

Senator Shaheen impugned my integrity. And she claimed, falsely, that I was somehow suggesting vaccines are not effective. That was an absolute falsehood, whether it was deliberate or not, I will not speculate. But it is precisely the opposite of what I was saying, and had been saying, vaccines are effective. I have been vaccinated, my wife has been vaccinated, my parents have been vaccinated, my wife's parents have been vaccinated.

I have been urging Americans to get vaccinated. But I also believe in individual liberty. I believe in freedom. It is your damn choice whether you get vaccinated. I think it made sense for me in consultation with my doctor, but you have the ability to make your choice. And the irony is, it is the Biden administration that is doing what Senator Shaheen accused me of doing.

When they put out, the CDC puts out this rule, even if you have been vaccinated, you got to put a mask on, it is the Biden administration that are telling people, vaccines do not work. I actually understand vaccines do work, which is why that is an arbitrary rule to require people who have been vaccinated to put a mask on.

And by the way, we see the Kabuki Theater here, everyone here has been vaccinated. As soon as the CDC said that we saw Democrats putting on masks, not because the vaccine suddenly stopped working yesterday, but it was working two days ago, nope, because now it is a virtual signal of submissiveness to wear a mask.

I would note. None of the Democrats who spoke, said one word about my point of the arbitrary demand that everyone in a school wear masks, even though kids have not gotten, by and large, seriously ill, or been a provable vector for spreading this disease in significant amounts. This was done because the teachers unions, the union bosses demanded it, politically.

But Senator Shaheen also said that that our constituents deserve clarity. I agree with that. She described how happy and eager she was when schools required kids to get vaccinated. And you are right, there are vaccine requirements, there are different diseases, and each state can determine what is required concerning vaccine. So in the interest of clarity, I would just ask Senator Shaheen, do you believe there should be a vaccine mandate for COVID-19? And do you believe the Government should issue or participate in a vaccine passport?

I answered those unequivocally, no. And I would ask Senator Shaheen to have the same transparency. Do you support a vaccine mandate for COVID-19? Do you support a vaccine passport?

The CHAIRMAN. Time has expired.

Senator Risch?

Senator RISCH. Well, Mr. Chairman, you know, I am right back to where I started on this thing. The very first time I sat down on the draft of this bill, President Trump had just announced that he had no confidence in the WHO, *et cetera, et cetera*. It became incredibly political, and heated, just as this has become.

This bill has nothing to do with mandatory vaccinations. It has nothing to do with the Government collecting information on people, and with all due respect to my good friend from Texas, I would respectfully ask that we keep that out of this bill. This is to create

an agency, an international agency that will respond differently and better than the WHO responded.

We have tried to keep the politics out of this. I think the issues that you have raised are absolute legitimate issues, issues that should be taken up on a bill that actually deals with that. This bill does not. And indeed, under the Rule 15 of the Senate, I have to agree with the Chairman that it is not appropriate for this bill.

I would plead with people to focus on what this bill does, and what an important thing we are doing here for the world, if we get another one of these pandemics. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Look, I think we all believe in liberty, we all believe in freedom, but my freedom to live when it clashes against those who ultimately choose not to get vaccinated, and to put my life and the life of my constituents, and the life of my family at risk, that is a clash there of our individual freedoms.

The reason for the CDC's announcement is not that vaccines do not work, it is that the Delta variant can be carried even by the vaccinated. And if you care about your fellow man, as the Bible teaches us, then ultimately you would choose to wear a mask so that you mitigate the possibility of infecting your fellow man. That is what the recommendation is all about.

But in any event, I will remind our colleagues, the question for the committee is, shall the decision of the Chair be overturned? A yes vote means you wish to allow the amendment, a "no" vote means you agree with the Chair that the amendment should not be allowed.

As such, I will vote, "no."

All those in favor, who say "aye" will, in essence, say they, they wish the amendment to proceed.

So, with that—

Senator CRUZ. Mr. Chairman I ask for a recorded vote.

The CHAIRMAN. A recorded vote is requested.

The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. Aye.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Romney?

Senator RISCH. No, by proxy.

The CLERK. Mr. Portman?

Senator RISCH. No, by proxy.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Young?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator RISCH. No, by proxy.

The CLERK. Mr. Hagerty?

Senator RISCH. Aye, by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. No. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 7; and the nays are 15.

The CHAIRMAN. The decision of the Chair is not overturned. The amendment is not in order on the committee.

Is there anyone else seeking recognition?

Senator Merkley?

Senator MERKLEY. I thank you very much, Mr. Chairman. And I want to go to a completely different part of this, which is whether we are being ambitious enough in this bill.

I would like to enter in the record a letter from 60 health and advocacy organizations, that is addressed to President Biden. And we have been provided with copies here in Congress.

And they lay out the vision that I think is consistent with this bill, that we need to aggressively help the world take on this disease, that we have a huge stake from a humanitarian perspective, we have a huge stake from an economic perspective, and we certainly have a huge stake from our own healthcare perspective, because as long as the disease is raging around the world, it is going to be returning to the U.S. in all kinds of ways, and affecting us here, including our health and our economy.

These groups laid out a vision that I put into my first-degree amendment number three, which I will not ask for a vote on, but I want to make the point that they are saying. They are saying for us to be able to have a significant impact on this disease around the world, it will take about a \$25 billion investment, and furthermore, distribution expenses, and that will add up to another 9 billion. And so they suggest an investment of \$34 billion.

And I am glad we have increased the number from \$3 to \$5 billion in this bill. But I want to point out that I have not found any analysis that shows that \$1 billion per year over the next five years is at all adequate to the incredible challenge before us. I do appre-

ciate that two of the points made by these groups have been adopted notionally into the bill.

One is that we have to support the establishment of regional manufacturing hubs around the globe. And second, that we need to facilitate technology sharing and licensing of intellectual property necessary to ensure adequate and timely supply of vaccines and vaccine components. So these two ideas are incorporated into the bill, but it is going to take a lot more resources.

Think about where we are right now. And that is that only 1.1 percent of individuals in low-income countries have received a single dose, meaning almost 98 percent have received no doses at all.

The current strategy, we will not reach widespread vaccination until 2024. That means years of this disease raging around the world and returning to the United States of America. Even this process is one in which we have a big stake, and this bill, philosophically, is on the right track, but I need to emphasize that we are going to have to think much more boldly, much more aggressively, if we are going to tackle this challenge. And that the United States is really the country that has the influence, the ability to lead the world in this effort.

And thus, we should ponder it in that context that no other country is going to step forward and lay out the vision to aggressively do this. This bill lays out a vision. We need to put a lot more horsepower behind it if we are going to fulfill that vision.

The CHAIRMAN. Without objection, the Senator's request for letters will be included in the record.

[The information referred to is located at the end of this transcript.]

The CHAIRMAN. We appreciate the Senator's views. And we look forward to working with you in the appropriation and other process to have as robust a presence as possible.

I am going to observe the five-minute rule, for any other comments and amendments. In order to move forward; we have a panel that is been waiting before us; we have colleagues who are waiting to introduce them.

Is there anyone else seeking recognition, or to offer an amendment?

If not, is there a motion to approve S. 2297 as amended?

Senator RISCH. So moved.

The CHAIRMAN. So moved by Senator Risch. Is there a second? Seconded by Senator Cardin.

The request is on the motion to approve S. 2297 as amended.

All those in favor, will say, aye.

[Chorus of ayes]

All those opposed will say no.

The ayes have it, and the legislation is agreed to.

With that, the resolution is agreed to.

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

With that, the committee will stand adjourned. We will reconvene, for today's nominations hearing.

[Whereupon, at 10:11 a.m., the committee was adjourned.]

Additional Material Included in the Meeting Record

LETTER FROM 60+ GROUPS URGING PRESIDENT BIDEN TO LAUNCH
GLOBAL VACCINE MANUFACTURING PROGRAM

SENT TO PRESIDENT BIDEN BY PUBLICCITIZEN AND INCLUDED IN THE RECORD AT THE
REQUEST OF SENATOR MERKLEY AND BY UNANIMOUS CONSENT.

APRIL 13, 2021

President Joseph R. Biden,
1600 Pennsylvania Avenue NW,
Washington, DC. 20500.

DEAR PRESIDENT BIDEN, Thank you for your leadership strengthening the U.S. response to the coronavirus pandemic. We appreciate your administration's commitment to COVAX and the recently announced Quad partnership, to support vaccine access abroad. Yet without much more ambitious leadership, the scale of global vaccine need will not be met.

Even as our country expands access to Covid-19 vaccines through the broadest vaccination campaign in U.S. history, for most of the world, there is no relief in sight. Few of the billions of people living in low- and middle-income countries will be vaccinated against Covid-19 this year. Many may not be vaccinated until 2024, if ever. Virus variants threaten to deepen and prolong the crisis.

The only way to get the pandemic under control is to accelerate global vaccine manufacturing. The United States has capabilities to help the world make billions more doses of Covid-19 vaccine for about \$3 a dose, a fraction of the cost of inaction, and shorten the pandemic.

We urge your administration to announce in your fiscal year 2022 budget an ambitious global vaccine manufacturing program to end the pandemic and build vaccine infrastructure for the future.

Proposal

The United States should help the world produce billions more vaccine doses within approximately one year.

For example, modest capital investments (about \$2 billion) can retrofit vaccine manufacturing facilities and install additional mRNA production lines. Doses can then be manufactured for less than \$3 each. U.S. leadership is likely to inspire co-funding by other governments and international organizations. A total investment of less than \$25 billion, including whole-of-government efforts to source raw materials and provide technical assistance, can support the rapid production of 8 billion doses of mRNA vaccine, enough for more than half the world's population.

The U.S. should support a massive expansion of manufacturing and establish hubs for vaccine production with the World Health Organization, including hubs located in Africa, Asia and Latin America. These hubs will democratize production and improve global health security, particularly if they are accountable to the public and equipped with adaptable technologies, such as mRNA platforms, believed critical to defeating the next pandemic.

The United States should ensure that technology is shared openly, including via the WHO Covid-19 Technology Access Pool, so that scientists and manufacturers worldwide can support vaccine delivery and development. Where necessary, the U.S. government should use its power under existing law to license technology, ensuring its availability and affordability now and for the future. Notably, taxpayers made substantial investments in Covid-19 vaccine research and development, and the U.S. Government owns a key patent relied on by the major vaccine makers.

Without a vaccine manufacturing plan of global ambition, millions more people may die, with tens of millions pushed into extreme poverty. Black and Brown communities will bear the brunt of this preventable suffering. The progress achieved through decades of U.S. overseas development assistance will be reversed. People living in the United States may feel the ripple effects with ongoing threats of virus mutations. The economic costs to the United States are estimated at \$800 billion to \$1.4 trillion.

U.S. history demonstrates that by mobilizing extraordinary resources and the country's full capabilities, while working closely with global partners, the country

can solve complex technical challenges and support humanity in times of great need. This is one such moment, and there is no time to lose. We urge you to launch an ambitious vaccine manufacturing program in your FY22 budget to help end the global pandemic.

Signed,
 Public Citizen
 Access Challenge
 Action Against Hunger
 American Jewish World Service
 American Medical Student Association
 American Medical Women's Association
 American Society of Tropical Medicine & Hygiene
 Amnesty USA
 PAVAC
 Be a Hero Fund
 BRAC USA
 Buddhist Global Relief (USA)
 Center for Popular Democracy
 Center for Policy Analysis on Trade and Health (CPATH)
 ChildFund USA
 Chinese-American Planning Council
 Christian Connections for International Health (USA)
 CORE Group
 Doctors for America
 Drugs for Neglected Diseases initiative, North America
 Episcopal Relief & Development
 Families USA
 FHI 360
 Foundation for Integrative AIDS Research (FIAR)
 Friends Committee on National Legislation
 FXB Center for Health and Human Rights, Harvard University
 GOAL USA
 Health GAP
 Helen Keller International
 Help Age USA
 Human Rights Watch
 Incentives for Global Health
 International Medical Corps
 International Rescue Committee
 International Treatment Preparedness Coalition
 Islamic Relief USA
 Jesuit Refugee Service
 JustActions
 Last Mile Health
 Management Sciences for Health
 Médecins Sans Frontières, USA / Doctors Without Borders
 MSI United States
 National Council of Churches USA
 Network Lobby for Catholic Social Justice
 Oxfam America
 Partners In Health
 Pathfinder International
 People's Action
 Physicians for Human Rights
 Planned Parenthood Federation of America

PrEP4All
Prescription Justice
RESULTS
Right to Health Action
Salud y Farmacos
Social Security Works
Sojourners
SumOfUs USA
The Borgen Project
Treatment Action Group (TAG)
Union for Reform Judaism
Universities Allied for Essential Medicines (UAEM)
Yale Global Health Justice Partnership

BUSINESS MEETING

WEDNESDAY, AUGUST 4, 2021—a.m.

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

Summary of Action Taken by the Committee

LEGISLATION

S.J.Res.10, A joint resolution to repeal the authorizations for use of military force against Iraq, and for other purposes—agreed to by roll call vote (14–8)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Portman (proxy), Paul, and Young

Nays: Risch, Rubio (proxy), Johnson (proxy), Romney, Barrasso, Cruz, Rounds, and Hagerty

- Cruz 1st Degree amendment #1—failed by roll call vote (9–13)

Yeas: Risch, Rubio (proxy), Johnson (proxy), Romney, Portman (proxy), Barrasso (proxy), Cruz, Rounds, and Hagerty

Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley (proxy), Booker, Schatz, Van Hollen, Young, and Paul

- Hagerty 1st Degree amendment #1—failed by roll call vote, en bloc (7–15)

- ◆ Hagerty 2nd Degree amendment #1 to Hagerty 1st Degree amendment #1

- Hagerty 1st Degree amendment #2

- ◆ Hagerty 2nd Degree amendment #1 to Hagerty 1st Degree amendment #2

- Hagerty 1st Degree amendment # 3

- ◆ Hagerty 2nd Degree amendment #1 to Hagerty 1st Degree amendment #3

Yeas: Risch, Rubio (proxy), Johnson (proxy), Romney, Barrasso, Cruz, and Hagerty

Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley (proxy), Booker, Schatz, Van Hollen, Portman (proxy), Paul, Young, and Rounds

NOMINATIONS

The Honorable Gentry O. Smith, of Virginia, to be an Assistant Secretary of State (Diplomatic Security)—agreed to by voice vote

Ms. Monica P. Medina, of Maryland, to be an Assistant Secretary of State (Oceans and International Environmental and Scientific Affairs)—agreed to by voice vote (Johnson, Barrasso, and Cruz recorded as no)

The Honorable Rena Bitter, of the District of Columbia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (Consular Affairs)—agreed to by voice vote

Mr. Marc Evans Knapper, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Socialist Republic of Vietnam—agreed to by voice vote

- The Honorable Brian Nichols, of Rhode Island, to be an Assistant Secretary of State (Western Hemisphere Affairs)—agreed to by voice vote
- Dr. Karen Donfried, of the District of Columbia, to be an Assistant Secretary of State (European Affairs and Eurasian Affairs)—agreed to by voice vote
- The Honorable Mary Catherine Phee, of Illinois, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be an Assistant Secretary of State (African Affairs), a member of the Board of Directors of the African Development Foundation, and a member of the Board of Directors of the African Development Foundation—agreed to by voice vote (Rubio, Johnson, Barrasso, and Cruz recorded as no)
- Ms. Anne A. Witkowsky, of Maryland, to be an Assistant Secretary of State (Conflict and Stabilization Operations), and to be Coordinator for Reconstruction and Stabilization—agreed to by voice vote
- The Honorable Kenneth Lee Salazar, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Mexican States—agreed to by voice vote
- The Honorable Christopher Lu, of Virginia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, and to be the Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform—Held Over
- Ms. Jessica Lewis, of Ohio, to be an Assistant Secretary of State (Political-Military Affairs)—Held Over
- The Honorable Donald Lu, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State for South Asian Affairs—Held Over
- The Honorable Marcela Escobari, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development (Latin America and the Caribbean)—Held Over
- The Honorable Rufus Gifford, of Massachusetts, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service—Held Over
- Ms. Lee Satterfield, of South Carolina, to be an Assistant Secretary of State (Educational and Cultural Affairs)—Held Over
- The Honorable Isobel Coleman, of New York, to be a Deputy Administrator of the United States Agency for International Development (Policy and Programming)—Held Over
- Ms. Paloma Adams-Allen, of the District of Columbia, to be a Deputy Administrator of the United States Agency for International Development (Management and Resources)—Held Over

FSO LISTS

- Maureen E. Cormack, dated April 13, 2021 (PN 358-2)—agreed to by voice vote
- Mark W. Libby, dated April 13, 2021 (PN 357-2)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 10:20 a.m., in Room SH-216, Hart Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Johnson, Romney, Portman, Paul, Young, Barrasso, Cruz, Rounds, and Hagerty.

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

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today we are marking up S.J.Res. 10, a bill to repeal the 1991 and 2002 authorizations for the use of military force. Let me commend Senators Kaine and Young for their persistent leadership on this issue. I know that others as well have been interested—Senator Murphy, Senator Cardin. I would also like to thank them for their patience in seeing this bill marked up, particularly since Senator Risch and I had agreed to a markup of this bill in June soon after our House colleagues voted in favor of repealing the 2002 AUMF.

I agreed to accommodate the requests from Senator Romney and other of our colleagues on the Republican side to hold a classified briefing on the issue as well as a public hearing on repealing the 2002 AUMF because I believe that votes related to the use of force issues are weighty ones, ones that no Member of Congress should take lightly. And I am pleased that all Members of this committee have had an opportunity to fully understand the reasons for and implications of this profoundly important bill.

As I have made clear, I believe it would be a grave mistake if we do not act now to repeal the 1991 and 2002 AUMFs. As we heard very clearly from the Administration yesterday in testimony from the Deputy Secretary of State and two senior lawyers on this matter, repeal of these AUMFs will have no impact whatsoever on our operations or detention activities. There is scenario under which the United States could or would need to use force for which the Administration would rely on the 1991 or 2002 AUMFs. They either have the authority, in their view, under Article II of the Constitution or the 2001 AUMF, or they would come back to Congress to ask for additional authority, and that is the way it should be, and that will help ensure that the 2002 AUMF is not abused by any future administration.

To those who believe that repealing the 1991 and 2002 AUMFs would somehow demonstrate a lack of resolve in Iraq or in the Middle East more generally, I would again point out to you the comments made by our Administration witnesses yesterday. Deputy Secretary Sherman stated clearly, “The 2002 AUMF against Iraq has outlived its usefulness and should be repealed.” She also noted that as a result of the United States strategic partnership with Iraq, “The United States is poised to have a different relationship with Iraq and in the Middle East, and rather than speak to weakness, this speaks to strength.”

I also point out to those colleagues who are concerned about this in our current reality, which is that any U.S. troops currently in Iraq are there at the invitation of the Iraqi Government. And let us be very clear: repealed or not, the 2002 AUMF does not—does not, emphasize—authorize any military activity against Iran. That is not to say that the United States will not or should not show resolve against Iran as it continues to threaten our people and our national security interests, but the 2002 AUMF provides no authority to do that. There is no longer any legitimate purpose for the 1992 or 2002 AUMFs, and the time has come for this committee

to stop dealing in hypotheticals and to act responsibly. I am grateful to the Administration for being responsive to our requests for briefings and a public hearing, and I look forward to a strong vote in support of S.J.Res. 10 today.

Turning briefly to nominations, I am pleased that we will be voting on a number of nominees today. Unfortunately, we again have a blanket holdover request for seven newly-noticed nominees, and I must say this is stretching the bounds of comity, only to understand that there will be a 2:00 p.m. markup. So, the only thing that is being done is, you know, inconveniencing the Members of the committee to come back at 2:00 p.m. to have a vote, a meeting that both the Ranking Member and I have set. If this continues, then I will have a conversation with the Ranking Member about how we are going to pursue this because this is beyond the pale. It is not what was meant. The purposes of holdover of a nominee was to get more information, to have questions answered, to get the Administration to deal with those questions through the State Department, but blanket holdovers of all nominees, that undermines the national interests and security of the United States. We have a holdover of the person who is supposed to be the head of our diplomatic security abroad, supposed to help us protect our people abroad. God forbid something happens while this holdover continues. I would not want to be the person responsible for doing that. So, we will have a meeting at 2:00.

We have one more nominee that we will consider for this morning, which also will be held over: Chris Lu to be the Ambassador to U.N. for Management and Reform. And we will apply the holdover to Lu and then make up—take up his nomination with the others at 2:00 p.m. this afternoon. I am not going to speak to each of these nominees right now, but I do want to say I believe they are all well qualified and deserving of their nominations, and I look forward to their swift confirmations.

I would also ask for unanimous consent to enter nine letters of support that my office has received in support of the nomination of Secretary Kenneth Salazar to the hearing record. And due to COVID precautions, we will email the letters to the committee's Clerk.

Without objection, those letters shall be included.

[The information referred to is located at the end of this transcript.]

The CHAIRMAN. With that, let me recognize the distinguished Ranking Member for his remarks, Senator Risch.

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

Senator RISCH. Well, thank you very much, Mr. Chairman. First of all, I want to speak to the markup on the repeal of the AUMFs. I am going to vote against this, and I want to say that we have spent a tremendous amount on this. The AUMF area of concern is something that all—many of us on this committee have spent a long, long time dealing with. This is really nibbling at the edge of what the real issues with AUMF, and that is, of course, the tug between the first and the second branch of government as to who has what authority and what power. This does not do—so that every-

body understands, that is really not what we are arguing about here. Virtually all of us have the same agreement as to what that should look like. The difficulty is putting it in the writing, and I have seen dozens or more drafts of language to try to get us there, and we cannot seem to get there.

But speaking just to this, with all due respect to the Chairman, I would disagree that this has no useful purpose, and I think that the purpose of this is to communicate our resolve in the region and, particularly, as it affects Iran. And we spent the hearing that we had the other day with each party talking about what effect this will have. First of all, I will be first to concede that whether 2002 exists or does not exist, gets repealed or not get repealed, it will have zero effect on the decision by a chief executive, whether it is this one or another one, to take action that the chief executive thinks needs to be taken. I will be the first to admit that it makes no difference whatsoever. So then, we come down to messaging, and what we did was we argued at length about messaging, and everyone said, well, I think they are going to think this, and the fact of the matter is everybody is right.

When it comes to the messaging, there are people that are going to look at this and say, aha, the U.S. is getting weak on the region. The U.S. is not committed—not keeping the same commitment it has had to the region, and there will be others who will argue the other side. I, frankly, come down on this that there is just no reason to repeal it at this time that in any way endangers sending a message that we are committed to the region and committed to protecting our troops and American interests, and that we will do so. And I was delighted to hear the Chairman say and others say who are going to vote the opposite on this that they share the same view that we are committed, regardless of how we vote on this. And I think that is a message I want loud and clear as long we are messaging.

I understand what the vote is here and where this thing is going to go, but I really believe that it would be a bad message to send as far as repealing this AUMF that gives even the slightest inclination to anyone that we are backing away from this.

So, for that reason, I am going to vote no on that. I heard no reason whatsoever that we—that we should repeal it, that it will make a difference. We have laws, executive orders, and everything else on the books that are hundreds of years old that are—that are totally stale, that do not make a difference anymore, and I think that is where I come down on this. It can sit on the shelf just as well as not.

Regarding the nominations, I want to say that I appreciate working with the Chairman on that. I think we have worked together quite well on them. We have had an issue, and this does not affect your comments regarding the blanket hold, but as to—what we are finding from the State Department is their answers are getting less and less responsive to the questions for the record, and that is the reason for the one hold that I asked to have this afternoon, and I appreciate the Chairman understanding that. But I hope that this will be a message to the State Department that they—these are not—they are getting handled more cavalierly than what they have in the past, and that is the reason why we are where we are with

the one I am holding over, and that is, the first answers were wholly unresponsive and borderline insulting with the way they were answered. They were sent back. We did not get answers until 11:00 last night, so I do not feel really badly about holding over until this afternoon. But hopefully the Department will take this more seriously as we go forward. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Well, I want to—I want to thank the Ranking Member for his collaborative and cooperative work on these nominations. And I agree with him that when do questions for the record, certainly I expect, and I expect any Member's questions for the record to be fully answered, not to be vacant of any substance. So, I respect the Senator's desire to do that, and I appreciate him putting them on the agenda for this morning, and we will honor your holdover until this afternoon.

With that, first, since we have a majority, before we get to the legislation, unless there is a question on nominations. Yes?

Senator JOHNSON. Mr. Chairman, I am going to have to leave for another markup. I have not really spoken to this, but I would like to just make my—

The CHAIRMAN. Sure.

Senator JOHNSON [continuing]. The rationale for my vote public. I truly appreciate the deliberate process here. I mean, I think that the secure briefings, the hearing, I think they were excellent. I am in this process really inclined to repeal these because I agree with the both of you that they are really not necessary. But I think I was persuaded by just the bad timing here, the weakness that has been shown, whether it is acceding to Nord Stream 2, bugging out of Afghanistan. We are already seeing the atrocities occurring there. This looks bad, and we should be sending a signal of strength rather than weakness. So, again, I am completely sympathetic with the—repealing these, but this is a really bad time to do it. And I agree with the—Senator Risch. I mean, these things can sit on the shelf. They do no harm, other than the fact by repealing them I think does harm. So, again, I am going to be voting no on this resolution as well, and I just appreciate the time to be able to state my rationale. Thank you.

The CHAIRMAN. Thank you, and other Members will have the opportunity to speak when we get to the legislation. But for now, since we have the appropriate quorum, without objection, we will now consider en bloc two Foreign Service officer promotion lists and nine nominations that had previously been held over. They are PN 385-2, as modified, PN 357-2, as modified; Gentry Smith to be Assistant Secretary of State for Diplomatic Security; Monica Medina to be Assistant Secretary of State for Oceans and International Environment and Scientific Affairs; Rena Bitter to be an Assistant Secretary for Consular Affairs; Mark Knapper to be Ambassador to Vietnam; Brian Nichols to be Assistant Secretary of State for Western Hemisphere Affairs; Karen Donfried to be Assistant Secretary for European and Eurasian Affairs; Mary Catherine Phee to be Assistant Secretary of State for African Affairs and a member of the Board of Directors of the African Development Foundation; Anne Witkowsky to be Assistant Secretary for Conflict Stabilization Operations and Coordinator for Reconstruction and Stabilization; and Ken Salazar to be Ambassador to Mexico.

Would any Members like to speak to these items before we vote?
[No response.]

The CHAIRMAN. If not, I will entertain a motion that these items be approved en bloc.

VOICE. So move.

The CHAIRMAN. All in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the nominees are reported favorably to the Senate.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Yes?

Senator RISCH. I would ask unanimous consent that Senator Rubio be recorded as a “no” on the Phee nomination, please.

The CHAIRMAN. Senator Rubio will be recorded as a “no” on the Phee nomination.

Senator CRUZ. Mr. Chairman, I would ask that I be recorded as a “no” on the Monica Medina nomination and on the Mary Catherine Phee nomination.

The CHAIRMAN. Senator Cruz will be so recorded on Medina and Phee.

Senator BARRASSO. Mr. Chairman, I would also like to be recorded as a “no” on both of those same nominations.

The CHAIRMAN. Senator Barrasso will be recorded a “no” as well on both of those, Medina and Phee.

With that, the nominees are favorably reported to the Senate as well as the Foreign Service officer promotion list.

We will now turn to S.J.Res. 10. Without objection, we will now consider S.J.Res. 10, a joint resolution to repeal the authorizations for the use of military force against Iraq. Are there any amendments or any Member seeking recognition? Senator Cardin?

Senator CARDIN. Mr. Chairman, I do have an amendment that I will offer, but will not seek a vote, and I would ask that my amendment that was—second-degree amendment be considered as the first-degree amendment, but with the understanding that I am not going to seek a vote on the amendment.

Mr. Chairman, my amendment, and I support the repeal of the 2002 and 1991 resolutions, and I applaud Senator Kaine and Young for their extraordinary patience and leadership in regards to that resolution. My amendment I am not going to offer for two reasons. First, I do not think it will be approved, but secondly, if it got onto the resolution, it would make it more difficult for the resolution to pass, and I would like to see the resolution have the best opportunity to pass. And, quite frankly, I was going to seek a vote on my amendment, which would put a sunset on the 2001 authorization, but a long delay before that would take effect in order for us to be able to pass a substitute or updated authorization.

I must tell you I have been impressed by the committee’s process here. I think the classified briefing and hearing was important, and I think yesterday’s hearing was important. And I was impressed by the sincerity of the Biden administration, particularly Secretary Sherman’s comments about her working with us to get a replacement resolution for the 2001, but I want to make a comment on

that. If we leave it up to the decisions at State or Defense, we will never get a resolution that I will support because I think it will be a blank check. That is what they want. They want a blank check. They would just as soon to see the legislative branch of government take a pass on the authorization for force or the oversight of that authorization, and that is normal. I understand that. I do believe the Biden administration is sincere in working with us on a realistic authorization, and I have confidence that President Biden understands what he needs in order to keep America safe in regards to our fight against the terrorist groups in the Middle East.

So, I am prepared to work with the Biden administration, but I must tell you I think that we are going to have an extremely difficult time with the lawyers at Defense and State as we look to replace the 2001 authorization. So, I am willing to give some time to the Biden administration to work with us and to come up with a resolution that we can support. I mentioned at yesterday's hearing we need to deal with the geographical aspects and whether there are further requirements for consent by Congress before additional actions are taken. What is the mission that we are trying to seek? Is there going to be a sunset on the new authorization? Those are issues that I think we have to talk about and come to agreement, and I hope we can do that with the Biden administration and reach a consensus here in our committee, and in the Senate, and the House. But I think that without imposing a sunset on the 2001, us reaching that point will be even more difficult.

So, I will introduce as a separate legislation, separate resolution, a sunset of the 2001, but sufficient time for us to let this process reach a conclusion as to what substitute resolution should be considered. I think that puts more direct interest by the Biden administration to come to an agreement with Congress on where we need to be. So, for all those reasons, I will not press a vote today on that. I strongly support the resolution that is before us, but I do think if we are going to assert the role of Congress, if we listen to some of our discussions on the fear of repealing the 2002 resolution and the 1991 resolution, we recognize that what we are doing on the fear of repealing the 2002 resolution and the 1991 resolution, we recognize that what we are doing is really saying that Congress will have no role in this, that we are going to let the executive branch make all the decisions here and we are giving a blank check. That is not what was envisioned in our Constitution. That is not our responsibility. We need to take the responsibility for the introduction of troops on a more permanent basis. That is our responsibility to give that authorization. There is clearly adequate protection for the American people in regards to urgent use of the military under Article II. I think that is pretty clear, but I do believe we have to reassert our position, and it cries out for us to update the 2001.

As the Chairman has talked about, the 2002 and the—looking at the 1991, it clearly does not apply to today's circumstances. But I would point out the 2001 does not apply to the current situations. As Senator Paul pointed out, reading the 2001—read it. Read what it says. We are not using it today—the Administration is using it today for force against entities that did not exist in 2001 and were not responsible for the attack of our country on September the

11th, and that is what it says specifically in the 2001 authorization. So, we have a responsibility to update that, and I hope that we will take advantage of that at—during this Congress, and I intend to offer legislation to give us that opportunity and have those discussions. And I really appreciate the Chairman and Ranking Member making time available for us to deal with this most important issue.

The CHAIRMAN. Let me thank the Senator for his sentiments and also for withholding today, and we look forward to working with the Senator. The author of the resolution along with Senator Young, Senator Kaine?

Senator KAINE. Thank you, Mr. Chair, and I want to thank you and the Ranking Member for this process and for accommodating the desire of our colleagues for the closed session and public hearing before this vote. I especially want to thank Senator Young for his steadfast work as the co-sponsor of this bill.

Let me humbly suggest 10 reasons why this is a good idea. Number one, the two AUMFs supporting military action to counter the malignant activity of an Iraq governed by Saddam Hussein were rendered unnecessary more than a decade ago when he was toppled and executed and a new Government of Iraq was constituted. Second, Iraq is now a partner of the United States, and both nations want that relationship to continue as was evidenced by the recent positive meeting between President Biden and Prime Minister Kadhimi. In the aftermath of war, we didn't maintain war authorizations against Germany or Japan or Vietnam. Instead, we worked to try to make partners and allies of them, and we are having success on that with Iraq, and I think we should try to continue on that path.

Number three, the 1991 and 2002 Iraq AUMFs are not used as the legal basis for any current U.S. military activity, nor are they needed to justify the detention of even a single detainee now in U.S. custody. Fourth, the repeal of the AUMFs will have no effect on the U.S.'s ability to keep Americans safe. Fifth, the powers conferred on the President by Article I of the—by Article II of the Constitution enable the President to undertake military action against any entity who poses a direct and imminent threat to the U.S. or to our possessions, territories, or armed forces, including the militias in Iraq and Syria. In addition, the 2001 AUMF expands upon that power to undertake military action against non-state terrorist organizations who have a connection to al-Qaeda or ISIS.

Sixth, Congresses of both parties have abdicated our responsibility regarding the power to declare war and allowed presidents of both parties to act unilaterally. Congressional action to repeal these authorizations will represent a step toward Congress taking its most solemn responsibility seriously. Seven, some Members of Congress were here in 2002 and voted against the Iraq War. Anyone who voted against the war should have no trouble repealing these outdated authorizations. Eighth, some Members of Congress have stated that knowing what we know now, the Iraq War was a mistake. Anyone who believes the Iraq War was a mistake should have no trouble repealing these outdated authorizations. Ninth, allowing outdated authorizations to persist in perpetuity invites the prospect of serious abuses in the future. And 10th, the commander-

in-chief, who spent 36 years dealing with war powers issues as a Member of this committee, supports the repeal of these authorizations.

I ask this committee to send a clear and bipartisan message that a Congress that initiated military action against Iraq can also recognize the end of hostilities against Iraq. I urge the support of this bipartisan resolution.

The CHAIRMAN. I thank the Senator. Senator Paul?

Senator PAUL. It is much easier to start a war than to end a war. I have been trying for over 10 years to bring an official end to the Iraq War. In 2011, I forced a vote on this. In 2013, I reintroduced it. In 2016, I reintroduced it and as recently as 2017. I lost every time. I am hoping I will be on the winning side this time, but I think it is a win for the American people. And I do not accept that it is meaningless. I do not think it changes what a President does in immediate sort of short-lived military actions. I think Presidents will do what they are going to do in those cases, but this authorization authorized 170,000 people to go to Iraq, a big, large land war. That is still on the books. If it authorized it once, it would authorize it again.

So, I think the vote today is not meaningless and symbolic. It is to say that we do not give any President—Republican or Democrat—permission for a large-scale land war in Iraq. We are taking away that permission. If you want to come back, come before the people. It is a big important vote. We all say it is the most important vote. Well, let us take it back and make it part of the Senate. So, I applaud the efforts of all those involved with this, and I am a wholehearted “yes.” Thank you.

The CHAIRMAN. Thank you, Senator Paul. As someone who voted against the Iraq War in 2002, I totally agree with you. Senator Young?

Senator YOUNG. Well, thank you, Mr. Chairman, for how you have conducted these proceedings and this entire process. And I, of course, want to thank Senator Kaine for his longstanding leadership on this issue and other colleagues, like Senator Paul, who have been strong voices for ensuring that in this, as it is being characterized, invitation to struggle, which is how some have characterized the constitutional allocation of war powers. Congress is struggling. We are asserting ourselves and our constitutional prerogatives. So hopefully this can be a successful re-initiation of that long history of Congress speaking with a loud voice on matters of war powers.

All of America’s five major declared wars ended by treaty, but not all of the more than 40 congressional authorizations for the use of military force have been repealed. The 1991 and 2002 AUMF against Iraq resolutions remain in force, even though their purpose has, by all accounts, been accomplished. These authorities authorized the Gulf War and military action against the government of Saddam Hussein, respectively, and repealing them would not affect—I think we all agree here again, would not affect the 2001 AUMF, the primary domestic statutory authority for prosecution of the war against al-Qaeda, the Taliban, ISIS, and associated forces.

The 2001 AUMF is not what today’s business meeting is about. Acquiescence in the area of war powers relieves Congress of their

responsibility to decide whether to authorize war or repeal outdated authorizations at a time when the American people, the military, our allies, and enemies need to hear from Congress on issues of war and peace. Some of my colleagues are rightly concerned about the threat posed by Iran. I share that concern. However, I believe that the threat from Iran is so significant and so different from the wars since 9/11 or Saddam Hussein's Iraq that we must pass a new AUMF should the situation require it. Nothing about the 2002 AUMF or its repeal changes that fact. Those advocating for leaving 2002 in place as a means of deterring Iran, when that was in no way the intention of this authorization, would be building on past abuses and advocating for precisely the kind of expansion of war power authorities that ultimately makes Congress and this committee irrelevant.

The Soleimani strike last January was carried out via the President's Article II powers to prevent an imminent attack. The 2002 AUMF was cited merely as a secondary authority, not the primary authorization. I candidly believe it should not have been cited at all. Soleimani needed to be taken out, but this was not—this was another misapplication of the authority granted by Congress.

I ask unanimous consent that an article that—by a scholar who has helped educate me on the issues of war powers in recent years, Charles Cawley Stimson of the Heritage Foundation, entitled, "Why Repealing the 1991 and 2002 Iraq War Authorizations is Sound Policy," be entered into the record.

The CHAIRMAN. Without objection, so ordered.

[The information referred to is located at the end of this transcript.]

Senator YOUNG. Thank you.

The CHAIRMAN. Any other Member seeking recognition or have amendments? Senator Cruz?

Senator CRUZ. Thank you, Mr. Chairman. I call up my amendment, Cruz First Degree 1.

Let me start by commending the authors of this resolution. I agree with what you are trying to do. I think it is important, number one, to reassert Congress' authority over war making. Far too many Congresses, both Republican and Democrat, have willingly abdicated our constitutional authority over declaring war and over supervising the conduct of war to the executive, and we have allowed executive, both Republicans and Democrats, far too much leeway in exercising the awesome might of calling into battle the U.S. armed forces. I also am one of those who has long believed that the Iraq War was a mistake, that the world was made more dangerous by going in and toppling a horrific dictator and leaving a power vacuum that allowed even more dangerous enemies of America to rise up. So, the endeavors that we are doing today are endeavors I very much support. I am a critic of the endless wars we have been in, and I think we should be far more reluctant to use U.S. military force than we have been previously.

That being said, this resolution is not being debated in a vacuum. It is instead being debated in the context of an Administration that is exercising a hard pivot towards Iran, that has decided one of, if not its preeminent, foreign policy objectives is to reenter some variant of the Iran Nuclear Deal, which I believe was a cata-

strophic deal, and in furthering that endeavor, it has consistently been turning a blind eye to malign acts from Iran. In just 6 months, the Biden administration has revoked terrorism sanctions against Iran's terrorist proxies in Yemen. It has removed Iranian officials from sanctions. They have dialed back enforcement of oil sanctions, including violations related to the Chinese Communist Party. They have unlocked Iranian accounts worth billions of dollars to allow Iran to pay down its debts. They have repeatedly declined to respond to Iranian attacks against our troops, and they have not imposed even a single significant new sanction.

And Iran has noticed. I believe weakness is provocative and is an invitation to violence, and in this instance, that has proven true. We have seen in the opening weeks of this Administration Iranian proxies in Hamas raining over 4,000 rockets down on Israel that I think was directly provoked by what they perceive to be weakness towards Iran. We have seen the Iranians attacking U.S. forces repeatedly and killing an American military contractor, a U.S. citizen.

We have seen the Iranians try to conduct terrorism on U.S. soil, including sending a kidnap team to the United States of America to kidnap a U.S. terrorist—a U.S. journalist. We have seen them launch multiple attacks on our Arab allies. We have seen them launch multiple attacks on civilian vessels, including an attack on an Israeli citizen, and we have seen them kill citizens from two of our close allies, Britain and Romania. That pattern is significant and it is concerning.

Now, in the course of all of these debates, the Administration and the advocates of this resolution have said, as Senator Young just said a minute ago, that the ability to respond to Iranian aggression is contained within Article II. I agree with that as an abstract matter. All this amendment does is memorialize that in this resolution. So, if that argument is in good faith and genuinely believed by the proponents of this resolution, my amendment should be something easily adopted by both sides.

What I do not want to see is this resolution adopted, these AUMFs repealed, and I believe that is going to happen. The votes are clearly there to repeal them. I think that is a good thing. But what I do not want to see is 3 months, 6 months, 9 months from now when the Iranians launch yet another attack on U.S. forces, when they murder soldiers, or sailors, or airmen, or marines, I do not want to see the argument put forth by the Administration that our hands are tied now that the AUMF has been repealed. We need another AUMF so we can act. What I do not want to see is if, in some time in the future, we discover Iran is on the verge of acquiring a nuclear weapon, a nuclear weapon that could be used to take the lives of millions of Americans or millions of our close allies, I do not want to see the Administration saying, well, Congress repealed these AUMFs, so we have no power to act to protect American lives.

And so, I accept and embrace the arguments put forth by the proponents of this resolution that Article II gives the commander-in-chief the authority to protect American troops on the battlefield and to act to protect our national security interests. This resolution

simply memorializes that in the resolution, and I encourage Members of both sides to vote for it.

The CHAIRMAN. I thank the Senator. This amendment describes the scope of the President's Article II authority in a way that I consider far too expansive. Under this amendment, we would be declaring that the President not only has inherent constitutional authority to use force to protect the Nation from an attack or threat of an imminent attack, but also to protect against unspecified important national interests. With reference to the concerns about the Biden administration coming forth and saying I do not have the authorities, in February and June of this year, using Article II, the President has already struck at Iranian-backed military militia, so I do not think he is going to be hesitant to do that.

Embracing such a sweeping claim of presidential authority to use force, including for the purposes of "important national interests," which is an undefined category frequently invoked by the Department of Justice's Office of Legal Counsel without any limiting principle, would present a significant renunciation of Congress' own war power prerogatives. The point of this exercise is to remove two outdated AUMFs from the books, not to endorse a further tilt towards the executive branch and the use of force issues. And for those reasons, I will oppose the Senator's amendment.

Is there anyone else seeking recognition? Senator Merkley?

Senator MERKLEY. Thank you, Mr. Chairman. I believe that there are two things I have concern with here. One is the solidification of Article II power, and the second is essentially inserting an authorization into this resolution. I am very struck that our second President, John Adams, was very concerned about the French seizing our commercial ships in 1797, and so he sought permission of Congress to respond, and Congress did not act. So, in 1798, the following year, he again sought permission of Congress to act, and Congress did act in May of 1798. Our third President, Thomas Jefferson, was very concerned about commercial ships being seized in the Mediterranean by the Bey—B-e-y—the ruler of Tripoli, and so he sought permission from Congress, and Congress acted 2 months later to give him that authorization to use our forces to protect our commercial ships. In 1815, President Madison was very concerned about the Regency of Algeria seizing our commercial ships, so he sought congressional action to authorize the ability to respond, and Congress did grant that 2 weeks later.

My point here is that in the early phase of the United States, there was great respect for our constitutional requirement for Congress to authorize the ability to use forces. It was very much understood that the commander-in-chief directed those forces subsequent to authorization by Congress. We have had a challenge in keeping that line in place, and we had Presidents of both parties—Kennedy, Johnson, Nixon—that ignored the need for a congressional authorization in Vietnam and led to the 1973 War Powers Act that tried to strike an arrangement to be able to respond quickly to concerns about our national security, but still embed congressional authority.

I would say to my colleague from Texas that the right thing to do in regard to Iran is to arrange for this committee to have a debate over authorization, a full debate because it is that important.

It is not something that should be put in kind of through an amendment into a completely different bill. It merits a full examination by this committee, any use of force in that manner. And I also would caution that we not be parties to continuing to corrupt the U.S. Constitution by embedding and strengthening the idea that a President has power to act without congressional authorization, and certainly not something as broad as conducting and directing attacks on our—in response—in response to Iran without clear authorization from Congress.

The CHAIRMAN. Senator Markey?

Senator MARKEY. Thank you, Mr. Chairman. I think you put your finger on it, Mr. Chairman, when you referred to the language here, which says that the President has the ability to protect “important national interests.” The inherent vagueness of that term makes this amendment just completely unacceptable. We are having a markup of legislation—and thank you, Senator Kaine, and Senator Young, and all who have worked on it—to try to reassert congressional authority, to reclaim our authority. Here in this amendment, there would be an abdication of our authority. We would be saying to the President, any President, that they would just have the ability to protect important national interests undefined or defined only by the Office of Legal Counsel in the White House.

So, from my perspective, this is a very dangerous amendment. We need to absolutely give the attention to Iran that it deserves. This would be a much too casual and ultimately dangerous way to deal with that subject, especially if the goal is ultimately to ensure that the Congress asserts its powers under the Constitution, so I would urge a “no” vote on this amendment.

The CHAIRMAN. Senator Murphy?

Senator MURPHY. Thank you very much, Mr. Chairman. I would argue on the merits that it would be a terrible idea for this committee to authorize an open-ended war with Iran. But I would plead with my colleagues that even if you believe that is the right course for this committee, do not do it by sticking a “whereas” clause in the middle of a de-authorization of military force relative to 2002. This will sort of spin legal scholars in circles. I have read this seven different times, and I am not clear what it authorizes and what it does not. It certainly appears to be an open-ended, limitless authorization of war against Iran, but, man, if you are going to make this commitment as a body, we should not be doing it in a “whereas” clause. It should be its own piece of legislation subject to significant hearing and discussion.

So, I am ready for a conversation about how to better authorize the military actions that have taken place against Iranian-backed proxies in Iraq and other places. This is just a tremendously irresponsible way to do it.

The CHAIRMAN. Senator Cardin?

Senator CARDIN. Yes, I also oppose the amendment, and I support the underlying resolution. As I said before, I voted against the 2002 authorization when I was in the House of Representatives, and I will vote to repeal it now. I mentioned earlier the 2001, and the reason I mentioned that, look how four Administrations have interpreted the language we put in the 2001 resolution. If we were

to adopt the amendment, think about how this could be interpreted by Administrations as basically a blank check to do whatever they want to without Congress's approval. We are taking Congress out of the equation. So, I agree with my colleagues. We should be talking about the appropriate use of force in regards to the threat of Iran. It needs to be done as its own separate debate and its own separate deliberations, and I would encourage my colleagues to reject this amendment.

The CHAIRMAN. Does the Senator seek a recorded vote or a voice vote?

Senator CRUZ. I would like a recorded vote, but I would like a chance to respond to the arguments that have been made.

The CHAIRMAN. The Senator will have that opportunity. First, let me recognize the Ranking Member, Senator Risch.

Senator RISCH. Well, thank you, and I am going to be very brief on this. I am going to vote for this, and the reason I am voting for this is because of messaging. As I said, all we are talking about here is messaging, in my judgment. I would be very reluctant to vote for this if it was not a—simply a “whereas” that was added. A “whereas” clause has no legal effect whatsoever. And so, if indeed we were going to adopt this as substance, as suggested by my good friends from the other side, I think this would take a lot more deliberation on our part, getting the lawyers in here and picking it apart word by word. But where it is a message in a “whereas” clause to Iran, I think it—

The CHAIRMAN. Senator Cruz, you can—you can sum up.

Senator CRUZ. Thank you, Mr. Chairman. You know, this is the second time in several weeks that Members of this committee have presented two inherently contradictory arguments in response to amendments that were offered. A couple of weeks ago I offered an amendment to our bill dealing with China forced labor saying that the Administration should not be able to import electric vehicles that were manufactured by Chinese slave labor in concentration camps. That was amended with Senator Hagerty's amendment to include solar panels. The arguments of Members of this committee against that amendment were twofold. Number one, it was unnecessary, that the underlying bill prohibited it already, but number two, that if we added the amendment, it would be a poison pill and destroy the underlying legislation. Now, those two arguments cannot be both be correct. If it is unnecessary, it is not a poison pill.

We are seeing the exact same argument style concerning this resolution. Multiple proponents of this resolution have said that nothing in the repeal of the AUMFs would constrain the ability of the commander-in-chief to defend our troops in the field, to act against Iran. Indeed, in the June 14th statement of Administration policy, the White House stated that, “The United States has no ongoing military activities that rely solely on the 2002 AUMF as a domestic legal basis, and repeal of the 2002 AUMF would likely have minimal impact on current military operations.”

Likewise, numerous proponents of the repeal have said this would not have constrained the ability of the U.S. Government to go after General Soleimani. Again, Senator Young made that argument a few minutes ago. Yesterday in this hearing room, the Biden administration made that argument that you did not need the

AUMF, that Article II gave the authority to go after General Soleimani. I will point out the language that numerous Democratic Senators have taken which is quoted verbatim from the order authorizing going after General Soleimani. It is memorializing those sentiments. If those sentiments are, in fact, what this committee believes, voting for this amendment should be easy. But I suspect those sentiments are not what the Biden administration believes and not what numerous Members of this committee believe.

When the previous Administration went after General Soleimani and took out the world's most dangerous terrorists, numerous Democratic Senators criticized that decision vociferously. And so now we have already seen just a few minutes ago Senator Merkley argued, well, if we need to respond militarily to Iran, the Administration should come to Congress and we should have a debate and consider whether to authorize it. Well, that argument is not consistent with the argument everyone else is saying that Article II gives him the power to do it already. And I will tell you this: the Ayatollah is listening to this debate.

Look, if this amendment is adopted, I will vote "yes" on the underlying resolution to repeal the AUMFs. I want to vote "yes." If the amendment is not adopted, I am going to be forced to vote "no," because the Ayatollah is listening to what is happening. We have been seeing him testing the Biden administration over and over and over again, escalating, raining rockets down on Israel, sending a kidnap team into the United States of America. That is a big damn deal. That is not the act of a friend. And when the Ayatollah hears Democratic Senators say, even in the face of hostilities, that the Administration cannot act unless they come back to Congress and we have an endless debate that never happens, I believe that will invite more aggression. I believe U.S. servicemen and women, their lives are jeopardized if the Ayatollah looks at this debate and concludes that the power of the American President is so limited that there will be no response to military aggression.

I think we should be very reluctant to use military force, but that does not mean you ignore an attack on American citizens. That does not mean you fail to defend our servicemen and women, our soldiers, sailors, airmen, and marines who are in harm's way. And when you telegraph that the commander-in-chief's hands are tied and he will not act even in the face of hostile aggression, you invite more hostile aggression and more American blood shed by the enemies of our Nation. I know that none of us want to see that outcome.

The CHAIRMAN. I would just comment and then we will call a vote, I know the Senator thinks that he is in the mindset of the President of the United States. The President of United States in February and June took action, which some Members have concerns about, but nonetheless, took action under his Article II powers to attack Iranian-backed militias. I think he sent a very clear message to Iran: do not mess with us. So I am not of the belief that the President of the United States, if he felt there was a threat by Iran that was imminent, or, in fact, did something that he would not necessarily wait for Congress. We may—some of us may disagree that he should come to Congress. But the suggestion that we are—that he is neutered by this debate or this amendment—I

mean, I should say or this resolution—is far from the President's action to date.

So, on that, the Senator has asked for a recorded vote, and the clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. 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. Merkley?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator RISCH. Aye proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator YOUNG. No.

The CLERK. Mr. Barrasso?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator HAGERTY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 9; the nays are 13.

The CHAIRMAN. And the amendment is not agreed to.

Is there any other Member seeking——

Senator HAGERTY. Mr. Chairman, may I seek recognition?

The CHAIRMAN. Senator Hagerty?

Senator HAGERTY. Thank you, Mr. Chairman. I ask to call up Hagerty First Degree amendment 1, 2, and 3, and I also request unanimous consent for en bloc consideration of these Hagerty First Degree amendments, as modified by their respective Hagerty Second Degree amendments.

The CHAIRMAN. Without objection.

Senator HAGERTY. Thank you, Mr. Chairman, my proposed amendment would do three important things. First, it would repeal the 1991 and 2002 Saddam-era authorizations for the use of military force in Iraq. Second, it would provide modern and tailored authority for the President to protect our national security interests from continuing threats that are posed by terrorists and state sponsors of terrorism that operate in Iraq. And third, it would provide modern and tailored authority for the President to prevent and respond to attacks against Americans by terrorists and state sponsors of terrorism who are operating in Iraq.

I am offering this amendment at a time when the Biden administration is continuing to negotiate with Iran over how to revive the Iran Nuclear Deal, indeed, a deal that I believe to be fundamentally flawed. But even more broadly, the United States and our allies in the Middle East remain in a much longer struggle with Iran's terrorist-sponsoring regime. On that score, Iran is escalating its posture against us. It is repeatedly using terrorists, militants, rockets, and drones to attack Americans and our allies, and they have done so numerous times since January of 2021. As a lifelong businessman and a former diplomat, I am loathe to ever unilaterally take our own leverage off the table. It is bad negotiating strategy. I am no fan of unilateral disarmament, particularly in light of an escalation like this. It is simple. If you take a card off the table, you better get something for it, or you should put another card back down on the table.

President Trump cited the 2002 AUMF as one of two authorities used to justify his decision to eliminate General Soleimani, the Iran regime's terrorist-in-chief, who is responsible for the deaths of hundreds of American troops in the Middle East. If we are going to repeal that AUMF, we should replace it with something to keep protecting Americans, especially as Iran-backed terrorists keep escalating attacks on Americans in the Middle East. I believe that the United States can strengthen its position if Congress gets up off the sidelines and provides the President with clear and defined authorities to protect Americans here.

If we repeal the Iraq authorizations, we need to put something back on the table that is modern, that is tailored, and that is limited so that we can message clearly to our allies in the Middle East as well as to our adversaries, like Iran, and the United States remains resolved to protect our Nation's interest and, most of all, our people, including our diplomats and our troops. I believe that the legislative language that I proposed here can help us do just that, and I urge my colleagues to support it. Thank you.

The CHAIRMAN. I thank the Senator. I appreciate and share the Senator's concerns about protecting U.S. personnel and facilities from terrorist attacks. I believe his prior service as a Chief-of-Mission makes him keenly aware of the threats posed to our missions and outposts overseas. However, as we heard from our Administra-

tion witnesses yesterday, they already believe they have sufficient authority under Article II of the Constitution and under the 2001 AUMF to defend our forces and facilities in Iraq from attack.

S.J.Res. 10 is an effort to repeal two outdated AUMFs, but this amendment is part of a series of amendments that would transform the legislation into an authorization for the use of force. If passed, this amendment would constitute a significant delegation of war-making authority to the President against unspecified entities, and implicitly including Iran, without limitations. So, I agree with the Senator's sentiment that we need a modern and tailored AUMF, and I believe that repealing and replacing the 2001 AUMF is the best way to ensure that that scope of authority is appropriate, but I do not support converting this bill into an AUMF. And for that reason, I urge my colleagues to vote no on this en bloc amendment. Senator Risch?

Senator RISCH. Mr. Chairman and fellow Senators, I am going to vote "yes" for that. I have to tell you that I am pretty good at counting votes, so I know how this is going to come out. I would be very reluctant to vote "yes" on this if it was actually going to pass, and it is primarily because what this does is, as the Chairman pointed out, something very significant in that it does authorize. And that is something that we have all learned over recent days, months, years, and for as long as I have been here, that this language really needs to be vetted, heard both in a classified setting and in a public setting as to what we are actually granting to the President. So that is serious business, and I am not prepared to say that this language is what we need to do. But nonetheless, because I think messaging is so important with what we are doing, I am going to vote "yes" on this just to send a message to Tehran.

The CHAIRMAN. Any other Member? Senator Young?

Senator YOUNG. Just an observation, Mr. Chairman, because I do know that so many Americans and world leaders follow these proceedings. It seems like we are placing more emphasis on the expressive power of one's vote than we are the actual text of language itself. And that just strikes me as a little bizarre that one would be supportive of legislative language that they do not actually support because they think it sends a signal to the world that is different than the language itself. So, I am perplexed. I am perplexed because that is not how I make my decisions as it pertains to these votes, and I think it should lead to—and I will invite my colleagues publicly to a broader conversation about how we make these decisions. It may make me rethink perhaps how I cast my own votes. I doubt it. Thank you.

The CHAIRMAN. Does the Senator seek a recorded vote?

Senator HAGERTY. If I might respond, Mr. Chairman?

The CHAIRMAN. Yes, Senator Hagerty?

Senator HAGERTY. I agree that this whole process is odd, Senator Young, and the oddest thing is the timing of it. The fact that the Biden administration would bring this up at a time when Iran is escalating its efforts against us, against the American people, against our allies, against our troops in Iraq. The timing of this does not make sense, except in the context of negotiations that are taking place in Vienna right now. I do not want to us de-leverage at this point. From a businessperson's standpoint, you do not de-

leverage at a time when your opposition is escalating. That is why I am trying to at least offer an ability to keep our leverage on the table. We should get something for this, and we should not unilaterally disarm. That is my concern. Thank you.

The CHAIRMAN. I would just note that I see no leverage in the 2002 authorization as it relates to a time in which Saddam Hussein was the enemy of the United States and the actions were taken, and that has taken place. There is a new government, and so I respectfully disagree with the Senator. Does the Senator seek a recorded vote or will he take a voice vote?

Senator HAGERTY. A recorded vote, Mr. Chairman.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. 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. Merkley?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator RISCH. No by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator YOUNG. No.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator HAGERTY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 7; the nays are 15.

The CHAIRMAN. And the amendment is not agreed to.

Is there any other Member seeking recognition to offer an amendment?

[No response.]

The CHAIRMAN. If not, is there a motion to approve S.J.Res. 10, as amended?

Senator CARDIN. So move.

The CHAIRMAN. So moved by Senator Cardin. Is there a second?

Senator KAINÉ. Second.

The CHAIRMAN. Seconded. The motion has been made and seconded.

The question is on the motion to approve S.J.Res. 10, as amended.

All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it. The majority of Members present having voted in the affirmative, the ayes have it, and the legislation is agreed.

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. Senator Cruz?

Senator CRUZ. I ask that I be recorded as voting "no."

The CHAIRMAN. Senator Cruz will be listed as voting "no."

Senator HAGERTY. Likewise, Mr. Chairman.

The CHAIRMAN. As will Senator Hagerty.

Senator BARRASSO. Mr. Chairman, vote no.

The CHAIRMAN. Senator Barrasso. Senator Rounds wants to be recorded "no."

Senator RISCH. Myself, too.

The CHAIRMAN. Senator Risch wants to be recorded "no," and Senator—

Senator RISCH. Senator Johnson wants to be recorded "no."

The CHAIRMAN. Senator Johnson and Senator Romney will be recorded as voting "no."

Now, before we close out, I would just ask we have a holdover of a series of nominees that the Ranking Member and I had agreed to have this morning. We are having a 2:00 meeting that will carry them over, which means that the only result is that Members will be inconvenienced in coming back at 2:00. And I am wondering in light of that, is there a willingness just to bring those nominations that were before the committee for today's business meeting at this time for a vote.

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. Senator Cruz?

Senator CRUZ. There is not, and I would note that the purpose of the holdover rule is being circumvented by the Chairman's practice of multiple business meetings in a single day, and that practice is undermining the prerogatives of every Member of this committee. So, if the Chairman wants to call another meeting later

today to undermine the prerogatives of Members of this committee, the Chairman has the authority to do so, but I am certainly not going to facilitate that change in how this committee operates.

The CHAIRMAN. For the Senator's edification, holding a second business meeting is not a question of first instance here. We have done this many times before, and, in fact, today's second meeting had the concurrence of the Ranking Member.

This completes the committee's business—

Senator RISCH. Mr. Chairman, before we—

The CHAIRMAN. Yes?

Senator RISCH [continuing]. I would ask unanimous consent that Senator Johnson be recorded as a "no" on the Phee and Medina nominations, please.

The CHAIRMAN. On which ones?

Senator RISCH. Phee and Medina. Senator Johnson.

The CHAIRMAN. Senator Johnson wants to be recorded "no" on Phee and Medina, and so he shall be recorded.

That completes the committee's business.

Senator MERKLEY. Mr. Chairman, may I be recorded as present and voting in support of the bill, of the resolution?

The CHAIRMAN. Present.

Senator CARDIN. He voted in person.

The CHAIRMAN. Okay.

Senator MERKLEY. Be recorded as an aye. Present and voting. Thank you.

The CHAIRMAN. Senator Merkley will be recorded aye and in person on the bill that was just passed.

That completes the committee's business. I ask unanimous—

Mr. KAINE. Mr. Chair?

The CHAIRMAN. Let me just finish this, and then I am happy to recognize.

I ask unanimous consent that the staff be authorized to make technical and conforming changes.

And without objection, so ordered.

Who seeks recognition? Senator Kaine?

Senator KAINE. I was just curious about the vote because it was a voice vote, and I think there are seven recorded "noes," and now there is one recorded "aye." And so, I guess should all of the "ayes" be recorded "ayes"?

The CHAIRMAN. I am happy to consider that if that is what the—

Senator KAINE. Yeah.

The CHAIRMAN. All of you know what? Just let us do a recorded vote. This way there is no confusion.

The clerk will call the vote on S.J.Res. 10 for adoption.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator Kaine. Aye.
 The CLERK. Mr. Markey?
 Senator MARKEY. Aye.
 The CLERK. Mr. Merkley?
 [Laughter.]
 VOICE. Absent.
 The CHAIRMAN. Aye by proxy.
 [Laughter.]
 The CLERK. Mr. Booker?
 The CHAIRMAN. Senator Booker?
 Senator BOOKER. Aye.
 The CLERK. Mr. Schatz?
 Senator SCHATZ. Aye.
 The CLERK. Mr. Van Hollen?
 Senator VAN HOLLEN. Aye.
 The CLERK. Mr. Risch?
 Senator RISCH. No.
 The CLERK. Mr. Rubio?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Johnson?
 Senator RISCH. No by proxy.
 The CLERK. Mr. Romney?
 Senator ROMNEY. No.
 The CLERK. Mr. Portman?
 Senator RISCH. Aye by proxy.
 The CLERK. Mr. Paul?
 Senator PAUL. Aye.
 The CLERK. Mr. Young?
 Senator YOUNG. Aye.
 The CLERK. Mr. Barrasso?
 Senator BARRASSO. No.
 The CLERK. Mr. Cruz?
 Senator CRUZ. No.
 The CLERK. Mr. Rounds?
 Senator ROUNDS. No.
 The CLERK. Mr. Hagerty?
 Senator HAGERTY. No.
 The CLERK. Mr. Chairman?
 The CHAIRMAN. Aye.
 The clerk will report.
 The CLERK. Mr. Chairman, the yeas are 14; the nays are 8.
 The CHAIRMAN. S.J.Res. 10 is affirmatively passed and sent to
 the Senate for its full consideration.
 Senator Schatz?
 Senator SCHATZ. Mr. Chairman, I ask unanimous consent that
 Senator Merkley be record as an "aye" in person.
 [Laughter.]
 The CHAIRMAN. Is there objection?
 [No response.]
 The CHAIRMAN. Without objection, so ordered, and Senator
 Merkley owes you one.
 With that, the business meeting is adjourned.
 [Whereupon, at 11:26 a.m., the committee was adjourned.]

Additional Material Submitted for the Record

CORRESPONDENCE SUBMITTED TO THE COMMITTEE IN SUPPORT OF
THE CONFIRMATION OF HON. KENNETH LEE SALAZAR TO BE
UNITED STATES AMBASSADOR TO THE UNITED MEXICAN STATES



**DRY CREEK RANCHERIA
BAND OF POMO INDIANS**

August 3, 2021

The Honorable Robert Menendez, Chairman
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

The Honorable James Risch
Ranking Member
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

Dear Chairman Menendez and Ranking Member Risch:

As the Chairman of the Dry Creek Rancheria Band of Pomo Indians, a federally recognized tribe located in Santa Rosa, ca, I write and submit this letter to express my strongest support for the nomination and eventual confirmation of former Secretary of the United States Department of Interior Ken Salazar for the position of Ambassador Extraordinary and Plenipotentiary to the United Mexican States.

As it relates to tribal affairs and working with approximately 575 federally recognized Tribes, Secretary Salazar has a long history of working with tribes, including the Dry Creek Rancheria Band of Pomo Indians. I believe Secretary Salazar is uniquely suited to bring his depth of knowledge on tribal sovereignty to his service as an ambassador. Not only is he knowledgeable, but he is compassionate and has a passion for building and nurturing relationships with Tribes, each of which are very unique and diverse in their own way. He has worked collaboratively with Tribes through some of the most novel and challenging issues related to Indian Country, most notably the negotiations of water rights settlements, the Cobell trust class action litigation, and others. He understands and recognizes that some Tribes have relatives and cultural resources that are separated by the U.S.-Mexico border, and that many tribal citizens are tied to the land on both sides of the border. Yet, he has worked with Tribes to ensure that these challenges are addressed in the most diplomatic, appropriate, and compassionate way.

In addition, he has deep experience with natural resources and the Colorado River, an international river that serves Tribes in Arizona, as well as water users in Mexico. Despite the complex challenges, he has always worked to ensure that tribal interests and perspectives are represented and heard. He has built a positive and collaborative relationship with tribal leaders. These experiences make him uniquely qualified and the ideal candidate for ambassador not only to ensure the Indigenous views appropriately inform policy, but that the voices of all whose lives have a stake in a particular issue are heard.

Mailing Address: P.O BOX 607, Geyserville, CA 95441
Rancheria Address: 3250 Highway 128 East, Geyserville, CA 95441
Office Address: 1450 Airport Boulevard, Suite 200A, Santa Rosa, CA 95403

On a national level, Secretary Salazar's record of public service is extraordinary. In his many roles as a state and federal official, he has served as a gracious leader and has left a lasting legacy in both his home state of Colorado and the nation. He has served honorably in positions such as the executive director of the Colorado Department of Natural Resources, Colorado Attorney General, United States Senator, and most recently, as Secretary of the United States Department of Interior. From these positions, Secretary Salazar has gained a unique perspective and deep knowledge of the Western and Southwestern regions of the United States. This experience will serve him well as ambassador to Mexico.

Hailing from the San Luis Valley and Southern Colorado regions, Secretary Salazar has served the public for five decades. As a fifth-generation rancher and a natural resources attorney, he also has a sound understanding of the importance of agricultural and natural resource markets, and the importance of Mexico as one of our top trading partners. Secretary Salazar also comes from a rich Hispanic heritage, again making him particularly suited for the great responsibilities of representing American interests before our neighbor, Mexico.

We are at a significant juncture in U.S.-Mexico relations. Mexico remains one of the largest trading partners of the United States. Present conditions at the U.S.-Mexican border continue to draw concerns that require skilled diplomacy. The next American ambassador to Mexico should be a seasoned statesman who appreciates and holds a true understanding of our nation's interdependence with Mexico, understands the importance of trade between our markets, and who is committed to addressing border and immigration issues in a humane yet compassionate manner. Not only does Secretary Salazar possess these qualities and attributes, but he is well equipped to meet each of these challenges.

Again, the Dry Creek Rancheria Band of Pomo Indians is proud to support Secretary Salazar's nomination to be the next ambassador to Mexico. We urge the Senate Committee on Foreign Relations and the U.S. Senate to move with all deliberate speed to vote to confirm his appointment. Should you have any questions, please contact me at 707-814-4155.

Sincerely,



Chris Wright, Chairman
DRY CREEK RANCHERIA BAND OF POMO INDIANS



Gun Lake Tribe - Tribal Council
2872 Mission Drive, Shelbyville, MI 49344 | (p) 269.397.1780 | gunlaketribe-nsn.gov

July 28, 2021

The Honorable Robert Menendez, Chairman
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

The Honorable James Risch
Ranking Member
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

Dear Chairman Menendez and Ranking Member Risch:

As the Chairman of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians (a/k/a the "Gun Lake Tribe"), a federally-recognized tribe located in Shelbyville, Michigan, I write and submit this letter to express my strongest support for the nomination and eventual confirmation of former Secretary of the United States Department of Interior Ken Salazar for the position of Ambassador Extraordinary and Plenipotentiary to the United Mexican States.

As it relates to tribal affairs and working with approximately 575 federally recognized Tribes, Secretary Salazar has a long history of working with tribes, including the Gun Lake Tribe. I believe Secretary Salazar is uniquely suited to bring his depth of knowledge on tribal sovereignty to his service as an ambassador. Not only is he knowledgeable, but he is compassionate and has a passion for building and nurturing relationships with Tribes, each of which are very unique and diverse in their own way. He has worked collaboratively with Tribes through some of the most novel and challenging issues related to Indian Country, most notably the negotiations of water rights settlements, the Cobell trust class action litigation, and others. He understands and recognizes that some Tribes have relatives and cultural resources that are separated by the U.S.-Mexico border, and that many tribal citizens are tied to the land on both sides of the border. Yet, he has worked with Tribes to ensure that these challenges are addressed in the most diplomatic, appropriate, and compassionate way.

In addition, he has deep experience with natural resources and the Colorado River, an international river that serves Tribes in Arizona, as well as water users in Mexico. Despite the complex challenges, he has always worked to ensure that tribal interests and perspectives are represented and heard. He has built a positive and collaborative relationship with tribal leaders. These experiences make him uniquely qualified and the ideal candidate for ambassador not only to ensure the Indigenous views appropriately inform policy, but that the voices of all whose lives have a stake in a particular issue are heard.

BAND OF POTTAWATOMI INDIANS | GUN LAKE TRIBE

On a national level, Secretary Salazar's record of public service is extraordinary. In his many roles as a state and federal official, he has served as a gracious leader and has left a lasting legacy in both his home state of Colorado and the nation. He has served honorably in positions such as the executive director of the Colorado Department of Natural Resources, Colorado Attorney General, United States Senator, and most recently, as Secretary of the United States Department of Interior. From these positions, Secretary Salazar has gained a unique perspective and deep knowledge of the Western and Southwestern regions of the United States. This experience will serve him well as ambassador to Mexico.

Hailing from the San Luis Valley and Southern Colorado regions, Secretary Salazar has served the public for five decades. As a fifth-generation rancher and a natural resources attorney, he also has a sound understanding of the importance of agricultural and natural resource markets, and the importance of Mexico as one of our top trading partners. Secretary Salazar also comes from a rich Hispanic heritage, again making him particularly suited for the great responsibilities of representing American interests before our neighbor, Mexico.

We are at a significant juncture in U.S.-Mexico relations. Mexico remains one of the largest trading partners of the United States. Present conditions at the U.S.-Mexican border continue to draw concerns that require skilled diplomacy. The next American ambassador to Mexico should be a seasoned statesman who appreciates and holds a true understanding of our nation's interdependence with Mexico, understands the importance of trade between our markets, and who is committed to addressing border and immigration issues in a humane yet compassionate manner. Not only does Secretary Salazar possess these qualities and attributes, but he is well equipped to meet each of these challenges.

Again, the Gun Lake Tribe is proud to support Secretary Salazar's nomination to be the next ambassador to Mexico. We urge the Senate Committee on Foreign Relations and the U.S. Senate to move with all deliberate speed to vote to confirm his appointment. Should you have any questions, please contact me at 269-397-1780.

Sincerely,

A handwritten signature in cursive script that reads "Bob Peters".

Bob Peters, Chairman
Gun Lake Tribe



Tonto Apache Tribe

Tonto Apache Reservation #30 • Payson, AZ 85541
Telephone: (928) 474-6900 Fax: (928) 474-4158

July 28, 2021

The Honorable Robert Menendez, Chairman
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 20510

The Honorable James Risch
Ranking Member
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Risch:

As the Chairman of the Tonto Apache Tribe, a federally-recognized tribe located in Payson, AZ, I write and submit this letter to express my strongest support for the nomination and eventual confirmation of former Secretary of the United States Department of Interior Ken Salazar for the position of Ambassador Extraordinary and Plenipotentiary to the United Mexican States.

As it relates to tribal affairs and working with approximately 575 federally recognized Tribes, Secretary Salazar has a long history of working with tribes, including the Tonto Apache Tribe. I believe Secretary Salazar is uniquely suited to bring his depth of knowledge on tribal sovereignty to his service as an ambassador. Not only is he knowledgeable, but he is compassionate and has a passion for building and nurturing relationships with Tribes, each of which are very unique and diverse in their own way. He has worked collaboratively with Tribes through some of the most novel and challenging issues related to Indian Country, most notably the negotiations of water rights settlements, the Cobell trust class action litigation, and others. He understands and recognizes that some Tribes have relatives and cultural resources that are separated by the U.S.-Mexico border, and that many tribal citizens are tied to the land on both sides of the border. Yet, he has worked with Tribes to ensure that these challenges are addressed in the most diplomatic, appropriate, and compassionate way.

In addition, he has deep experience with natural resources and the Colorado River, an international river that serves Tribes in Arizona, as well as water users in Mexico. Despite the complex challenges, he has always worked to ensure that tribal interests and perspectives are represented and heard. He has built a positive and collaborative relationship with tribal leaders. These experiences make him uniquely qualified and the ideal candidate for ambassador not only

to ensure the Indigenous views appropriately inform policy, but that the voices of all whose lives have a stake in a particular issue are heard.

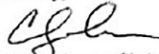
On a national level, Secretary Salazar's record of public service is extraordinary. In his many roles as a state and federal official, he has served as a gracious leader and has left a lasting legacy in both his home state of Colorado and the nation. He has served honorably in positions such as the executive director of the Colorado Department of Natural Resources, Colorado Attorney General, United States Senator, and most recently, as Secretary of the United States Department of Interior. From these positions, Secretary Salazar has gained a unique perspective and deep knowledge of the Western and Southwestern regions of the United States. This experience will serve him well as ambassador to Mexico.

Hailing from the San Luis Valley and Southern Colorado regions, Secretary Salazar has served the public for five decades. As a fifth-generation rancher and a natural resources attorney, he also has a sound understanding of the importance of agricultural and natural resource markets, and the importance of Mexico as one of our top trading partners. Secretary Salazar also comes from a rich Hispanic heritage, again making him particularly suited for the great responsibilities of representing American interests before our neighbor, Mexico.

We are at a significant juncture in U.S.-Mexico relations. Mexico remains one of the largest trading partners of the United States. Present conditions at the U.S.-Mexican border continue to draw concerns that require skilled diplomacy. The next American ambassador to Mexico should be a seasoned statesman who appreciates and holds a true understanding of our nation's interdependence with Mexico, understands the importance of trade between our markets, and who is committed to addressing border and immigration issues in a humane yet compassionate manner. Not only does Secretary Salazar possess these qualities and attributes, but he is well equipped to meet each of these challenges.

Again, the Tonto Apache Tribe is proud to support Secretary Salazar's nomination to be the next ambassador to Mexico. We urge the Senate Committee on Foreign Relations and the U.S. Senate to move with all deliberate speed to vote to confirm his appointment. Should you have any questions, please contact me at 928-474-5000.

Sincerely,



Calvin Johnson, Chairman
Tonto Apache Tribe

Lac Vieux Desert Band Of Lake Superior Chippewa Tribal Government
N4698 US 45 P.O. Box 249 • Watersmeet, Michigan 49969
Phone: 906-358-4577 • Fax: 906-358-4785

Executive Officers:

James Williams Jr., Tribal Chairman
Samuel Klingman, Tribal Vice-Chairman
Patrick Garrison, Tribal Treasurer
Priscilla Smith, Tribal Secretary



Council Members:

Patrick Hazen II
Cynthia McGeshick
Jeffery McGeshick
Mitchell McGeshick
Tyronne McGeshick

July 28, 2021

The Honorable Robert Menendez, Chairman
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

The Honorable James Risch
Ranking Member
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

Dear Chairman Menendez and Ranking Member Risch:

As the Chairman of the Lac Vieux Desert Band of Lake Superior Chippewa, a federally-recognized Indian tribe located near Watersmeet, Michigan, I write and submit this letter to express my support for the nomination and confirmation of former Secretary of the United States Department of Interior Ken Salazar for the position of Ambassador Extraordinary and Plenipotentiary to the United Mexican States.

As it relates to Tribal affairs and working with approximately 575 federally recognized Indian tribes, Secretary Salazar has a long history of working with Indigenous populations, including the Lac Vieux Desert Band of Lake Superior Chippewa Indians. I believe Secretary Salazar is uniquely suited to bring his depth of knowledge on Tribal sovereignty to his service as an ambassador. Not only is he knowledgeable, but he also has a passion for building and nurturing relationships with Indigenous populations. Secretary Salazar has worked collaboratively with Indian tribes through some of the most novel and challenging issues related to Indian Country, most notably the negotiations of water rights settlements, the Cobell trust class action litigation, and much more. He understands and recognizes that some Indian tribes have relatives and cultural resources that are separated by the U.S.-Mexico border, and that many Tribal citizens are tied to the land on both sides of the border. These relationship to land and people creates unique challenges for Indian tribes, the U.S. and Mexico. Secretary Salazar has a history of working with Indian tribes to ensure that unique challenges such as these are addressed in the most diplomatic, appropriate, and compassionate way.

In addition, I am aware that he has a wealth of experience with natural resource issues and particularly those related to the Colorado River, an international river that serves Indian tribes in Arizona, as well as water users in Mexico. Secretary Salazar has always worked to ensure that tribal interests and perspectives are represented. His commitment to Indian Country, reflected by advocacy and action, has built a positive and collaborative relationship with many Tribal leaders. These experiences make him uniquely qualified and the ideal candidate for ambassador not only to ensure the Indigenous views appropriately inform policy, but that the voices of all whose lives have a stake in a particular issue are heard.

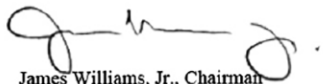
On a national level, Secretary Salazar's record of public service is extraordinary. In his many roles as a state and federal official, he has served as a gracious leader and has left a lasting legacy in both his home state of Colorado and throughout the nation. He has served honorably in positions such as the executive director of the Colorado Department of Natural Resources, Colorado Attorney General, United States Senator, and most recently, as Secretary of the United States Department of Interior. From these positions, Secretary Salazar has gained a unique perspective and deep knowledge of the Western and Southwestern regions of the United States. This experience will serve him well as ambassador to Mexico.

Hailing from the San Luis Valley and Southern Colorado regions, Secretary Salazar has served the public for five decades. As a fifth-generation rancher and a natural resources attorney, he also has a sound understanding of the importance of agricultural and natural resource markets, and the importance of Mexico as one of our top trading partners. Secretary Salazar also comes from a rich Hispanic heritage, again making him particularly suited for the great responsibilities of representing U.S. interests before our neighbor, Mexico.

We are at a significant juncture in U.S.-Mexico relations. Mexico remains one of the largest trading partners of the United States. Present conditions at the U.S.-Mexican border continue to draw concerns that require skilled diplomacy. The next American ambassador to Mexico should be a seasoned statesman who appreciates and holds a true understanding of our nation's interdependence with Mexico, understands the importance of trade between our markets, and who is committed to addressing border and immigration issues in an informed, humane yet compassionate manner. Not only does Secretary Salazar possess these qualities and attributes, but he is well equipped to meet each of these challenges.

Again, the Lac Vieux Desert Band of Lake Superior Chippewa is proud to support Secretary Salazar's nomination to be the next ambassador to Mexico. We urge the Senate Committee on Foreign Relations and the U.S. Senate to move with all deliberate speed to vote to confirm his appointment. Should you have any questions, please contact me at 906-358-4577.

Sincerely,



James Williams, Jr., Chairman
Lac Vieux Desert Band of Lake Superior Chippewa

Mechoopda Indian Tribe



of Chico Rancheria

July 28, 2021

The Honorable Robert Menendez, Chairman
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

The Honorable James Risch
Ranking Member
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

Dear Chairman Menendez and Ranking Member Risch:

As the Chairman of the Mechoopda Indian Tribe, a federally-recognized tribe located in Chico, CA, I write and submit this letter to express my strongest support for the nomination and eventual confirmation of former Secretary of the United States Department of Interior Ken Salazar for the position of Ambassador Extraordinary and Plenipotentiary to the United Mexican States.

As it relates to tribal affairs and working with approximately 575 federally recognized Tribes, Secretary Salazar has a long history of working with tribes, including the Mechoopda Indian Tribe. I believe Secretary Salazar is uniquely suited to bring his depth of knowledge on tribal sovereignty to his service as an ambassador. Not only is he knowledgeable, but he is compassionate and has a passion for building and nurturing relationships with Tribes, each of which are very unique and diverse in their own way. He has worked collaboratively with Tribes through some of the most novel and challenging issues related to Indian Country, most notably the negotiations of water rights settlements, the Cobell trust class action litigation, and others. He understands and recognizes that some Tribes have relatives and cultural resources that are separated by the U.S.-Mexico border, and that many tribal citizens are tied to the land on both sides of the border. Yet, he has worked with Tribes to ensure that these challenges are addressed in the most diplomatic, appropriate, and compassionate way.

In addition, he has deep experience with natural resources and the Colorado River, an international river that serves Tribes in Arizona, as well as water users in Mexico. Despite the complex challenges, he has always worked to ensure that tribal interests and perspectives are represented and heard. He has built a positive and collaborative relationship with tribal leaders. These experiences make him uniquely qualified and the ideal candidate for ambassador not only

to ensure the Indigenous views appropriately inform policy, but that the voices of all whose lives have a stake in a particular issue are heard.

On a national level, Secretary Salazar's record of public service is extraordinary. In his many roles as a state and federal official, he has served as a gracious leader and has left a lasting legacy in both his home state of Colorado and the nation. He has served honorably in positions such as the executive director of the Colorado Department of Natural Resources, Colorado Attorney General, United States Senator, and most recently, as Secretary of the United States Department of Interior. From these positions, Secretary Salazar has gained a unique perspective and deep knowledge of the Western and Southwestern regions of the United States. This experience will serve him well as ambassador to Mexico.

Hailing from the San Luis Valley and Southern Colorado regions, Secretary Salazar has served the public for five decades. As a fifth-generation rancher and a natural resources attorney, he also has a sound understanding of the importance of agricultural and natural resource markets, and the importance of Mexico as one of our top trading partners. Secretary Salazar also comes from a rich Hispanic heritage, again making him particularly suited for the great responsibilities of representing American interests before our neighbor, Mexico.

We are at a significant juncture in U.S.-Mexico relations. Mexico remains one of the largest trading partners of the United States. Present conditions at the U.S.-Mexican border continue to draw concerns that require skilled diplomacy. The next American ambassador to Mexico should be a seasoned statesman who appreciates and holds a true understanding of our nation's interdependence with Mexico, understands the importance of trade between our markets, and who is committed to addressing border and immigration issues in a humane yet compassionate manner. Not only does Secretary Salazar possess these qualities and attributes, but he is well equipped to meet each of these challenges.

Again, the Mechoopda Indian Tribe is proud to support Secretary Salazar's nomination to be the next ambassador to Mexico. We urge the Senate Committee on Foreign Relations and the U.S. Senate to move with all deliberate speed to vote to confirm his appointment. Should you have any questions, please contact me at 530-899-8922.

Sincerely,



Dennis Ramirez, Chairman
Mechoopda Indian Tribe



Mooretown Rancheria
#1 Alverda Drive
Oroville, CA 95966
(530) 533-3625 Office
(530) 533-3680 Fax

July 28, 2021

The Honorable Robert Menendez, Chairman
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

The Honorable James Risch
Ranking Member
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

Dear Chairman Menendez and Ranking Member Risch:

As the Chairman of the Mooretown Rancheria of Maidu Indians of California a federally-recognized tribe located in Oroville, CA, I write and submit this letter to express my strongest support for the nomination and eventual confirmation of former Secretary of the United States Department of Interior Ken Salazar for the position of Ambassador Extraordinary and Plenipotentiary to the United Mexican States.

As it relates to tribal affairs and working with approximately 575 federally recognized Tribes, Secretary Salazar has a long history of working with tribes, including the Mooretown Rancheria. I believe Secretary Salazar is uniquely suited to bring his depth of knowledge on tribal sovereignty to his service as an ambassador. Not only is he knowledgeable, but he is compassionate and has a passion for building and nurturing relationships with Tribes, each of which are very unique and diverse in their own way. He has worked collaboratively with Tribes through some of the most novel and challenging issues related to Indian Country, most notably the negotiations of water rights settlements, the Cobell trust class action litigation, and others. He understands and recognizes that some Tribes have relatives and cultural resources that are separated by the U.S.-Mexico border, and that many tribal citizens are tied to the land on both sides of the border. Yet, he has worked with Tribes to ensure that these challenges are addressed in the most diplomatic, appropriate, and compassionate way.

"Concow - Maidu"

In addition, he has deep experience with natural resources and the Colorado River, an international river that serves Tribes in Arizona, as well as water users in Mexico. Despite the complex challenges, he has always worked to ensure that tribal interests and perspectives are represented and heard. He has built a positive and collaborative relationship with tribal leaders. These experiences make him uniquely qualified and the ideal candidate for ambassador not only to ensure the Indigenous views appropriately inform policy, but that the voices of all whose lives have a stake in a particular issue are heard.

On a national level, Secretary Salazar's record of public service is extraordinary. In his many roles as a state and federal official, he has served as a gracious leader and has left a lasting legacy in both his home state of Colorado and the nation. He has served honorably in positions such as the executive director of the Colorado Department of Natural Resources, Colorado Attorney General, United States Senator, and most recently, as Secretary of the United States Department of Interior. From these positions, Secretary Salazar has gained a unique perspective and deep knowledge of the Western and Southwestern regions of the United States. This experience will serve him well as ambassador to Mexico.

Hailing from the San Luis Valley and Southern Colorado regions, Secretary Salazar has served the public for five decades. As a fifth-generation rancher and a natural resources attorney, he also has a sound understanding of the importance of agricultural and natural resource markets, and the importance of Mexico as one of our top trading partners. Secretary Salazar also comes from a rich Hispanic heritage, again making him particularly suited for the great responsibilities of representing American interests before our neighbor, Mexico.

We are at a significant juncture in U.S.-Mexico relations. Mexico remains one of the largest trading partners of the United States. Present conditions at the U.S.-Mexican border continue to draw concerns that require skilled diplomacy. The next American ambassador to Mexico should be a seasoned statesman who appreciates and holds a true understanding of our nation's interdependence with Mexico, understands the importance of trade between our markets, and who is committed to addressing border and immigration issues in a humane yet compassionate manner. Not only does Secretary Salazar possess these qualities and attributes, but he is well equipped to meet each of these challenges.

Again, the Mooretown Rancheria of Maidu Indians of California is proud to support Secretary Salazar's nomination to be the next ambassador to Mexico. We urge the Senate Committee on Foreign Relations and the U.S. Senate to move with all deliberate speed to vote to confirm his appointment. Should you have any questions, please contact me at 530-533-3625.

Sincerely,



Benjamin Clark, Chairman
Mooretown Rancheria of Maidu Indians of California



July 28, 2021

The Honorable Robert Menendez, Chairman
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

The Honorable James Risch
Ranking Member
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

Dear Chairman Menendez and Ranking Member Risch:

As the Chairman of the Middletown Rancheria of Pomo Indians of California, a federally-recognized tribe located in Middletown, CA, I write and submit this letter to express my strongest support for the nomination and eventual confirmation of former Secretary of the United States Department of Interior Ken Salazar for the position of Ambassador Extraordinary and Plenipotentiary to the United Mexican States.

As it relates to tribal affairs and working with approximately 575 federally recognized Tribes, Secretary Salazar has a long history of working with tribes, including the Otoe-Missouria Tribe. I believe Secretary Salazar is uniquely suited to bring his depth of knowledge on tribal sovereignty to his service as an ambassador. Not only is he knowledgeable, but he is compassionate and has a passion for building and nurturing relationships with Tribes, each of which are very unique and diverse in their own way. He has worked collaboratively with Tribes through some of the most novel and challenging issues related to Indian Country, most notably the negotiations of water rights settlements, the Cobell trust class action litigation, and others. He understands and recognizes that some Tribes have relatives and cultural resources that are separated by the U.S.-Mexico border, and that many tribal citizens are tied to the land on both sides of the border. Yet, he has worked with Tribes to ensure that these challenges are addressed in the most diplomatic, appropriate, and compassionate way.

In addition, he has deep experience with natural resources and the Colorado River, an international river that serves Tribes in Arizona, as well as water users in Mexico. Despite the complex challenges, he has always worked to ensure that tribal interests and perspectives are represented and heard. He has built a positive and collaborative relationship with tribal leaders.

These experiences make him uniquely qualified and the ideal candidate for ambassador not only to ensure the Indigenous views appropriately inform policy, but that the voices of all whose lives have a stake in a particular issue are heard.

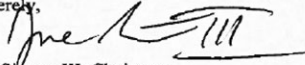
On a national level, Secretary Salazar's record of public service is extraordinary. In his many roles as a state and federal official, he has served as a gracious leader and has left a lasting legacy in both his home state of Colorado and the nation. He has served honorably in positions such as the executive director of the Colorado Department of Natural Resources, Colorado Attorney General, United States Senator, and most recently, as Secretary of the United States Department of Interior. From these positions, Secretary Salazar has gained a unique perspective and deep knowledge of the Western and Southwestern regions of the United States. This experience will serve him well as ambassador to Mexico.

Hailing from the San Luis Valley and Southern Colorado regions, Secretary Salazar has served the public for five decades. As a fifth-generation rancher and a natural resources attorney, he also has a sound understanding of the importance of agricultural and natural resource markets, and the importance of Mexico as one of our top trading partners. Secretary Salazar also comes from a rich Hispanic heritage, again making him particularly suited for the great responsibilities of representing American interests before our neighbor, Mexico.

We are at a significant juncture in U.S.-Mexico relations. Mexico remains one of the largest trading partners of the United States. Present conditions at the U.S.-Mexican border continue to draw concerns that require skilled diplomacy. The next American ambassador to Mexico should be a seasoned statesman who appreciates and holds a true understanding of our nation's interdependence with Mexico, understands the importance of trade between our markets, and who is committed to addressing border and immigration issues in a humane yet compassionate manner. Not only does Secretary Salazar possess these qualities and attributes, but he is well equipped to meet each of these challenges.

Again, the Middletown Rancheria of Pomo Indians of California is proud to support Secretary Salazar's nomination to be the next ambassador to Mexico. We urge the Senate Committee on Foreign Relations and the U.S. Senate to move with all deliberate speed to vote to confirm his appointment. Should you have any questions, please contact me at 707-987-3670.

Sincerely,



Jose Simon, III, Chairman
Middletown Rancheria of Pomo Indians of California



OTOE-MISSOURIA
TRIBE OF INDIANS

8151 HIGHWAY 177
RED ROCK, OK 74651-0348

July 28, 2021

The Honorable Robert Menendez, Chairman
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

The Honorable James Risch
Ranking Member
U.S. Senate Committee on Foreign Relations
423 Dirksen Office Building
Washington, DC 201510

Dear Chairman Menendez and Ranking Member Risch:

As the Chairman of the Otoe-Missouria Tribe, a federally-recognized tribe located in Red Rock, Oklahoma, I write and submit this letter to express my strongest support for the nomination and eventual confirmation of former Secretary of the United States Department of Interior Ken Salazar for the position of Ambassador Extraordinary and Plenipotentiary to the United Mexican States.

As it relates to tribal affairs and working with approximately 575 federally recognized Tribes, Secretary Salazar has a long history of working with tribes, including the Otoe-Missouria Tribe. I believe Secretary Salazar is uniquely suited to bring his depth of knowledge on tribal sovereignty to his service as an ambassador. Not only is he knowledgeable, but he is compassionate and has a passion for building and nurturing relationships with Tribes, each of which are very unique and diverse in their own way. He has worked collaboratively with Tribes through some of the most novel and challenging issues related to Indian Country, most notably the negotiations of water rights settlements, the Cobell trust class action litigation, and others. He understands and recognizes that some Tribes have relatives and cultural resources that are separated by the U.S.-Mexico border, and that many tribal citizens are tied to the land on both sides of the border. Yet, he has worked with Tribes to ensure that these challenges are addressed in the most diplomatic, appropriate, and compassionate way.

In addition, he has deep experience with natural resources and the Colorado River, an international river that serves Tribes in Arizona, as well as water users in Mexico. Despite the complex challenges, he has always worked to ensure that tribal interests and perspectives are represented and heard. He has built a positive and collaborative relationship with tribal leaders.

These experiences make him uniquely qualified and the ideal candidate for ambassador not only to ensure the Indigenous views appropriately inform policy, but that the voices of all whose lives have a stake in a particular issue are heard.

On a national level, Secretary Salazar's record of public service is extraordinary. In his many roles as a state and federal official, he has served as a gracious leader and has left a lasting legacy in both his home state of Colorado and the nation. He has served honorably in positions such as the executive director of the Colorado Department of Natural Resources, Colorado Attorney General, United States Senator, and most recently, as Secretary of the United States Department of Interior. From these positions, Secretary Salazar has gained a unique perspective and deep knowledge of the Western and Southwestern regions of the United States. This experience will serve him well as ambassador to Mexico.

Hailing from the San Luis Valley and Southern Colorado regions, Secretary Salazar has served the public for five decades. As a fifth-generation rancher and a natural resources attorney, he also has a sound understanding of the importance of agricultural and natural resource markets, and the importance of Mexico as one of our top trading partners. Secretary Salazar also comes from a rich Hispanic heritage, again making him particularly suited for the great responsibilities of representing American interests before our neighbor, Mexico.

We are at a significant juncture in U.S.-Mexico relations. Mexico remains one of the largest trading partners of the United States. Present conditions at the U.S.-Mexican border continue to draw concerns that require skilled diplomacy. The next American ambassador to Mexico should be a seasoned statesman who appreciates and holds a true understanding of our nation's interdependence with Mexico, understands the importance of trade between our markets, and who is committed to addressing border and immigration issues in a humane yet compassionate manner. Not only does Secretary Salazar possess these qualities and attributes, but he is well equipped to meet each of these challenges.

Again, the Otoe-Missouria Tribes is proud to support Secretary Salazar's nomination to be the next ambassador to Mexico. We urge the Senate Committee on Foreign Relations and the U.S. Senate to move with all deliberate speed to vote to confirm his appointment. Should you have any questions, please contact me at 580-723-4466.

Sincerely,



John R. Shotton, Chairman
Otoe-Missouria Tribe

The Honorable Bob Menendez
The Honorable James E. Risch
Senate Foreign Relations Committee
423 Dirksen Senate Office Building
Washington, DC. 20510-6225

Dear Chairman Menendez and Ranking Member Risch,

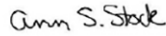
As former Assistant Secretaries of State of the Bureau of Educational and Cultural Affairs, we write to endorse President Biden's nomination of Lee Satterfield as Assistant Secretary of State for Educational and Cultural Affairs. We understand how important it is to equip an administration with qualified public servants. No one is more qualified to assume this role than Lee Satterfield.

Previously serving in the Bureau of Educational and Cultural Affairs as Deputy Assistant Secretary as well as acting Assistant Secretary, Lee made tremendous contributions to public diplomacy during her tenure at the State Department. Currently serving as President and COO of Meridian, Lee expertly leads day to day operations, expands public-private partnerships, and oversees the implementation of the strategic plan. She has spearheaded significant growth in operations, business development, and human resources including technological, executive, and talent development. Lee is also responsible for organizing and leading Meridian's Equity, Diversity, and Inclusion staff-led taskforce.

Lee's strategic perspective and leadership has resoundingly improved Meridian across all spectrums, effectively rebuilding the organization's infrastructure. She has the unique ability to simultaneously lead and listen, essential traits for executing successful diplomatic relations. We are confident Lee will bring these skill sets to the Bureau and continue the critical work on behalf of the United States in people-to-people exchanges among current and future global leaders. We know well how important these programs are in achieving US policy goals by creating mutual understanding, building enduring networks and personal relationships, and promoting U.S. national security and values.

The State Department will gain an incredible asset in Lee Satterfield, she will be a strong advocate for people to people exchanges and public diplomacy. We urge the committee to confirm Ms. Satterfield as Assistant Secretary of State for Educational and Cultural Affairs as soon as possible.

Sincerely,




Ann Stock



Marie Royce



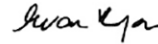
Pat Harrison



Dina Powell



Goli Ameri



Evan Ryan

WHY REPEALING THE 1991 AND 2002 IRAQ WAR
AUTHORIZATIONS IS SOUND POLICY

by Charles D. Stimson, *The Heritage Foundation*



LEGAL MEMORANDUM

No. 256 | JANUARY 6, 2020

EDWIN MEESE III CENTER FOR LEGAL & JUDICIAL STUDIES

Why Repealing the 1991 and 2002 Iraq War Authorizations Is Sound Policy

Charles D. Stimson

KEY TAKEAWAYS

The 1991 and 2002 AUMF Against Iraq Resolutions remain in force even though their purpose has been accomplished.

Repeal would not affect the 2001 AUMF, the primary domestic statutory authority for the war against al-Qaeda, the Taliban, ISIS, or associated forces.

Debating and repealing those war authorizations is a matter of congressional hygiene and gets the Congress back in the business of exercising its Article I muscles.

The Constitution's allocation of war powers between the legislative and executive branches is a classic example of the separation of powers.¹ The Congress has the power to declare war but cannot fight the war on its own. The President, as commander in chief of the Army and Navy, has (and has uniformly claimed) the authority to use military forces abroad in the absence of specific prior congressional approval.² This authority derives from his constitutional responsibility as commander in chief and chief executive for foreign and military affairs. Without money from Congress, however, the President has no ability to fight those conflicts, nor does he have the authority to appropriate funds to pay for those military conflicts on his own.

This tension between the legislative and executive branches was purposeful, as the Founders anticipated the grave significance of the country's going to war.

This paper, in its entirety, can be found at <http://report.heritage.org/lm256>

The Heritage Foundation | 214 Massachusetts Avenue, NE | Washington, DC 20002 | (202) 546-4400 | heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

The United States was born of war, and the Founders knew that in the likely event the country would have to engage in future wars, the decision to take the country to war should be allocated between two coequal branches of government.

Like many other provisions in the Constitution, the Declare War Clause is brief. It authorizes Congress “To declare War.”³ The Constitution does not dictate *how* Congress should declare war, just that it has the authority *to* declare war. It authorizes Congress to “raise and support Armies,”⁴ “provide and maintain a Navy,”⁵ and “make Rules for the Government and Regulation of the land and naval Forces”⁶ and provides “for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions.”⁷ The President, on the other hand, “shall be Commander in Chief of the Army and Navy of the United States.”⁸ There is one, and only one, commander in chief of the armed forces, and he enjoys capacious authority to defend the nation.⁹

According to advocates of presidential power, the Declare War Clause does not address the power to begin actual hostilities.¹⁰ It does not limit presidential war power.¹¹ Rather, they argue that it gives Congress the authority to alter legal relationships between subjects of warring nations and trigger certain rights, privileges, and protections under the laws of war.¹² Other scholars contend that the Declare War Clause limits presidential war power by giving the legislature the sole authority to begin an offensive war.¹³ One interpretation of the clause is that it requires Congress to issue a formal declaration of war before the United States may begin hostilities.¹⁴

Whatever one’s viewpoint on the matter may be, the Constitution is silent with respect to how wars are terminated and therefore leaves unanswered a host of important questions.

- Who has the authority to end an authorized war, be it a formal wartime declaration or a specific authorization for the use of military force?¹⁵
- If Congress repeals its own war authorization, does that act alone end the war, or must the President agree?
- What happens if Congress repeals its own war authorization and the President vetoes the legislation and the Congress cannot override his veto?
- What value is there, then, in Congress’s publicly debating war powers?

- What message does such a debate send to the American public?
- Does the absence of such a debate affect the American people and our warfighters and influence our allies or enemies?
- Does Congress have an obligation, if not legally at least morally, to debate war powers periodically when the country is at war?

Against this backdrop, Senators Tim Kaine (D-VA) and Todd Young (R-IN) have introduced a joint resolution to repeal two congressionally authorized war authorizations against the country of Iraq:¹⁶ the 1991 Authorization for Use of Military Force (AUMF) Against Iraq Resolution¹⁷ and the Authorization for Use of Military Force Against Iraq Resolution of 2002.¹⁸ They claim that the Iraq AUMFs make no sense, serve no operational purpose, run the risk of future abuse by a President, and help to keep the nation on a permanent war footing.¹⁹ They also claim that Congress has a vital role not only in declaring a war, but also in ending one.²⁰

The preamble to their resolution claims, among other things, that the repeal of both war authorizations would not affect ongoing military operations, which are conducted and authorized by the 2001 Authorization for Use of Military Force²¹ passed in the wake of the September 11, 2001, terrorist attacks, and would have no impact on the 2001 AUMF itself.

There are consequences to congressional inaction, whether it is failure to pass appropriations on time, delaying decisions on major infrastructure programs, failure to fund health insurance programs, or failure to reauthorize vital national security or defense programs on time. The consequences are real and have devastating effects. Congressional failure to authorize force against ISIS, for example, or refusal to repeal outdated war authorizations has consequences. It affects the relationship between the legislative branch and the executive branch, with the former ceding power to the latter. Congressional acquiescence seemingly relieves the legislative branch of the responsibility to decide whether to authorize war or repeal outdated authorizations at a time when the American people, the military, our allies, and enemies need to hear from Congress on the issue of war and peace.

There is great value in our democratic republic for Congress to debate war powers, and just as there is value in debating whether to authorize war, there is the concomitant value in debating the repeal of war authorizations passed years or decades ago, especially when the object and purpose of those war authorizations have been accomplished. Debating and then

repealing those vestigial war authorizations is a matter of congressional hygiene and gets the Congress back in the business of exercising its Article I muscles.

The 1991 Iraq Authorization for Use of Military Force

The 1991 Iraq AUMF remains in place to this day, despite the fact that the primary purpose of that war authorization was accomplished decades ago. It is a vestigial war authorization. Senator Kaine calls it a “zombie authorization.”²² The use of the word “zombie” is colorful but nonetheless apt, as the concern is that this war authorization could come back to life years or decades after its primary purpose has been met and used by a future Administration for a purpose entirely disconnected and unrelated to the original purpose of the statute.²³ Moreover, although the 1991 and 2002 Iraq AUMFs are stand-alone war authorizations, they are connected to each other in a way that the other 40-plus AUMFs and congressional declarations of war are not.

The 1991 Iraq AUMF, which remains in effect, references several United Nations Security Council Resolutions (UNSCRs) in the text of the statute and states that the “President is authorized...to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 in order to achieve implementation” of 11 other U.N. Security Council Resolutions.²⁴ Understanding those UNSCRs is essential if one is to understand both why the purpose of the 1991 Iraq AUMF has been accomplished and its close relationship to the 2002 AUMF.

In late May of 1990, Iraqi President Saddam Hussein accused Kuwait and the United Arab Emirates of overproducing oil, threatening the economic viability of Iraqi oil exports. In July, Hussein accused Kuwait of stealing Iraq’s oil, and on August 2, 1990, he ordered an invasion of Kuwait. Approximately 140,000 Iraqi soldiers, supported by 850 tanks, entered and occupied Kuwait. Iraqi aircraft bombed Kuwait City and air bases in the country.²⁵ The invasion was condemned by Saudi Arabia and Egypt, as well as by the United States and other Western nations.

The day of the invasion, the United Nations Security Council passed UNSCR 660,²⁶ which determined that the invasion of Kuwait was a “breach of international peace and security,” condemned the invasion, and demanded an immediate withdrawal of all Iraqi forces. UNSCR 660 was the first of several Security Council resolutions that condemned Iraq’s unlawful invasion and demanded a complete withdrawal from Kuwait.

In response to the invasion, President George H.W. Bush ordered the U.S. Navy to deploy ships to the Persian Gulf on August 3, 1990. The next day, on

August 4, Saddam Hussein appointed Alaa Hussein Ali as Prime Minister of the Provisional Government of Free Kuwait, and Iraq declared that Kuwait was the 19th Governorate of Iraq.

On August 6, 1990, the Security Council passed UNSCR 661, which reaffirmed UNSCR 660 and expressed “deep concern” that it had not been implemented. The resolution expressed the council’s determination to bring the invasion and occupation of Kuwait by Iraq “to an end and to restore the sovereignty, independence and territorial integrity of Kuwait.”²⁷ The same day, United States Secretary of Defense Richard B. Cheney visited the King of Saudi Arabia to discuss sending U.S. troops to the region.

On August 7, 1990, the United States launched Operation Desert Shield and deployed approximately 15,000 troops, Navy ships, and military aircraft to the Kingdom of Saudi Arabia. The United States Air Force sent 48 F-15 fighters of the 1st Fighter Wing from Langley Air Force Base to Saudi Arabia, where they immediately began to patrol the Saudi–Kuwait–Iraq border areas.²⁸

On August 9, 1990, the Security Council passed UNSCR 662, which expressed alarm at Iraq’s declaration of a “comprehensive and eternal merger” with Kuwait and demanded that Iraq immediately withdraw, end its occupation, and “restore the authority of the legitimate Government of Kuwait.”²⁹ It also determined that the “annexation of Kuwait by Iraq under any form and whatever pretext has no legal validity, and is considered null and void;” urged other states, organizations, and agencies not to recognize that annexation; and demanded that Iraq rescind its actions.³⁰ Also in August, the League of Arab States met in Cairo to condemn the invasion and called on Iraq to withdraw its troops.³¹

On August 18, 1990, the Security Council, upping the diplomatic pressure once more, passed UNSCR 664, which demanded that Iraq permit the immediate departure from Kuwait and Iraq of third-country nationals; grant immediate and continuing access of consular officials; demanded that Iraq take “no action to jeopardize the safety, security or health of such nationals;” and reaffirmed the previous Security Council resolutions.

Despite U.N. condemnation, Arab League pressure, and the growing presence of U.S. and other military forces in the region, however, Iraq continued to occupy Kuwait and conduct offensive military operations. On August 20, Iraq detained 3,000 Americans and 83 British citizens in Iraq and Kuwait. President Bush condemned the act and said the Americans and British being detained “are, in fact, hostages.”³²

What followed was a succession of Security Council resolutions, each of which is referenced in the 1991 Iraq AUMF and summarized below:

1. UNSCR 665, calling on those member states cooperating with Kuwait that are deploying maritime forces to halt all inward and outward maritime shipping in order to inspect and verify their cargoes.³³
2. UNSCR 666, noting (among other provisions) that it may be necessary to provide food to civilians in Iraq and Kuwait in order to “relieve human suffering” and that Iraq remains fully responsible under international humanitarian law, including the 4th Geneva Convention, to protect civilians.³⁴
3. UNSCR 667, which, after noting that Iraq is a party to the Vienna Convention on Diplomatic Relations of April 18, 1961, and the Vienna Convention on Consular Relations of April 24, 1963, condemned Iraq for ordering the closure of diplomatic and consular missions in Kuwait, as well as its decision to withdraw the privileges and immunities of those missions; condemned the acts of violence against diplomatic missions and their personnel in Kuwait; and demanded the immediate release of nationals and foreign nationals.³⁵
4. UNSCR 669, which reaffirmed UNSCR 661 and acknowledged the fact that “an increasing number of requests for assistance have been received under the provisions of Article 50 of the [United Nations] Charter.”³⁶
5. UNSCR 670, which reaffirmed UNSCRs 660, 661, 662, 665, 666, and 667; condemned continued occupation of Kuwait and Iraqi forces’ treatment of Kuwaiti nationals; confirmed that UNSCR 661 applied to all means of transport including aircraft; decided that all states shall deny permission to any aircraft destined to land in Iraq or Kuwait to overfly their territory except under certain conditions; and increased sanctions against Iraq.³⁷
6. UNSCR 674, which reaffirmed UNSCRs 660, 661, 662, 664, 665, 666, 667, and 670; stressed the urgent need for immediate and unconditional withdrawal of all Iraqi forces from Kuwait and restoration of Kuwait’s sovereignty, independence, and territorial integrity; condemned Iraqi authorities for taking third-country nationals hostage and for mistreating and oppressing Kuwaiti and third-country nationals; and other measures.³⁸

7. UNSCR 677, which expressed grave concern at the ongoing attempts by Iraq to alter the “demographic composition of Kuwait and to destroy the civil records maintained by the legitimate Government of Kuwait.”³⁹

By late fall of 1990, it was becoming increasingly clear that Saddam Hussein had no intention of complying with the United Nations resolutions and was convinced that the military buildup in the region was most likely a hollow threat by the West and its allies in the Gulf Region.

By October 30, 1990, President Bush had made the decision to push Iraq out of Kuwait by force if necessary.⁴⁰ The President increased the U.S. force presence in the region and petitioned the United Nations for authorization to use force.⁴¹ By the end of the year, approximately 350,000 U.S. forces had been deployed to the area.⁴²

On November 29, 1990, the Security Council adopted UNSCR 678, which gave Iraq until January 15, 1991, to implement UNSCR 660 fully.⁴³ In the absence of compliance by Iraq, paragraph 2 of UNSCR 678 authorized member states “to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area.”⁴⁴

On January 8, 1991, in a letter to congressional leaders, President Bush requested a congressional resolution supporting the use of all necessary means to implement UNSCR 678. The President stated that he was “determined to do whatever is necessary to protect America’s security” and that he could “think of no better way than for Congress to express its support of the President at this critical time.”⁴⁵

On January 14, 1991, both houses of Congress passed the Authorization for Use of Military Force Against Iraq Resolution, or Public Law (P.L.) 102-1.⁴⁶ Subsection 2(a) authorized the President “to use United States Armed Forces pursuant to United Nations Security Council Resolution 678 (1990) in order to achieve implementation of Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, and 677.” Subsection (b) required the President, before exercising the authority granted in Subsection (a), to use diplomatic and “other peaceful means to obtain compliance by Iraq” with the Security Council resolutions and make a determination that those “efforts have not been and would not be successful in obtaining such compliance.”⁴⁷

Upon signing P.L. 102-1, President Bush issued a signing statement wherein he stated that “my request for congressional support did not, and my signing [P.L. 102-1] does not, constitute any change in the longstanding

positions of the executive branch on...the President's constitutional authority to use the Armed Forces to defend vital U.S. interests."⁴⁸

Iraq refused to withdraw from Kuwait before the January 15, 1991, deadline, and on January 16, 1991, President Bush made the determination required by P.L. 102-1 that diplomatic means had not compelled and would not compel Iraq to withdraw from Kuwait. On January 18, he reported to Congress "consistent with the War Powers Resolution"⁴⁹ that he had directed U.S. forces to commence combat operations on January 16, 1991.

Note that President Bush did not ask for "authorization" from Congress to use military force, but rather requested congressional "support" for his undertaking in the Persian Gulf.⁵⁰ He believed that he had all the legal authority he needed to go to war, based not only on his authority under Article II of the Constitution, but also on applicable Security Council Resolutions. Recall that UNSCR 678 authorized member states "to use all necessary means to uphold and implement resolution 660 (1990) and all subsequent relevant resolutions and to restore international peace and security in the area."

When asked at a press conference on January 9, 1991, whether he thought he needed P.L. 102-1 and whether, if it didn't pass, he would feel bound by Congress's decision, President Bush stated, "I don't think I need it.... I feel that I have the authority to fully implement the United Nations Resolutions" as well as "the constitutional authority—many attorneys having so advised me."⁵¹ President Bush's statement was consistent both with his earlier signing statement and with the position taken by other Presidents regarding their constitutional authority under Article II of the Constitution to protect and defend the United States and use the military to do so, even absent express congressional authorization.⁵²

Allied air forces commenced an attack on military targets in Iraq and Kuwait. Ground forces were introduced on February 23, 1991, and Iraq was expelled from Kuwait four days later.⁵³ Exactly 100 hours after ground operations began, President Bush suspended offensive combat operations⁵⁴ because the Iraqi Army was defeated and surrendering in droves.

The (Temporary) Cease-Fire. On April 3, 1991, the Security Council adopted UNSCR 687, which established conditions for a formal cease-fire suspending hostilities in the Persian Gulf.⁵⁵ The resolution "reaffirmed the need to be assured of Iraq's peaceful intentions" given Iraq's invasion of Kuwait, its use of chemical weapons and ballistic missiles in unprovoked attacks, and reports that it had attempted to acquire materials to build nuclear weapons.⁵⁶ Among the conditions for a formal cease-fire, the resolution specified that "Iraq shall unconditionally accept the destruction,

removal, or rendering harmless, under international supervision,” of “[a]ll chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities related thereto” and “[a]ll ballistic missiles with a range greater than 150 kilometres, and related major parts and repair and production facilities.”⁵⁷

On April 6, 1991, Iraqi officials accepted the terms set forth in UNSCR 687, and a formal cease-fire went into effect between Iraq, Kuwait, and the U.N. member countries that had cooperated with Kuwait under UNSCR 678, including the United States.⁵⁸ Yoram Dinstein, a preeminent law of war scholar, stated that the “labelling of [Security Council] Resolution 687 as a permanent cease-fire is a contradiction in terms; a cease-fire, by definition, is a transition-period arrangement.”⁵⁹

It is important to note that Security Council Resolution 687 suspended but did not terminate the authority to use force under UNSCR 678.⁶⁰ The cease-fire established by UNSCR 687 is similar to an armistice: Unlike a peace treaty, it does not terminate the state of war, but merely “suspends military operations by mutual agreement between the belligerent parties.”⁶¹ A cease-fire allows a party to a conflict to resume hostilities under certain conditions.⁶²

It could be argued that Iraq’s expulsion from Kuwait in February 1991 by the United States and the allied nations fully implemented the UNSCRs listed in P.L. 102-1 and that the authorization in Subsection 2(a) for the use of U.S. armed forces has therefore expired,⁶³ but Iraq accepted the terms of the cease-fire agreement in name only, as it defied, eluded, and skirted the terms of agreement throughout the 1990s. As a result, the Administrations of Presidents William J. Clinton and George W. Bush maintained that P.L. 102-1 remained in effect.⁶⁴

The 2002 Iraq AUMF

In January 2002, four months after the September 11, 2001, attacks against the United States, President George W. Bush delivered the annual State of the Union Address.⁶⁵ During his address, he outlined the national security threats to America and, in particular, singled out Iraq, Iran, and North Korea, calling them an “axis of evil.”⁶⁶ They seek “weapons of mass destruction” and “pose a grave and growing danger” to the United States and our allies.⁶⁷

By the summer of 2002, less than a year after the September 11 terrorist attacks in the United States by al-Qaeda, the Bush Administration started to talk about the significant threat to U.S. interests posed by Iraq.⁶⁸ As the

war against al-Qaeda, the Taliban, and associated forces was being waged, President Bush met with congressional leadership on September 4, 2002, and stated that he would seek congressional support in the near future for action he deemed necessary to deal with the threat that Saddam Hussein's regime posed to the United States.⁶⁹ The President told congressional leaders that "Saddam Hussein is a serious threat. He is a significant problem. And it's something that this country must deal with."⁷⁰

On September 12, 2002, in a major speech to the U.N. General Assembly, President Bush outlined his concerns about Iraq's actions since the end of the Gulf War in 1991.⁷¹ He reminded the international audience about Iraq's numerous violations of U.N. Security Council resolutions since 1991, including those related to disarmament.⁷²

A week later, the White House proposed legislation to authorize the use of military force against Iraq. It was introduced as Senate Joint Resolution 45 on September 26 and debated by the Senate from October 3 to October 11. The Senate eventually passed House Joint Resolution 114, which was a slightly amended version of the Senate resolution, on October 11. President Bush signed the Authorization for Use of Military Force Against Iraq Resolution of 2002, also known as P.L. 107-243, into law on October 16, 2002.⁷³ The 2002 Iraq AUMF did not include any geographical or temporal limitations.

On November 8, 2002, the Security Council passed UNSCR 1441, which gave Iraq one "final opportunity to comply with its disarmament obligations."⁷⁴ Failure to comply would result in "serious consequences," which everyone understood to mean the use of military force.

The primary focus of the 2002 Iraq AUMF was the threat posed by Saddam Hussein and Iraq. Section (3) authorized the President to "use the Armed Forces of the United States as he determines to be necessary and appropriate to: (1) defend the national security of the United States against the continuing threat posed by Iraq; and (2) enforce all relevant United Nations Security Council Resolutions regarding Iraq."⁷⁵

Note, however, that unlike the 1991 Iraq AUMF, which authorized the President to enforce previously adopted and delineated Security Council resolutions (mentioned by number in the statute), the 2002 Iraq AUMF arguably gave the President broader authority because it included "all relevant" resolutions.⁷⁶ All relevant resolutions included the UNSCRs mentioned in the 1991 Iraq AUMF, thus tying the two Iraq AUMFs to each other.

It is also worth noting that the 2002 Iraq AUMF includes several paragraphs of findings before the operative text of the statute, each paragraph beginning with the word "whereas,"⁷⁷ and that two of these paragraphs are relevant to the Trump Administration's continued reliance on the statute.⁷⁸

The Bush and Obama Administrations relied on the 2002 Iraq AUMF to maintain the presence of U.S. armed forces and to conduct military operations in Iraq. The U.N. Security Council terminated the mandate of the U.S.-led multinational force in Iraq (MNF-I) as of December 31, 2008. President Barack Obama ordered all U.S. forces to withdraw at the end of December 2011, which they did.⁷⁹

President Obama's move to withdraw all troops from Iraq at the end of 2011 was controversial.⁸⁰ Many claim that by not leaving a standby or residual military presence, President Obama contributed to, and in fact created, the circumstances that led to the rise of the Islamic State (ISIS).⁸¹ Regardless of one's views on the issue, as a legal matter, the 2002 Iraq AUMF remained on the books after the pullout and the rise of ISIS, through the degradation of ISIS and al-Qaeda, and remains current law.⁸² Some question its continued effectiveness.⁸³

Suffice it to say that when ISIS became a dominant force in Iraq in the years from 2012–2014, the Obama Administration took military action against ISIS and relied on the 2001 AUMF and the 2002 Iraq AUMF as domestic statutory authority. In its first (and only) National Defense Authorization Act (NDAA) Section 1264 war powers report,⁸⁴ the Obama Administration stated that “as a matter of domestic law, the 2001 AUMF and the 2002 [Iraq] AUMF authorize the U.S. use of force against ISIL in Iraq.”⁸⁵ Similarly, the Obama Administration wrote that, with respect to Syria, “[t]he 2001 AUMF and, in certain circumstances, the 2002 AUMF authorize the use of force in Syria against al-Qa’ida in Syria and ISIL.”⁸⁶

Oddly enough, even while it was engaged in military action against ISIS, including bombing ISIS fighters, the Obama Administration was signaling that it wanted to repeal the 2002 AUMF. On September 14, 2014, during the height of offensive military operations against ISIS, a senior Obama Administration official emailed a *New York Times* reporter when speaking about the legal authorities for military airstrikes against ISIS:

The President may rely on the 2001 AUMF as statutory authority for the military airstrike operation he is directing against ISIL. As we have explained, the 2002 Iraq AUMF would serve as an alternative statutory authority basis on which the President may rely for military action in Iraq. Even so, our position on the 2002 Iraq AUMF hasn't changed and we'd like to see it repealed.⁸⁷

Two months before this email to *The New York Times*, Susan Rice, Assistant to the President for National Security Affairs,⁸⁸ sent a letter to Speaker of the House John Boehner urging “the repeal of the outdated 2002 Authorization for Use of Military Force in Iraq.”⁸⁹

The Trump Administration has also submitted one NDAA Section 1264 war powers report.⁹⁰ In the section entitled “The Domestic Law Bases for the Ongoing Use of U.S. Military Force,” the Administration acknowledges that the “primary focus of the 2002 AUMF” was “the threat posed by Saddam Hussein’s regime in Iraq.”⁹¹ However, the report states that the “express goals” have always been understood to authorize the use of force for the related dual purposes of helping to establish a stable, democratic Iraq and addressing terrorist threats emanating from Iraq.⁹² Finally, it adds that “the 2002 AUMF reinforces the authority for military operations against ISIS in Iraq and, to the extent necessary to achieve the purposes described above, in Syria and elsewhere.”⁹³

It is at best debatable whether the 2002 Iraq AUMF’s “express goals” have “always” been understood to include “helping establish a stable, democratic Iraq.” Nowhere in the statute does it say that the goal is to “establish a stable, democratic Iraq.” The closest the statute comes to that is where, in the findings preamble to the operative section of the statute, it references the Iraq Liberation Act of 1998, P.L. 105-338, which expressed the sense of Congress that it “should be the policy” of the United States to remove from power the “current Iraqi regime” and, according to the 2002 Iraq AUMF, “promote the emergence of a democratic government to replace the regime.”

Relying on a 1998 law that merely expresses the sense of Congress to promote the emergence of a democratic government in Iraq is odd indeed. A “sense of” provision is not legally binding because it is not presented to the President for his signature.⁹⁴ Even if a “sense of” provision is incorporated into a bill—such as the 2002 Iraq AUMF—that becomes law, such a provision merely expresses the opinion of Congress or the relevant chamber.⁹⁵ It has no formal effect on public policy and no force of law.⁹⁶

The fact that the findings include a sense of Congress to promote the emergence of a democratic Iraq back in 1998 is historically interesting, but it has no legal effect. The Trump Administration is at best overreaching when it relies on that finding to assert, as it does in its NDAA Section 1264 war powers report, that the dual purpose of the 2002 Iraq AUMF includes “establish[ing] a stable, democratic Iraq.”

The second part of the 2002 Iraq AUMF’s dual purpose as cited in the Trump Administration’s NDAA Section 1264 war powers report is to address terrorist threats emanating from Iraq. The findings do include several paragraphs that, arguably, remain just as factually true in the fall of 2019 as they were in 2002 when the statute was passed. Today, however, Iraq is a partner and hosts a small number of U.S. military and other government personnel

to ward off the terrorist threat. Fortunately, Iraq is no longer a threat to the United States as it was under the Saddam Hussein regime or when ISIS controlled large areas of Iraq.

Finally, it is worth highlighting the language used by the Obama and Trump Administrations in their war powers reports when referencing the 2002 Iraq AUMF. The primary war authorization relied upon by the Bush, Obama, and Trump Administrations to prosecute the war against al-Qaeda, the Taliban, ISIS, and associated forces has been and continues to be the 2001 AUMF. Each Administration has relied and continues to rely on that war authorization as the bedrock domestic legal authority for wartime operations.⁹⁷ It has no expiration date, no geographical limitation, and no sunset clause and applies to a discrete but ever-evolving group of terrorists with connections to the 9/11 attacks. Most important, it applies in Iraq.

Furthermore, repealing the 1991 and 2002 Iraq AUMFs would have no operational, legal, or prudential impact on the efficacy of the 2001 AUMF. The 2001 AUMF has been used by successive Administrations to go after evolving terrorist threats, including terrorist groups that did not even exist in 2001. Unless Congress decides to exercise the political courage to amend it to include ISIS and other associated forces, the 2001 AUMF will remain the bedrock domestic statutory authorization to fight terrorism.

In truth, however, the lack of political will to amend, repeal, or replace the 2001 AUMF has nothing to do with repealing two unrelated, outdated AUMFs.

The Obama Administration called the 2002 Iraq AUMF an “alternative statutory authority,” meaning, no doubt, that it was supplementary to or duplicative of the authority already existing in the 2001 AUMF. Similarly, the Trump Administration said the 2002 Iraq AUMF “reinforces” the authorities needed for military operations, suggesting without saying that the 2001 AUMF provides all the authority necessary for military operations against ISIS, al-Qaeda, or associated forces in Iraq.

There has been an open and vibrant debate about whether the 2001 AUMF covers ISIS, a terrorist organization that did not even exist when the 2001 statute was passed and has disavowed and formally broken away from al-Qaeda, the group that is covered by the 2001 AUMF.⁹⁸ Yet both the Obama and Trump Administrations claim that the 2001 AUMF covers ISIS and associated forces.⁹⁹ Efforts to amend that statute have failed, and that failure on the part of the Congress and the Obama Administration has infected the debate. As a result, Congress has shied away from the much-needed debate about whether to amend the 2001 AUMF to cover ISIS and associated forces.¹⁰⁰

Nevertheless, that failure to debate the all-encompassing 2001 AUMF should not blind Congress to the fact that the 2002 Iraq AUMF is no longer necessary and merely acts as a belt-and-suspenders approach to war authorizations.

The Price of Inaction

Before addressing the issue of why it would be sound policy to repeal the two Iraq war authorizations, it is important to look back on the Framers' understanding of how wars were to end. As we have seen, the constitutional separation of power and allocation of war power is between the Congress and the President. This power is likewise a shared power of Congress and the President, but in a somewhat different sense than the allocation of warmaking powers discussed above.¹⁰¹

Debates at the Constitutional Convention reveal an understanding that Congress could not effectively end war simply by passing a resolution declaring a cessation of hostilities.¹⁰² The Framers believed that only a peace treaty signed by the President and ratified by two-thirds of the Senate could formally terminate a war and that the President's role as protector and representative of the nation prevented Congress from ending a war without his consent.¹⁰³ It is telling, as some scholars argue, that the Framers did not give Congress the sole power to terminate a war, just as they did not give it the sole power to begin one.¹⁰⁴

The Framers no doubt realized that politics, as an expression of the will of the people, would heavily influence decisions about whether to go to war and whether to terminate or end a war. Both decisions have potentially grave consequences that are borne by the very people who elected representatives to Congress in the first place.

Congress possesses the appropriations power and can employ such power to defund an authorized war.¹⁰⁵ For Congress to exercise that power and cut off funds for an authorized war would effectively terminate the war as an operational matter because the President would not have the money to prosecute it, but it arguably would not terminate the war as a legal matter, at least according to some scholars.¹⁰⁶

In practice, throughout our nation's history, all declared wars have ended in treaties,¹⁰⁷ and some war authorizations¹⁰⁸ have ended in a variety of ways.¹⁰⁹ For example, while President Dwight David Eisenhower's Formosa AUMF was repealed by Congress in 1974,¹¹⁰ his 1957 Middle East Force Resolution¹¹¹ has never been repealed.

For obvious reasons, the 1991 and 2002 Iraq AUMFs are not likely candidates for treaties. Unlike the five previous declarations of war, which were

against countries that we fought to victory in total war, the Iraq AUMFs were fought primarily against a country headed by a ruthless dictator who by his actions threatened the United States, its allies, and the world community with weapons of mass destruction. Saddam Hussein was captured in December 2003, was tried in an Iraqi court for crimes against humanity, and was hanged in December 2006. The current country of Iraq is an ally, and the United States and coalition partners work with the Iraqi leadership at their request to help safeguard their country from terrorist elements.

It therefore would not be practical to sign a peace treaty with Iraq. In fact, the object and purposes of the 1991 Iraq AUMF have been met, and the 2002 Iraq AUMF was directed, as a practical matter, at Saddam Hussein. A peace treaty is not in the offing, nor is one necessary. That leaves two options on the table: keep the Iraq AUMFs in place and risk the danger that some future Administration will try to rely on one or both of them to go back into Iraq or elsewhere, or repeal them and convince the President to sign the repeal bill.

Senators Kaine and Todd Young have been consistent and vocal proponents of repealing the two Iraq AUMFs. In their joint repeal resolution, there are several congressional findings of note. They point out that the 2002 Iraq AUMF only reinforces the 2001 AUMF; that repealing the Iraq AUMFs would “not effect ongoing United States Military operations;” that since 2014, the United States military forces have been operating in Iraq at the request of the government of Iraq for the sole purpose of supporting its efforts to combat ISIS; and that neither the 1991 nor the 2002 Iraq AUMF is being used as the sole legal basis for any detention of enemy combatants held by the United States.¹¹²

Those proposed congressional findings are hard to dispute.

In November 2016, Senator Kaine took to the Senate floor to outline why he thought the Senate should debate the applicability of the 2001 AUMF to ISIS. He made a number of points, each of which has merit, and set the stage for his later efforts to repeal the Iraq AUMFs.

First, he noted that in Congress, there is a “tacit agreement to avoid debating this one in the one place that it ought to be debated: in the halls of Congress.”¹¹³ He noted that 80 percent of the Members of Congress were not in Congress when the 2001 AUMF was debated and said that “80% of us that were not here in 2001 have never had a meaningful debate or vote upon this war against ISIL.”¹¹⁴ It is time, according to Senator Kaine, for “Congress to reassert its rightful place in this most important set of decisions. Of all the powers that we would have as a Congress, I can’t think of any that are more important than the power to declare war.”¹¹⁵

The same logic can and should be applied to the two Iraq AUMFs. Virtually no current Members of Congress were in office when the 1991 Iraq AUMF was voted on, and only a handful were in office for the 2002 Iraq AUMF. Congress has no stake in either war authorization.

There are consequences to congressional inaction on the 2001 AUMF, as Ben Wittes, cofounder of the influential Lawfareblog.com, has written.¹¹⁶ Congressional failure to engage constitutes a “meaningful congressional acquiescence in the President’s bold and relatively attenuated claim of authority to confront ISIS under the 2001 AUMF.”¹¹⁷ Again, the same logic applies to the Iraq AUMFs. Senator Young asserts that repealing the two Iraq AUMFs would act to “prevent the future misuse of the expired Gulf and Iraq War authorizations and strengthen Congressional oversight over war powers.”¹¹⁸

Conclusion

There is little doubt that taking up the Kaine–Young resolution and holding a public debate, perhaps with expert witnesses, would educate Members of Congress and the public about war powers in general and whether there is a need for these two outdated, vestigial war authorizations. Congress has not had the political will or institutional stomach to be frank with the American people about the outdated and stretched-to-the-legal-brink 2001 AUMF.

The Obama Administration, to its credit, sent out senior Administration officials to give a series of public speeches explaining the legal basis for a whole host of national security–related topics, from drone strikes to detention policy to war powers. The Trump Administration has failed to follow suit, but speeches or no speeches, each Administration relied and continues to rely on an almost two-decade-old 2001 war authorization against a terrorist group that did not exist on September 11, 2001, has disavowed its connection to the group that was responsible for 9/11, and has at best a tenuous connection to the small number of terrorists covered under the 2001 AUMF.

Debating the repeal of the two Iraq war authorizations would allow Congress to re-engage its constitutional muscles on a topic about which Members should be flexing their muscles on a regular basis and that is not kryptonite to their political futures.¹¹⁹ A robust, fulsome debate would engage senior U.S. military leadership, senior U.S. diplomats, and law-of-war scholars and historians. It would require the Administration either to defend the use of the Iraq AUMFs or to agree that their usefulness has expired.

Finally, such a debate would be an act of congressional hygiene. Clearing (or cleaning) out the legislative closet of war authorizations that have long since been used up would be a first step in restoring the balance of power between Congress and the President with respect to the warmaking power.¹²⁰

Charles D. Stimson is a Senior Legal Fellow and Manager of the National Security Law Program in the Edwin Meese III Center for Legal and Judicial Studies, of the Institute for Constitutional Government, at The Heritage Foundation.

Endnotes

1. Michael Stokes Paulsen, *The War Power*, 33 *HARV. J.L. & PUB. POL'Y* 113 (2010).
2. See *Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations*, Dec. 2016 at 7. See also Caroline D. Krass, Principal Deputy Assistant Attorney General, O.L.C. Opinion of April 1, 2011, Authority to Use Military Force in Libya, at 6; See also Authority to Use United States Military Forces in Somalia, 16 *U.S. Op. O.L.C.* 6, 9 (1992), and Authority of the President Under Domestic and International Law to Use Military Force Against Iraq, 26 *U.S. Op. O.L.C.* 143, 6 (2002).
3. See U.S. CONST. art. I, § 8, cl. 11.
4. See U.S. CONST. art. I, § 8, cl. 12.
5. See U.S. CONST. art. I, § 8, cl. 13.
6. See U.S. CONST. art. I, § 8, cl. 14.
7. See U.S. CONST. art. I, § 8, cl. 15.
8. See U.S. CONST. art. II, § 2, cl. 1.
9. See John Yoo, *The Continuation of Politics by Other Means: The Original Understanding of War Powers*, 84 *CALIF. L. REV.* 167 (1996).
10. See MATTHEW SPALDING & DAVID FORTE, *THE HERITAGE GUIDE TO THE CONSTITUTION* 165 (2d Ed. 2014).
11. See ROBERT F. TURNER, *REPEALING THE WAR POWERS RESOLUTION: RESTORING THE RULE OF LAW IN U.S. FOREIGN POLICY* 80–96 (1991) (arguing that the President has the authority to begin armed conflict in the absence of congressional authorization). See also Eugene V. Rostow, *Great Cases Make Bad Law: The War Powers Act*, 50 *TEX. L. REV.* 833 (1972).
12. *Id.*
13. *Id.* See also Saikrishna Prakash, *Unleashing the Dogs of War: What the Constitution Means by Declare War*, 93 *CORNELL L. REV.* 45 (2007).
14. *Id.*
15. A topic beyond the scope of this paper is the difference between a formal congressional declaration of war and a congressional authorization for the use of military force. That topic, not surprisingly, has been the subject of significant debate among scholars. See, e.g., Curtis A. Bradley & Jack L. Goldsmith, *Congressional Authorization and the War on Terrorism*, 118 *HARV. L. REV.* 2047, 2057–2066 (2005). See also Harold Hongui Koh, *The Coase Theorem and the War Power: A Response*, 41 *DUKE L.J.* 122, 126 (1991).
16. See Senator Tim Kaine, Kaine & Young Introduce Bill to Repeal 1991 & 2002 AUMFs, Formalizing End of Gulf & Iraq Wars, Press Release, March 6, 2019, https://www.kaine.senate.gov/press-releases/kaine-and-young-introduce-bill-to-repeal-1991_2002-aumfs-formalizing-end-of-gulf-iraq-wars.
17. See Pub. L. No. 102-1, 105 Stat. 3, 50 U.S.C. 1541, enacted on January 4, 1991.
18. See Pub. L. No. 107-243, 116 Stat. 1498, 50 U.S.C. 1541, enacted on October 16, 2002.
19. See Kaine, *supra* note 16.
20. *Id.*
21. See Pub. L. No. 107-40, 115 Stat. 224, 50 U.S.C. 1541, enacted on September 18, 2001.
22. See Niels Lesniewski, *Tim Kaine and the War on Zombie Wars*, Roll Call, March 7, 2019. In the same article, Senator Todd Young, cosponsor of the 1991–2002 Iraq AUMF repeal bill, says that the failure of Congress to repeal the 1991 Iraq AUMF “illustrates the level of congressional failure to perform its constitutionally mandated oversight role.”
23. According to Webster’s Dictionary, zombies are dead humans who through some supernatural power come back to life yet are speechless and appear drugged. Movie zombies murder, maim, and decapitate living human beings. Many are cannibals. They are also very hard to kill, even after they are shot. Killing a zombie usually requires decapitation of the monster. A number of zombie movies have achieved cult classic status. See, e.g., *Dawn of the Dead* (1978); *Night of the Living Dead* (1968); *Zombie* (Lucio Fulci, 1979); and dozens of others. Zombie books are also popular, the most famous being *Frankenstein* by Mary Shelley.
24. The 1991 Iraq AUMF cites U.N. Security Council Resolutions 660, 661, 662, 664, 665, 666, 667, 669, 670, 674, 677, and 678. Each UNSCR is discussed briefly in the body of this paper.
25. For a thorough, day-by-day, year-by-year chronology of Operations Desert Shield and Desert Storm, see Lieutenant Colonel Joseph P. Englehardt, *Desert Shield and Desert Storm: A Chronology and Troop List for the 1990–1991 Persian Gulf Crisis*, Strategic Studies Institute, U.S. Army War College, March 25, 1991, <https://apps.dtic.mil/dtic/tr/fulltext/u2/a234743.pdf>.
26. See S.C. Res. 660 (1990), <http://unscr.com/en/resolutions/660>.
27. See S.C. Res. 661 (1990), <http://unscr.com/en/resolutions/661>.
28. See Jim Garamone, *Marking 20 Years Since Operation Desert Shield*, American Forces Press Service, Aug. 7, 2010, <https://archive.defense.gov/news/newstarticle.aspx?id=103010>.

29. See S.C. Res. 662 (1990), <http://unscr.com/en/resolutions/662>.
30. *Id.*
31. The League of Arab States, established in 1945, is a loose confederation of 22 Arab nations, including Palestine, whose broad mission is to improve coordination among its members on matters of common interest. See Jonathan Master and Mohammed Aly Sergie, *The Arab League, Council on Foreign Relations*, October 21, 2014, <https://www.cfr.org/background/arab-league>. See also William Drozdiak, *Arab Nations Break Silence, Condemn Iraq*, *WASH. POST*, Aug. 4, 1990, and John Kifner, *Confrontation in the Gulf Arab Vote to Send Troops to Help Saudis; Boycott of Iraqi Oil Is Reported Near 100%; Baghdad Isolated*, *N.Y. TIMES*, Aug. 11, 1990.
32. See James Gerstenzang, *Bush Says 3,000 Americans Are Hostages and Warns Iraq: Gulf Crisis: "America Will Not Be Intimidated," He Declares. Hussein Is Held Responsible for the Safety of U.S. Citizens. Baghdad Gives Kuwait Embassies 5 Days to Close*, *L.A. TIMES*, Aug. 21, 1990.
33. See S.C. Res. 665 (1990), September 25, 1990, <http://unscr.com/en/resolutions/665>.
34. See S.C. Res. 666 (1990), September 13, 1990, <http://unscr.com/en/resolutions/666>.
35. See S.C. Res. 667 (1990), September 16, 1990, <http://unscr.com/en/resolutions/667>.
36. See S.C. Res. 669 (1990), September 24, 1990, <http://unscr.com/en/resolutions/669>.
37. See S.C. Res. 670 (1990), September 25, 1990, <http://unscr.com/en/resolutions/670>.
38. See S.C. Res. 674 (1990), October 29, 1990, <http://unscr.com/en/resolutions/674>.
39. See S.C. Res. 677 (1990), November 28, 1990, <http://unscr.com/en/resolutions/677>.
40. See Office of the Historian, *The Gulf War, 1991*, U.S. Department of State, <https://history.state.gov/milestones/1989-1992/gulf-war>.
41. *Id.*
42. See Jennifer K. Elsea and Mathew C. Weed, *Declaration of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, Congressional Research Service, Apr. 18, 2014, at 12.
43. See Jay Bybee, 26 U.S. Op. Off. Legal Counsel 143, 2 (O.L.C.) (2002).
44. *Id.*
45. See Elsea and Weed, *supra* note 42, at 12-13.
46. See Pub. L. No. 102-1, January 14, 1991.
47. *Id.*
48. See Statement on Signing the Resolution Authorizing the Use of Military Force Against Iraq, 1 Pub. Papers of George Bush 40 (1991).
49. 50 U.S.C.A. Section 1541. See also Elsea and Weed, *supra* note 42, at 26. The War Powers Resolution was enacted over President Richard Nixon's veto in 1973 purportedly to restore a congressional role in authorizing the use of force that was thought by many to have been lost in the Cold War and the Vietnam War. It mandates that the President consult with Congress "in every possible instance" before introducing U.S. armed forces into hostilities and regularly afterwards. See also Bybee, *supra* note 43, at 11-12: "Every President has taken the position that the War Powers Resolution is an unconstitutional infringement by the Congress on the President's authority as Commander-in-Chief."
50. See Statement, *supra* note 48.
51. See The President's News Conference on the Persian Gulf Crisis of January 9, 1991, 1 Pub. Papers of George Bush 20 (1991). See also Elsea and Weed, *supra* note 42, at 13.
52. For a review of the legal issues from a military lawyer's perspective, including but not limited to operational law challenges in the Persian Gulf War, see W. Hays Parks, *The Gulf War: A Practitioner's View*, 10 *DOX. J. INT'L L.* 393 (1992). Hays Parks was also one of the primary authors of the updated and newly issued Department of Defense Law of War Manual (June 2015), which was updated in December 2016, <https://dod.defense.gov/Portals/1/Documents/pubs/DoD%20Law%20of%20War%20Manual%20-%20June%202015%20Updated%20Dec%202016.pdf?ver=2016-12-13-172036-190>.
53. See Englehardt, *supra* note 25, at 5-10. The armed forces in the coalition totaled about 737,000, to include 190 ships and 1,700 aircraft. Thirty-five countries, in addition to the United States, made up the international coalition.
54. *Id.* See also Address to the Nation on the Suspension of Allied Offensive Combat Operations in the Persian Gulf, 1 Pub. Papers of George Bush 187 (1991).
55. *Id.*
56. *Id.*
57. See S.C. Res. 687 (1991), April 3, 1991, <http://unscr.com/en/resolutions/687>. See also S.C. Res. 688 (1991), April 5, 1991, <http://unscr.com/en/resolutions/688>, which concerned the repression of the Iraqi civilian population and access by international organizations and demanded that Iraq cooperate with the U.N. Secretary-General to effect the cease-fire.
58. See Bybee, *supra* note 43, at 2.
59. See Yoram Dinstein, *WAR, AGGRESSION AND SELF-DEFENCE* 50 (3d ed. 2001).

60. See Lord Goldsmith (U.K. Attorney General) answer to House of Lords Question of March 17, 2003, <https://publications.parliament.uk/pa/cm200203/cmselect/cmfaff/405/3030407.htm>.
61. See Bybee, *supra* note 43, at 20. See also Regulations annexed to the Hague Convention on the Law and Customs of War on Land, October 18, 1907, art. 36, 36 Stat. 2277, 2305 (Hague Regulations). See also *Ludecke v. Watkins*, 335 U.S. 160, 167 (1948), and *Commercial Cable Co. v. Bursleson*, 255 F. 99, 104-05 (S.D.N.Y.) (L. Hand, J.), *rev'd and vacated as moot*, 250 U.S. 188 (1919) ("An armistice effects nothing but a suspension of hostilities; the war still continues.")
62. See Bybee, *supra* note 43, at 20. As this O.L.C. opinion notes, under Hague Regulations, "any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately."
63. *Id.* at 9.
64. *Id.* As stated in the O.L.C. opinion: "Subsequent congressional legislation demonstrates, however, that the authorization in Public Law 102-1 remains in effect. First, the same Congress that enacted Public Law 102-1 twice expressed its 'sense' that Public Law 102-1 continued to authorize the use of force even after Iraq's withdrawal from Kuwait. Enacted on December 5, 1991, section 1095 of the National Defense Authorization Act for Fiscal Years 1992 and 1993, Pub. L. No. 102-190, 105 Stat. 1290, 1488 ('1992-1993 Defense Authorization Act'), contains a congressional finding that Iraq is violating UNSCR 687's requirements relating to its WMD program and expresses Congress's sense that 'the Congress supports the use of all necessary means to achieve the goals of Security Council Resolution 687 as being consistent with the Authorization for Use of Military Force Against Iraq Resolution (Public Law 102-1)'. And section 1096 of the 1992-1993 Defense Authorization Act expresses the same Congress's 'sense' that 'Iraq's noncompliance with United Nations Security Council Resolution 688 constitutes a continuing threat to the peace, security, and stability of the Persian Gulf region...and [that] the Congress supports the use of all necessary means to achieve the goals of United Nations Security Council Resolution 688,' which condemns the repression of the Iraqi civilian population, 'consistent with all relevant United Nations Security Council Resolutions and...Public Law 102-1.' 105 Stat. at 1489. Second, in 1999, Congress amended Public Law 102-1 to extend the reporting requirements from every 60 days to every 90 days, thereby indicating that the law continues in effect. See Consolidated Appropriations Act, 2000, Pub. L. No. 106-113, div. B, § 1000(a)(7), 113 Stat. 1501, 1536 (1999)."
65. See President George W. Bush, State of the Union Address, January 29, 2002, <https://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html>.
66. *Id.*
67. *Id.*
68. See Elsea and Weed, *supra* note 42, at 16.
69. *Id.*
70. See Andrew Glass, *Bush Makes Case for War with Iraq*, Politico, September 4, 2002, <https://www.politico.com/story/2018/09/04/this-day-in-politics-sept-4-2002-805725>.
71. See Bybee, *supra* note 43. The O.L.C. opinion, dated October 23, 2002, concluded that the President possesses the constitutional authority to use military force against Iraq to protect United States national interests. That independent constitutional authority was supplemented by the 1991 Authorization for Use of Military Force Against Iraq Resolution and was consistent with international law because it was authorized by the United Nations Security Council or would be justified as anticipatory self-defense. The opinion also cited the Authorization for Use of Military Force, Pub. L. No. 107-40, 115 Stat. 224 (2001), passed a week after the September 11, 2001, terrorist attacks, as further legal authority to use military force against Iraq.
72. See Remarks by President in Address to the United Nations General Assembly, September 12, 2002, <https://georgewbush-whitehouse.archives.gov/news/releases/2002/09/20020912-1.html>. See also Elsea and Weed, *supra* note 42, at 16.
73. See Elsea and Weed, *supra* note 42, at 16-17. See also Pub. L. No. 107-243, 116 Stat. 1498.
74. See U.N. Sec. Res. 1441, <https://undocs.org/S/RES/1441> (2002).
75. See Pub. L. No. 107-243 (3)(a)(1-2).
76. See Elsea and Weed, *supra* note 42, at 17-18: "Thus, it appears to have incorporated resolutions concerning Iraq that were subsequently adopted by the Security Council at least up to the expiration of the UN mandate on December 31, 2008, as well as those resolutions adopted prior to the enactment of P.L. 107-243. The authority also appears to extend beyond compelling Iraq's disarmament to implementing the full range of concerns expressed in those resolutions. Unlike P.L. 107-40, the President's exercise of the authority granted is *not* dependent upon a finding that Iraq was associated in some direct way with the September 11, 2001, attacks on the United States. Moreover, the authority conferred can be used for the broad purpose of defending 'the national security of the United States against the continuing threat posed by Iraq.' Nevertheless, P.L. 107-243 is narrower than P.L. 107-40, as well as President Bush's originally proposed authorization, in that it limits the authorization for the use of force to Iraq. It also requires as a predicate for the use of force that the President determine that peaceful means cannot suffice and that the use of force against Iraq is consistent with the battle against terrorism. P.L. 107-243 further limits the force used to that which the President determines is 'necessary and appropriate.' Finally, as with P.L. 107-40, the statutory authorization for use of force granted to the President in P.L. 107-243 is not dependent for its exercise upon prior authorization by the U.N. Security Council." Emphasis in original. Internal footnote omitted.
77. See Pub. L. No. 107-243.

78. Courts are deeply divided over what role congressional findings should play in a court's standing inquiry. See, e.g., *Dellums v. Nuclear Regulatory Comm'n*, 863 F.2d 968 (DC Cir. 1988); *United Transportation Union v. Interstate Commerce Comm'n*, 891 F.2d 908 (DC Cir. 1989); *City of Los Angeles v. National Highway Traffic Safety Admin.*, 912 F.2d 478 (DC Cir. 1990). Interesting as those cases are, and as alive as the debate is in the courts today, the findings at issue here do not say what the Trump Administration says they do in its NDAA Section 1264 war powers report.
79. See Tim Arango and Michael S. Schmidt, *Last Convoy of American Troops Leaves Iraq*, N.Y. TIMES, December 18, 2011.
80. Why removing all U.S. troops from Iraq was controversial is beyond the scope of this paper. To read more about the topic, see James Phillips, *Obama Administration Gambles on U.S. Troop Strength in Iraq*, THE DAILY SIGNAL, September 8, 2011. See also James Phillips, *Politics Trumps Security in Obama's Bungled Troop Negotiations with Iraq*, THE DAILY SIGNAL, October 13, 2011; James Phillips, *Iraqi Government Balks in Negotiations over Extending U.S. Troop Presence*, THE DAILY SIGNAL, October 16, 2011; James Phillips, *Abrupt End of the U.S. Military Mission Boosts Security Risks in Iraq*, THE DAILY SIGNAL, December 16, 2011; James Phillips, *Iraq Plunges into Chaos as Obama Administration Celebrates End of U.S. Military Presence*, THE DAILY SIGNAL, December 26, 2011; and James Phillips, *Q & A: What You Need to Know About ISIS in Iraq*, THE DAILY SIGNAL, June 14, 2014.
81. See Ryan N. Mannina, *How the 2011 US Troop Withdrawal from Iraq Led to the Rise of ISIS*, Small Wars Journal, December 2018, <https://smallwarsjournal.com/jml/art/how-2011-us-troop-withdrawal-iraq-led-rise-isis>. See also Kenneth M. Pollack, *The Fall and Rise and Fall of Iraq*, The Brookings Institution, Middle East Memo Number 29, July 2013, https://www.brookings.edu/wp-content/uploads/2016/06/Pollack_Iraq.pdf, and Luke Coffey, James Jay Carafano, Thomas Spoehr, & Walter Lohman, *Now Is Not the Time to Repeat Obama's Iraq Mistake in Afghanistan*, THE DAILY SIGNAL, December 26, 2018, <https://www.heritage.org/middle-east/commentary/how-not-the-time-repeat-obamas-iraq-mistake-afghanistan>.
82. President Trump has claimed that ISIS has been defeated. See Charles Lister, *Trump Says ISIS Is Defeated. Reality Says Otherwise*, POLITICO, March 18, 2019. After U.S. special operations personnel killed ISIS leader Abu al-Baghdadi in October 2019, Trump again claimed that ISIS was 100 percent defeated, only to back off the claim days later, saying that the number was closer to 70 percent defeated. See John T. Bennett, *Trump Walks Back Claim of Defeating 100% of the ISIS Caliphate*, ROLL CALL, October 28, 2019, <https://www.rollcall.com/news/whitehouse/in-another-reversal-trump-walks-back-claim-of-defeating-100-of-the-isis-caliphate>.
83. See Robert Chesney, *A Response to Bruce Ackerman: Whether the 2001 and 2002 AUMFs Are Exhausted*, Lawfareblog, September 8, 2011, <https://www.lawfareblog.com/response-bruce-ackerman-whether-2001-and-2002-aumfs-are-exhausted>.
84. Section 1264 of the National Defense Authorization Act for Fiscal Year 2018, Pub. L. No. 115-91 (2017), required the Administration to provide the legal, factual, and policy bases for the United States' use of military force and related national security operations every year. The Obama Administration submitted one Section 1264 report, commonly referred to as the "war powers report." In its December 2016 report, it referred to ISIS as ISIL, which stands for the Islamic State of Iraq and the Levant, <https://www.documentcloud.org/documents/3232529-Framework-Report-Final.html#document/p1>.
85. See Trump Administration, *Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations*, undated, <https://assets.documentcloud.org/documents/441804/3-18-War-Powers-Transparency-Report.pdf>, at 15.
86. *Id.* at 16.
87. See email by Senior Obama Administration official to N.Y. Times, undated, provided via email to the N.Y. Times on September 12, 2014, <https://www.documentcloud.org/documents/1301198-is-war-powers-theory-background-statement.html>.
88. Otherwise known as the National Security Advisor to the President.
89. See letter from Susan Rice to John Boehner, July 25, 2014, https://www.scribd.com/fullscreen/235109249?access_key=key-igBB8IqK4cxNeXtufT4I&allow_share=true&escape=false&view_mode=scroll.
90. See Trump Administration, *Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations*, undated.
91. *Id.* at 3.
92. *Id.*
93. *Id.*
94. See Christopher M. Davis, "Sense Of" Resolutions and Provisions, Congressional Research Service, October 16, 2019, at 1, <https://fas.org/spp/crs/misc/98-825.pdf>.
95. *Id.*
96. *Id.*
97. See Trump Administration report, *supra* note 85. For the Obama Administration's war powers report, see *Report on the Legal and Policy Frameworks Guiding the United States' Use of Military Force and Related National Security Operations*, December 2016, <https://www.documentcloud.org/documents/3232529-Framework-Report-Final.html#document/p1>. See also Oona Hathaway, Samuel Adelsberg, Spencer Amdur, Phillip Levitz, Freya Pitts, and Sirine Shebaya, *The Power to Detain: Detention of Terrorism Suspects After 9/11*, 38 YALE J. INT'L L. 123 (2013); Speech by Jennifer O'Connor, Department of Defense General Counsel, *Applying the Law of Targeting to the Modern Battlefield*, November 28, 2016, given at New York University School of Law, <https://oed.defense.gov/Portals/1/Documents/pubs/Applying-the-Law-of-Targeting-to-the-Modern-Battlefield.pdf>; and Speech by Jeh Johnson at Yale Law School, *National Security Law, Lawyers and Lawyering in the Obama Administration*, February 22, 2012, <https://www.lawfareblog.com/jeh-johnson-speech-yale-law-school>.

98. See *The Law of Armed Conflict, the Use of Military Force, and the 2001 Authorization for Use of Military Force*, hearing before the Senate Armed Services Committee, May 16, 2013, <https://www.armed-services.senate.gov/hearings/oversight-the-law-of-armed-conflict-the-use-of-military-force-and-the-2001-authorization-for-use-of-military-force>. See also Jack Goldsmith, testimony before United States Senate, Committee on Armed Services, May 16, 2013, https://www.armed-services.senate.gov/imo/media/doc/Goldsmith_05-16-13.pdf; Charles Stimson, testimony before United States Senate, Committee on Armed Services, May 16, 2013, https://www.armed-services.senate.gov/imo/media/doc/Stimson_05-16-13.pdf; and Scott R. Anderson, *A Primer on Sen. Merkley's Proposal to Replace the AUMF*, Lawfareblog.com, May 25, 2018, <https://www.lawfareblog.com/primer-sen-merkleys-proposal-replace-aumf>.
99. See Charles D. Stimson and Hugh Danilack, *The Case Law Concerning the 2001 Authorization for Use of Military Force and Its Application to ISIS*, HERITAGE FOUND. LEGAL MEMORANDUM No. 203, April 17, 2017, <https://www.heritage.org/defense/report/the-case-law-concerning-the-2001-authorization-use-military-force-and-its>.
100. On October 30, 2017, the United States Senate Committee on Foreign Relations held a hearing on *The Authorizations for the Use of Military Force: Administration Perspective*. The two witnesses were The Honorable Rex Tillerson, Secretary of State, and The Honorable James Mattis, Secretary of Defense. See https://www.foreign.senate.gov/hearings/the-authorizations-for-the-use-of-military-force-administration-perspective_103017.
101. See Paulsen, *supra* note 1, at 128.
102. See Yoo, *supra* note 9, at 265.
103. *Id.*
104. *Id.*
105. See Paulsen, *supra* note 1, at 131. See also Gregory Sidak, *To Declare War*, 41 DUKE L.J. 27, 99–108 (1991).
106. See Paulsen, *supra* note 1, at 131. See also Mark W. Mosier, *The Power to Declare Peace Unilaterally*, 70 U.CHI.L.REV. 1609 (2003).
107. The five declared wars were the War of 1812, ended by the Treaty of Ghent; Mexican-American War, ended by the Treaty of Guadalupe Hidalgo; Spanish-American War, ended by the Treaty of Paris; World War I, ended by the Treaties of Berlin, U.S. Austrian Peace Treaty, and Hungarian Peace Treaty; and World War II, ended by the Japanese Instrument of Surrender, Treaty of San Francisco, German Instrument of Surrender, Treaty on the Final Settlement with Respect to Germany, and Treaty of Vienna with Austria.
108. See Elsea and Weed, *supra* note 42, at 5–19.
109. The question of when the war powers that arose from the declarations of war terminated was addressed by the Supreme Court in two cases. See *Woods v. Cloyd W. Miller Co.*, 333 U.S. 138 (1948), and *Commercial Trust Co. v. Miller*, 262 U.S. 51 (1923). The war powers end not when the peace treaty is signed or the President declares that hostilities are over but when Congress concludes that the need for the power no longer exists. See also David A. Simon, *Ending Perpetual War? Constitutional War Termination Powers and the Conflict Against al Qaeda*, 41 PEPP.L.REV. 685 (2014) (arguing that terminating war without meaningful cooperation between the President and Congress generates tension with the principle of separation of powers that underpins the U.S. constitutional system, with the Framers' division of treaty-making authority, and with the values they enshrine).
110. See Pub. L. No. 93-475, Section 3, 88 Stat. 1439, October 26, 1974. *But see* Matthew Waxman, *Remember Eisenhower's Formosa AUMF*, Lawfareblog, January 29, 2019. See also Elsea and Weed, *supra* note 42, at 8.
111. See Joint Resolution of May 9, 1957, Pub. L. No. 87-5, 71 Stat. 5. See also Matthew Waxman, *Remembering Eisenhower's Middle East Force Resolution*, Lawfareblog, March 9, 2019.
112. See S.J. Res. (116th Congress, 1st Session), Joint Resolution to Repeal the Authorizations for Use of Military Force Against Iraq and for Other Purposes, Senators Tim Kaine and Todd Young, <https://www.scribd.com/document/401216220/Kaine-Young-Introduce-Bill-to-Repeal-1991-2002-AUMFs-Formalizing-End-of-Gulf-Iraq-Wars>.
113. See Senator Tim Kaine, Speech on the floor of the United States Senate, November 30, 2016, <https://www.kaine.senate.gov/press-releases/kaine-renews-call-for-congress-to-vote-on-war-against-isis-encourages-new-debate-on-changing-security-challenges>.
114. *Id.*
115. *Id.*
116. See Benjamin Wittes, *The Consequences of Congressional Inaction on the AUMF*, Lawfareblog.com, April 8, 2015.
117. *Id.*
118. See Senator Todd Young, Press Statement, March 6, 2019, <https://www.young.senate.gov/newsroom/press-releases/young-and-kaine-introduce-bill-to-repeal-1991-and-2002-aumfs-formalizing-end-of-gulf-and-iraq-wars>.
119. Kryptonite is a fictional alien mineral that has the property of depriving Superman of his powers. It came from the comic book series *Superman*, first released in June 1938.
120. While Congress is at it, Members might also consider repealing the 1957 Middle East Force Resolution.

BUSINESS MEETING

WEDNESDAY, AUGUST 4, 2021—p.m.

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

Summary of Action Taken By the Committee

NOMINATIONS

The Honorable Donald Lu, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Assistant Secretary of State for South Asian Affairs—agreed to by voice vote

The Honorable Marcela Escobari, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development (Latin America and the Caribbean)—agreed to by voice vote (Rubio recorded as no)

The Honorable Rufus Gifford, of Massachusetts, to be Chief of Protocol, and to have the rank of Ambassador during his tenure of service—agreed to by voice vote

Ms. Jessica Lewis, of Ohio, to be an Assistant Secretary of State (Political-Military Affairs)—agreed to by voice vote

Ms. Lee Satterfield, of South Carolina, to be an Assistant Secretary of State (Educational and Cultural Affairs)—agreed to by voice vote

The Honorable Isobel Coleman, of New York, to be a Deputy Administrator of the United States Agency for International Development (Policy and Programming)—agreed to by voice vote (Rubio and Johnson recorded as no)

Ms. Paloma Adams-Allen, of the District of Columbia, to be a Deputy Administrator of the United States Agency for International Development (Management and Resources)—agreed to by voice vote

The Honorable Christopher Lu, of Virginia, to be Representative of the United States of America to the United Nations for U.N. Management and Reform, with the rank of Ambassador, and to be the Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform—agreed to by roll call vote (12–10)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, and Romney

Nays: Risch, Rubio (proxy), Johnson (proxy), Portman (proxy), Paul (proxy), Young (proxy), Barrasso (proxy), Cruz, Rounds, Hagerty (proxy)

Meeting Transcript

The committee met, pursuant to notice, at 2:24 p.m., in Room SD–G50, Dirksen Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Romney, Cruz, and Rounds.

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

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

As I noted this morning, as a result of yet another blanket hold-over request, we will be voting this afternoon on eight nominees. I said several weeks ago, but we will take a moment to reiterate, that this committee needs to return to a place where we are moving nominees, particularly career nominees, in regular order and without holdovers. These are individuals who sacrifice to serve their country and then are held in limbo for no reason other than to cause an undue delay. Unhappiness over policies that have nothing to do with the positions for which they have been nominated, in my view, is not a justifiable reason for holding over blanketly nominees.

I hope we can collectively reflect on this and determine a better and more productive way to express our disappointment with Administration policies. Blanket holdovers have never been used in this committee, much less for this self-defeating purpose. The committee has a long history of working together in a bipartisan fashion and under the principle of comity, and we should strive to keep it that way. I appreciate the Ranking Member, who has worked with me, in moving these nominations, including with regard to the scheduling of this backup business meeting.

With that, I recognize the Ranking Member for his remarks.

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

Senator RISCH. Thank you, Mr. Chairman. I will be brief. I am going to speak only about the nomination of Mr. Lu. I am going to vote "no" on Mr. Lu. And to summarize my objections, well, first of all, his original answers to the questions for the record were totally unacceptable. We sent them back, and they patched up the whole sum, but still not sufficiently for me. But, more importantly than that, we really need reform at the U.N., and Mr. Lu, although he says some things, I just do not believe he has got the enthusiasm that he should have for that particular question.

I am particularly concerned about the caps for our dues at the U.N., which Senator—then Senator Biden, in partnership with Senator Helms, negotiated and put in place as U.S. law being a 25-percent cap on U.S. contributions to the U.N. We have—the U.N. continues to attempt to assess us more, and that is in violation of U.S. law. And, again, I find his enthusiasm less than overwhelming to support the U.S. law of a 25-percent cap. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Thank you, Senator Risch. Without objection, we will now consider en bloc seven nominations. They are Donald Lu—not the Lu that the Ranking Member was speaking about—to Assistant Secretary of State for South Asian Affairs; Marcela Escobari to be Assistant Administrator of USAID for Latin America and the

Caribbean; Rufus Gifford, to be the Chief of Protocol; Jessica Lewis to be Assistant Secretary of State for Political Military Affairs; Lee Satterfield to be Assistant Secretary of State for Education and Cultural Affairs; Isobel Coleman to be Deputy Administrator of USAID for policy and programming; Paloma Adams-Allen to be Deputy Administrator of USAID for Management and Resources.

Is there any Member who wishes to speak on these nominations?

Senator RISCH. Mr. Chairman, did you say we would have a roll call on Mr. Lu?

The CHAIRMAN. Yeah, the other Lu. There are two Lus.

Senator RISCH. Right.

The CHAIRMAN. Yes, of course, we will have a roll call—

Senator RISCH. Got it.

The CHAIRMAN [continuing]. On the Lu that the Ranking Member has raised the issue with.

So en bloc, for those seven, if there is no one seeking recognition, is there a motion to approve these nominations en bloc?

VOICE. So move.

The CHAIRMAN. So moved. Is there a second?

Senator SHAHEEN. Second.

The CHAIRMAN. Seconded. All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those who are opposed, say no.

[No response.]

The CHAIRMAN. A majority of Members present having voted in the affirmative, the ayes have it, and the nominations are reported to the Senate favorably.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Yes, sir?

Senator RISCH. Senator Rubio would be like to be recorded as a “no” on Escobari and Coleman, Senator Johnson “no” on Coleman, and thank you.

The CHAIRMAN. And they shall so be recorded. The clerk will so record them.

Now we will have a recorded vote on Christopher Lu to be Representative of the United States to the United Nations for U.N. Management and Reform, and the Alternative Representative of the United States to the Sessions of the General Assembly of the United Nations.

The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?
Senator BOOKER. Aye.
The CLERK. Mr. Schatz?
Senator SCHATZ. Aye.
The CLERK. Mr. Van Hollen?
Senator VAN HOLLEN. Aye.
The CLERK. Mr. Risch?
Senator RISCH. No.
The CLERK. Mr. Rubio?
Senator RISCH. No by proxy.
The CLERK. Mr. Johnson?
Senator RISCH. No by proxy.
The CLERK. Mr. Romney?
Senator ROMNEY. Aye.
The CLERK. Mr. Portman?
Senator RISCH. No by proxy.
The CLERK. Mr. Paul?
Senator RISCH. No by proxy.
The CLERK. Mr. Young?
Senator RISCH. No by proxy.
The CLERK. Mr. Barrasso?
Senator RISCH. No by proxy.
The CLERK. Mr. Cruz?
Senator CRUZ. No.
The CLERK. Mr. Rounds?
Senator ROUNDS. No.
The CLERK. Mr. Hagerty?
Senator RISCH. No by proxy.
The CLERK. Mr. Chairman?
The CHAIRMAN. Aye.
The clerk will report.
The CLERK. Mr. Chairman, the ayes are 12; the noes are 10.
The CHAIRMAN. And the nomination is favorably reported to the full Senate.
That completes the committee's business, and with the thanks of the Chair, this meeting is adjourned.
[Whereupon, at 2:30 p.m., the committee was adjourned.]

BUSINESS MEETING

TUESDAY, OCTOBER 19, 2021

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

Summary of Action Taken by the Committee

NOMINATIONS

- Ms. Lisa A. Carty, of Maryland, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations—agreed to by voice vote (Rubio recorded as no)
- The Honorable Barbara A. Leaf, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs)—agreed to by voice vote (Risch, Rubio, Johnson, Barrasso, Cruz, and Hagerty recorded as no)
- Ms. Elizabeth Anne Noseworthy Fitzsimmons, of Delaware, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic—agreed to by voice vote (Rubio recorded as no)
- The Honorable David R. Gilmour, of the District of Columbia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea—agreed to by voice vote (Rubio recorded as no)
- The Honorable Patricia Mahoney, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic—agreed to by voice vote (Rubio recorded as no)
- The Honorable Peter Hendrick Vrooman, of New York, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique—agreed to by voice vote (Rubio recorded as no)
- Mr. Peter D. Haas, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh—agreed to by voice vote (Rubio recorded as no)
- Ms. Julie Chung, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka—agreed to by voice vote (Rubio recorded as no)
- Dr. Atul A. Gawande, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development—agreed to by roll call vote (12–10)
- Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, and Barrasso

Nays: Risch, Rubio, Johnson (proxy), Romney, Portman, Paul (proxy), Young (proxy), Cruz, Rounds (proxy), and Hagerty

Mr. Brian Wesley Shukan, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin—agreed to by voice vote (Rubio recorded as no)

Mr. Jonathan Eric Kaplan, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore—agreed to by voice vote (Rubio recorded as no)

The Honorable R. Nicholas Burns, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China—agreed to by voice vote (Rubio and Hagerty recorded as no)

The Honorable Rahm Emanuel, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan—agreed to by voice vote (Markey, Merkley, Rubio, and Cruz recorded as no)

The Honorable Julissa Reynoso Pantaleon, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Andorra—agreed to by voice vote (Rubio, Cruz, and Hagerty recorded as no)

FSO LISTS

Christopher Alexander, *et al.*, dated April 27, 2021 (PN480), as modified—agreed to by voice vote

Jim Nelson Barnhart Jr., *et al.*, dated June 22, 2021 (PN725)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 2:52 p.m., in Room SD-G50, Dirksen Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Johnson, Romney, Portman, Barrasso, and Cruz.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today, we are considering 3 Foreign Service officer promotion lists, 35 nominations, and 6 legislative items.

Turning first to nominations, I am pleased that we have a long list of nominees before us today, both for critical positions at the State Department and USAID, as well as embassies around the world. I want to emphasize the continued need to move with alacrity on nominations. There are still nominees who have been pending for months and need to get hearings, and I appreciate the work Senator Risch is doing with me on this regard.

I know when, Senator Risch, when you were the Chairman, you were clear that you thought the hearing was the time to air any issues, as you used to say, much like a trial, in your words. The Members could ask questions and let the chips fall where they

may. I hope we can apply that standard to current nominees as well.

I also want to take a moment to thank the various Members of this committee on both sides who have served as Chair or Ranking Member for nominations hearings. I greatly appreciate your efforts to ensure that our national security agencies are fully staffed.

Unfortunately, we have been unable to move forward with a number of nominations hearings at the subcommittee level because we have had no Republican who has stepped up to serve as the Ranking Member. And I would hope that all Members are reminded that serving from time to time as the Chair or Ranking Member is an expectation for Members of this committee, particularly those who are in subcommittee leadership positions.

Given the number of pending nominations and those we anticipate receiving over the coming months, we will continue to rely on your participation. The Ranking Member and I have discussed this. We are not going to do everything at full committee. There are a lot of opportunities at subcommittees. Not only is it about nominations, but obviously the substantive issues that those nominees have in their regions. So, it is a really worthwhile endeavor. So, it is my hope that all Members will equally contribute in that regard.

Regarding the nominees we are considering today, while I will not speak about each of them, I do want to say that I believe they are all well qualified and deserving of their nominations, and I look forward to their swift confirmation.

Turning next to the legislative items on our agenda, we have before us today four bills and two resolutions. Let me just say a few words on those.

I am pleased that we are moving H.R. 965 the Young African Leaders Initiative Act, which was introduced by Representative Bass and was passed the House in April. With nearly 60 percent of Africa's total population currently below the age of 35, this bill is an important effort to codify the Young African Leaders Initiative, which brings the next generation of African leaders to the United States to develop critical skills.

This has proven to be a highly successful initiative, and I hope my colleagues would join me in supporting the bill.

We will also be considering S. 1104, a bill intended to modernize U.S. foreign policy's approach to Haiti. This bill could not have come at a more critical time for our policy towards Haiti, which sadly has faced crisis after crisis in the last several months. From a delayed election to a wave of gang violence and kidnappings, to a presidential assassination, an earthquake, a hurricane, and a migration crisis, this bill sets U.S. policy and support of an inclusive Haitian-led development agenda.

I commend Senators Cardin and Rubio for their leadership on the bill, and I am pleased that the manager's amendment includes a provision that I offered requiring a report on the investigation into the assassination of former President Moise.

I also have to note that I am deeply troubled by the news regarding the kidnapping of 17 American missionaries in Haiti over the weekend. These kidnappings, along with a growing number of kidnappings of Haitians every week, mark yet another alarming di-

mension of the expansive crisis in Haiti and the severely reduced capacity of the Haitian Government to uphold the rule of law.

We will also be marking up S. 2129, named in honor of Otto Warmbier, an American college student who died at the hands of the brutal North Korean regime. I commend Senators Portman and Brown for their leadership on this bill, which aims to counter North Korea's censorship and its repressive information and violence.

As we are seeing in authoritarian regimes around the world, there is an increasing need for the United States to invest in efforts to advance freedom of expression and to support Internet freedom. This is certainly true in North Korea.

S. 1657, the South China Sea and East China Sea Sanctions Act, led by Senators Rubio and Cardin, is an important bill endorsing strong measures to counter the Chinese Government's aggressive behavior in the South China Sea and East China Sea. The overwhelming majority of this committee and the full Senate have agreed that countering Chinese aggression is critical to developing a stable and prosperous Indo-Pacific region. I look forward to strongly supporting this bill today.

Finally, I am pleased that we are marking up two important resolutions, S.Res. 345, addressing the political situation in Belarus, and S.Res. 380, expressing support for the people of the Republic of South Sudan.

In the aftermath of Belarus' illegitimate 2020 presidential election, ordinary Belarussians stood up to fight for a free and democratic society. S. 345 makes clear to those fighting for freedom in Belarus that the United States stands with them in their democratic aspirations. We also stand with NATO allies Lithuania, Poland, and Latvia, as they face a growing humanitarian crisis imposed by the Lukashenko regime. I commend Senator Shaheen for her leadership on this resolution.

Last, but not least, this year marked the 10th anniversary of South Sudan's independence. However, instead of celebrating that milestone, we find ourselves at a very dangerous crossroads. A civil war pitting forces loyal to President Salva Kiir against those aligned with Vice President Riek Machar has killed nearly 400,000 people and displaced over 4 million. Despite a 2018 peace agreement, conflict and unrest continues.

This resolution urges the Administration to develop a meaningful policy aimed at supporting a peaceful, stable, democratic, and prosperous South Sudan. I strongly support the resolution, led by the distinguished Ranking Member and my colleague from New Jersey, Senator Booker.

With that, let me recognize the distinguished Ranking Member for his remarks. Senator Risch?

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

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

Recognizing the thin margin we have here, I am going to move this along pretty quickly.

First, as to the legislative items, I wanted to give my thanks for taking up the resolution, Senate Resolution 380, calling on the Biden administration to review U.S. policy toward South Sudan 10 years after independence. My sincere thanks to Senator Booker for partnering with me on this resolution. I hope all our colleagues will join us in supporting the people of South Sudan in their pursuit of peace and stability and encouraging the re-examination of U.S. policy there.

I am also glad to see the committee taking up several important bills on this agenda. In particular, thanks to Senators Rubio and Cardin for work on the bill dealing with China, our greatest foreign policy challenge and priority and for that bill being on this markup. It is important that the U.S. use the tools at our disposal to deter and punish the Chinese Communist Party's campaign of coercion in the South China Sea.

Thanks also to Senator Portman for offering his bill on promoting access to fact-based information in countering censorship in North Korea. It is a privilege also to mark up a bill that is intended to honor the life of Otto Warmbier.

I also want to commend Senator Shaheen for her work on the resolution condemning the political situation in Belarus, and Senator Cardin for his bill on development accountability for assistance to Haiti.

I would like to express my support for efforts put forward by the committee to authorize the Young African Leaders Initiative, better known as YALI. This is an extremely successful program. It increases U.S. public diplomacy in exchanges with Africa's best and brightest young leaders.

Regarding the nominations, we will consider a number of nominations, including four crucial posts, such as Israel, Canada, Turkey, NATO, the U.N. Food and Ag Organization, and others. I do plan to support most of this slate of nominations. I do want to be clear that I have a few of them that I have reservations on, but by and large, the nominations need to be processed.

Specifically, with regard to Dr. Kang's nomination and the International Security and Nonproliferation Bureau. While Dr. Kang is well-versed in nuclear nonproliferation issues, the COVID-19 pandemic was a wake-up call that it is time to take biological threats more seriously. The Department has been woefully absent in monitoring this particular set of issues. It is a considerable concern to me.

This past month, I introduced the Biological Weapons Policy Act, aimed at strengthening State Department authorities to prevent bioweapons proliferation. I hope Dr. Kang will take ownership of that responsibility and partner with me in this effort.

The ISN Bureau must also ensure that nonproliferation regimes, like the Missile Technology Control Regime, do not place undue burdens on U.S. allies while failing to constrain U.S. competitors and that nuclear energy be seen as a primary pillar of nonproliferation safety. Short-sighted politics should not drive security policies for the decades to come.

I am going to vote "no" on Dr. Kang, knowing he is going to be confirmed, but hoping that he will prove my vote to be wrong. But

this is primarily as a result of what has happened in that Bureau in recent times.

I am glad to be working the process of these nominations.

With that, I yield back. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

All right. Before I move to seek a vote en bloc, first of all, we have two nominees who are being held over by Members—Barbara Leaf, who is the nominee to be the Assistant Secretary of State for Near Eastern Affairs, and Dr. Atul Gawande, to be an Assistant Administrator of USAID. Those two are being held over by the request of Members.

The rest I will ask for en bloc. Before I do so, is there anyone who wishes to speak to the nominees or the legislation?

[No response.]

The CHAIRMAN. If not, I do understand that Senator Van Hollen has asked for an opportunity, and then we are going to go to a vote.

Senator VAN HOLLEN. Well, thank you, Mr. Chairman.

First, on the YALI legislation, I am glad we are moving that forward. Senator Rounds and I introduced that bill on the Senate side, Congresswoman Bass on the House. They got the House bill over here. So, I am glad we are proceeding with this.

But, Mr. Chairman, what I wanted to raise was my disappointment that another bipartisan bill that has been in this committee now for many months has not gotten to a markup and voting session. It is called the Foreign Service Families Act. It was introduced by Senator Dan Sullivan and me last year.

We reintroduced it this Congress. It has Members from both sides of the aisle on it. It provides the spouses of Foreign Service officers the same kind of ability to access jobs in our overseas missions as the spouses of folks serving in the military where they have the credentials.

As I think everybody knows, we want to recruit the very best and brightest in the Foreign Service. Many Foreign Service families have two working spouses. And if a spouse is not the Foreign Service officer, is not able to use his or her talents overseas where applicable, it makes it a lot harder. And so, this extends some of the same benefits to Foreign Service officers that we provide to military families abroad.

And I know of no substantive opposition. I know it has been cleared on the majority side. I raised the issue with the Ranking Member. I know of no actual reason that it is being held up.

And so, Mr. Chairman, I would just ask for a commitment that we bring that before this committee for a vote at the next work session.

The CHAIRMAN. The Chair is and has been supportive of the Senator's request and of the legislation. Of course, you know that we get our agendas by consent, and we have not had consent to date.

Senator RISCH. Mr. Chairman, first of all, let me say that the Senator is correct. He and I did discuss this, and I apologize. We have a lot of stuff on our plate. I just have not gotten to it yet. There is nothing nefarious about this. But I commit to you I will soon, particularly after you have brought it up here again.

But I appreciate you talking to me about it. I will be back with you on that.

Senator VAN HOLLEN. No, I appreciate that, and I thank the Senator. I hope we can move forward.

The CHAIRMAN. Thank you.

With that, without objection, we will now consider en bloc three Foreign Service officer promotion lists and all of the nominees that have been noticed for this business meeting, minus the two that I announced earlier that are being held over.

Is there a motion to approve these items en bloc?

Senator COONS. So moved.

Senator SHAHEEN. Second.

The CHAIRMAN. So moved and seconded. All those in favor—

Senator RISCH. Mr. Chairman, first of all, I do not object to that, but I do have a number of people who want to be recorded “no” on some of them. So if we can do that when we are done?

Thank you.

The CHAIRMAN. We will first have the vote on the en bloc measure, and then we will record any dissenting votes on any specific candidate.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed, say no.

[No response.]

The CHAIRMAN. The ayes have it, and the nominees are recommended favorably to the Senate.

Senator Risch, would you like to share now, please?

Senator RISCH. Yes, first of all, I would like to be recorded as a “no” on both Kang and Holgate.

Senator Rubio has asked to be recorded as a “no” on all the noms, except those on the FSO list.

Senator Johnson has asked to be recorded “no” on Holgate, Kang, and Crocker.

Senator Barrasso has asked to be recorded as a “no” on Kang, Holgate, and Markell.

Senator Hagerty has a number of which, which I will provide to the Clerk as opposed to reading them out because it is lengthy.

The CHAIRMAN. All right. And those shall be so ordered as recorded—

Senator PORTMAN. Mr. Chairman?

Senator CRUZ. Mr. Chairman?

Senator PORTMAN. I would like to be recorded as a “no” on Mr. Kang.

The CHAIRMAN. Senator—

Senator PORTMAN. “No” on Kang.

The CHAIRMAN [continuing]. Portman will be recorded “no” on Kang. With that—

Senator RISCH. Senator Cruz, Senator Cruz—

Senator CRUZ. This is Senator Cruz. Mr. Chairman, I would ask to be recorded as a “no” on Bondy, on Crocker, on Gawande, Gitenstein, Holgate, Kang, Markell, Nides, Noyes, and Scheinman, please.

The CHAIRMAN. We will do so, except Gawande is one of the people held over. So we will save that for—yes.

Senator CRUZ. Oh, okay.

The CHAIRMAN. They shall be recorded that way.

With that, let me then turn to the legislation at hand. Without objection, we will now consider en bloc four bills and two resolutions that I previously read.

Is there a motion to consider them en bloc?

Senator COONS. So moved.

Senator SHAHEEN. Second.

The CHAIRMAN. So moved, seconded.

All those in favor, say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed, say no.

[No response.]

The CHAIRMAN. The ayes have it, and the resolutions and legislation are passed.

Senator RISCH. Mr. Chairman, Senator Paul has asked to be recorded as a “no” on Senate bill 1657, please.

The CHAIRMAN. Senator Paul shall be recorded as a “no” on S. 1657.

Senator ROMNEY. Mr. Chairman, I have asked to be recorded as a sponsor of 1657.

The CHAIRMAN. Senator Romney will be so recorded as a sponsor, negating the—no.

[Laughter.]

Senator ROMNEY. That is not why I spoke out.

The CHAIRMAN. I know that.

Okay. That completes the committee’s business.

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

Senator PORTMAN. Mr. Chairman?

The CHAIRMAN. Senator Portman?

Senator PORTMAN. Okay. First of all, I want to thank you for accepting the Haiti amendment in the manager’s amendment. As you know, an Ohio-based Christian group has had 17 of its missionaries kidnapped, and that amendment relates to that and us doing a better job at the interagency level to deal with these violent gangs in Haiti.

And then, with regard to the Otto Warmbier Act, was that part of your en bloc passage?

The CHAIRMAN. Yes, it did just pass.

Senator PORTMAN. I thank you for that as well. And this honor that it is named after Otto Warmbier also from Ohio. And appreciate the committee’s work with us on that over the last several months to come up with a good balance in dealing with sanctions, dealing with ensuring that the people of North Korea get an opportunity to hear from other than the propaganda from their own government.

Thank you, Mr. Chairman.

The CHAIRMAN. Any other Member seeking recognition?

[No response.]

The CHAIRMAN. If not, this business meeting is adjourned.

[Whereupon, at 3:09 p.m., the committee was adjourned.]

BUSINESS MEETING

WEDNESDAY, NOVEMBER 3, 2021

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

Summary of Action Taken by the Committee

NOMINATIONS

- Ms. Lisa A. Carty, of Maryland, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations—agreed to by voice vote (Rubio recorded as no)
- The Honorable Barbara A. Leaf, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs)—agreed to by voice vote (Risch, Rubio, Johnson, Barrasso, Cruz, and Hagerty recorded as no)
- Ms. Elizabeth Anne Noseworthy Fitzsimmons, of Delaware, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Togolese Republic—agreed to by voice vote (Rubio recorded as no)
- The Honorable David R. Gilmour, of the District of Columbia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea—agreed to by voice vote (Rubio recorded as no)
- The Honorable Patricia Mahoney, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic—agreed to by voice vote (Rubio recorded as no)
- The Honorable Peter Hendrick Vrooman, of New York, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique—agreed to by voice vote (Rubio recorded as no)
- Mr. Peter D. Haas, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh—agreed to by voice vote (Rubio recorded as no)
- Ms. Julie Chung, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka—agreed to by voice vote (Rubio recorded as no)
- Dr. Atul A. Gawande, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development—agreed to by roll call vote (12–10)
- Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, and Barrasso

Nays: Risch, Rubio, Johnson (proxy), Romney, Portman, Paul (proxy), Young (proxy), Cruz, Rounds (proxy), and Hagerty

Mr. Brian Wesley Shukan, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Benin—agreed to by voice vote (Rubio recorded as no)

Mr. Jonathan Eric Kaplan, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore—agreed to by voice vote (Rubio recorded as no)

The Honorable R. Nicholas Burns, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of China—agreed to by voice vote (Rubio and Hagerty recorded as no)

The Honorable Rahm Emanuel, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan—agreed to by voice vote (Markey, Merkley, Rubio, and Cruz recorded as no)

The Honorable Julissa Reynoso Pantaleon, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Spain, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Andorra—agreed to by voice vote (Rubio, Cruz, and Hagerty recorded as no)

FSO LISTS

Christopher Alexander, *et al.*, dated April 27, 2021 (PN480), as modified—agreed to by voice vote

Jim Nelson Barnhart Jr., *et al.*, dated June 22, 2021 (PN725)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 9:52 a.m., in Room SD-G50, Dirksen Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Rubio, Romney, Portman, Barrasso, Cruz, and Hagerty.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

I am going to reserve my comments at the beginning because I understand Members have other obligations, and I will turn to the Ranking Member to see if he has any.

Senator RISCH. I will reserve.

The CHAIRMAN. The Ranking Member is willing to reserve.

Without objection, I would like to consider en bloc 2 Foreign Service officer promotion lists and 14 nominations that have been noticed for this business meeting. Is there any objection to that process?

[No response.]

The CHAIRMAN. If not, so ordered.

I would like to call a vote en bloc on the Foreign Service officer promotion lists and the 14 nominations that have been listed for the business meeting.

Senator CARDIN. So moved.

The CHAIRMAN. Moved by Senator Cardin. Is there a second?

Senator SHAHEEN. Second.

The CHAIRMAN. Seconded by Senator Shaheen.

All those in favor?

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Yes, Senator Risch?

Senator RISCH. Can you clarify that? What are we voting on? I understand the Foreign Service.

The CHAIRMAN. We are voting en bloc the 2 Foreign Service officer promotion lists and the 14 nominations that were noticed for the business meeting.

Senator RISCH. Does that include Burns, Emanuel, et cetera?

The CHAIRMAN. It does. Those are all the people who were listed on the meeting notice.

Senator RISCH. In that case, I would like to reclaim my time. Are you not going to speak to the noms?

The CHAIRMAN. I am not right now in order to be able to accommodate others. I am happy to sit and listen to everybody as long as they want afterward here.

Senator RISCH. I want to briefly—

The CHAIRMAN. Senator Risch.

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

Senator RISCH. Thank you.

First of all, I want to speak to just a handful of these briefly. As far as Nick Burns to be Ambassador to China, I believe Ambassador Burns has the requisite experience and knowledge to advance our interests in today's global strategic competition. I plan to support his nomination.

Nick Burns has been around a long time. I have known him a long time, probably no better Ambassador as far as being able to represent the U.S. interests, and he has committed he will support a strong U.S. military deterrent in the Indo-Pacific and advance policies that help Taiwan implement its asymmetric defense strategy.

I am also encouraged by his commitment not to take any steps to trade away U.S. interests for the sake of climate cooperation with China. I will engage with him often to ensure he keeps these commitments.

On the nomination of Mayor Rahm Emanuel to be Ambassador to Japan, Mayor Emanuel and I disagree about most of our politics. But we agree that Japan is the cornerstone of our Indo-Pacific strategy, and it is our greatest asset in the strategic competition with China. That alliance is built on shared values and trust and mutual defense commitments, chiefly extended nuclear deterrence.

To put it bluntly, a no first use or sole purpose—which is a euphemism for no first use—policy would be a betrayal of the alliance with Japan and deterrent to our broader posture in the region. I have communicated that to Mayor Emanuel in no uncertain terms. I believe he understands that, and I believe he agrees with me. I guess we will see.

I plan to support his nomination. However, I expect he will use his position and firsthand experience he will gain in the region to

advocate against a no first use or sole purpose policy, and I am going to count on that with him.

Ambassador Barbara Leaf is a qualified career diplomat with 25 years experience, much of which she spent within the Bureau of Near Eastern Affairs. She is well suited to lead this Bureau. But I have major concerns where the Administration seems to be going with its Middle East policy.

As hard as I keep tugging on this, I am seriously concerned by the growing number of countries across the region and the current Administration's seemingly openness to normalizing with the Assad regime. I am very much opposed to that and want more details on the gas deal the Administration is proposing that would flow through Syria and enrich the regime, including the legal arguments on how this would not violate Caesar sanctions.

I also hope that Ambassador Leaf, if confirmed, will seek to restore confidence in the Department's long-term diplomatic commitment to the region following the disastrous withdrawal from Afghanistan.

As it relates to questions for the record for Ambassador Leaf and for all our nominees, less than fulsome responses or non-answers have been a reoccurring issue. The Administration must be fully responsive and transparent to committee Members' requests for information.

Close call. I am going to vote "no," knowing she is going to be confirmed, but hopefully, that will set the record straight of the problems that I have.

With regard to the Gawande nomination, improving the international pandemic preparedness is my top foreign assistance policy, and USAID's Bureau for Global Health will be integral to that effort. Dr. Gawande is a highly qualified medical professional who I think has the potential to bring effective, accountable leadership to USAID on global health matters.

But I am also aware of concerns raised about his views on abortion, including those expressed in 1998 regarding partial birth abortion, which is deeply troubling. He has personally pledged to uphold all statutory prohibition on using U.S. foreign assistance to perform and promote abortion overseas, both verbally and in writing. I have serious reservations about his ability to do so in an administration equally committed to circumventing these same laws. So I am going to vote "no" on that.

With that, I will turn it back. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much.

I would ask Members if we could go to a vote. If anybody wants to cast a negative vote on any of these individuals, they can so be listed.

Senator MERKLEY. Mr. Chairman?

The CHAIRMAN. Is there any other Member? Senator Merkley?

Senator MERKLEY. Yes. As I understood in conversation with the staff, I would ask for a separate voice vote on nominee number 13 to be Ambassador to Japan.

The CHAIRMAN. Okay. The same thing would be accomplished. There is a voice vote now. Any member could be listed as a "no" on any of the nominees. So a separate voice vote would still provide a voice vote, but if someone wanted to be recorded as a "no," they

would be specifically asked as a “no.” But is that sufficient, or do you—

Senator MERKLEY. I can accept that, yes.

The CHAIRMAN. I am sorry?

Senator MERKLEY. Yes, I can accept that.

The CHAIRMAN. Okay, thank you.

Senator RUBIO. Mr. Chairman?

The CHAIRMAN. Yes. Senator Rubio?

Senator RUBIO. Just a question. On this list that we are voting on, I would like to request a roll call vote on Dr. Gawande.

The CHAIRMAN. You have that privilege, although prior to you, a motion was already made and seconded to proceed en bloc on a voice vote. But we will modify it to allow you to have a recorded vote.

Senator RUBIO. I appreciate that. Is your request that we reserve our comments until after the votes?

The CHAIRMAN. Yes, please. And so since you have asked for a roll call vote on Mr. Gawande, the clerk will call the roll on Mr. Gawande.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Can you clarify?

The CHAIRMAN. We are only having a roll call vote on Mr. Gawande at this point.

Senator MERKLEY. On which nominee?

The CHAIRMAN. Gawande.

Senator MERKLEY. Yes, aye. Thank you.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. No.

The CLERK. Mr. Johnson?

Senator RISCH. No, by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator PORTMAN. No.

The CLERK. Mr. Paul?

Senator RISCH. No, by proxy.

The CLERK. Mr. Young?

Senator RISCH. No, by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cruz?

Senator RISCH. No, by proxy.

The CLERK. Mr. Rounds?

Senator RISCH. No, by proxy.

The CLERK. Mr. Hagerty?

Senator HAGERTY. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. Mr. Chairman, the ayes are 12, and the noes are 10.

The CHAIRMAN. And the nominee is favorably reported to the Senate.

So we will proceed to the previous standing order, which is to consider en bloc 2 Foreign Service officer promotion lists and now 13 nominations, having Gawande already been taken care of, that have been noticed for this business meeting.

And the clerk will call the roll. I am sorry. We are having a voice vote.

Yes, I am sorry. Thank you, Senator Cardin.

All those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[A chorus of noes.]

The CHAIRMAN. The ayes have it, and the nominations are agreed to and reported favorably to the Senate.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Yes, Senator Risch?

Senator RISCH. Senator Johnson wants to be recorded as a "no" on Leaf, as do I.

The CHAIRMAN. And shall so be recorded.

Senator BARRASSO. No.

The CHAIRMAN. Senator Barrasso will be recorded "no" on Leaf. Senator Hagerty?

Senator HAGERTY. I would like to be reported as a "no" on Leaf, Burns, and Pantaleon.

The CHAIRMAN. Shall so be recorded. Senator Merkley?

Senator MERKLEY. Mr. Chairman, I wish to be recorded as a "no" on Rahm Emanuel.

The CHAIRMAN. So recorded.

Senator RUBIO. Mr. Chairman?

The CHAIRMAN. Senator Rubio?

Senator RUBIO. I want to be recorded a "no" on all of them.

The CHAIRMAN. So recorded. Senator Markey?

Senator MARKEY. May I be recorded "no" on Emanuel?

The CHAIRMAN. So recorded. Having recorded everyone as they wish, a majority of the Members present having voted in the affirmative, the nominees are reported favorably to the Senate.

So thank you everyone, for cooperating to be able to move this list. I am pleased that we had 14 nominees that we moved today,

both for critical positions at the State Department and USAID, as well as embassies around the world. They are, I believe, all well qualified, deserving of their nominations, and I hope that we can move them on the floor swiftly.

The slate of nominees that we moved today is representative of the quality of Biden administration nominations overall. Individuals who are highly qualified, I believe will be superb representatives of the United States. Filling these critical positions is in our national security interests, and I believe it is simply that clear.

Unfortunately, the previously routine process of getting qualified nominees hearings and committee votes is like pulling teeth. I have been trying for some time to schedule a hearing for the nominee to be the Ambassador to Germany. We need a U.S. Ambassador in Berlin. So I identified this nomination as a top priority in early August, but the minority is refusing to clear a hearing.

I have been trying to schedule a hearing for the USAID Middle East position. We cannot ignore a region that is perpetually in crisis. So I identified this nomination as a priority in early August, but the minority is blocking this hearing as well.

And then there is the nominee to be the Special Envoy for Antisemitism. The minority has refused to grant her a hearing apparently because there is some concern about her tweets calling out the use of antisemitic tropes. Let us think about that a minute.

We do not want the person nominated to advance our global efforts against antisemitism to call out antisemitism? I sincerely hope that is not the position of the minority, and that we can move these nominees forward expeditiously.

I also have to note there are nominees ready for a committee vote who the minority will not clear. The tradition of this committee has always been to try to put nominees expeditiously on a business meeting agenda for an up-or-down vote if they have turned in their QFRs. Yet that is not happening.

Take Sarah Margon or Mallory Stewart, two qualified nominees for important Assistant Secretary positions. They have fully responded to hundreds of QFRs, and they did so in time to be put up on the last business meeting. Yet the minority refused to allow a vote when we last met for that business meeting.

Now I could understand this refusal to clear nominees if, like Senator Risch, when he was Chair, I had broken comity. But that is not the case. To the contrary, I have bent over backwards, despite all kinds of obstacles, to work with the Ranking Member and have noticed only those nominees that he has cleared. I repeat, every single nominee who has had a hearing or a business meeting vote this Congress has been with the explicit approval of the Ranking Member.

But I would ask the Ranking Member does he not share the urgency to get these critical foreign affairs and national security positions filled? Why the delays? Why the obstacles?

I know that, Senator Risch, in justifying repeatedly breaking comity last Congress, you told the committee that you believed in getting the facts out there at a hearing and letting the Members decide. So I would ask that you live by your own standard and that you give these nominees their day before the committee. If you or other Members want to vote against them, as we just had a series

of votes against some of these nominees, so be it. But let us get it done. They deserve hearings and committee votes, not months of delay.

We owe it to the American people and to our national security. So I would ask you and urge you to commit today here at this meeting to hearings the week of November 15th for at least Dr. Amy Gutmann, Deborah Lipstadt, Tamara Wittes, and Ambassador John Bass and to agreeing to committee votes in short order after these hearings. I would similarly ask you to commit to votes on Mallory Stewart and Sarah Margon.

So I hope we can get those commitments, and we can break this logjam and move forward. They have answered hundreds of QFRs. They have answered hundreds of revised requests to QFRs. They have done everything they can do to be poised at least for a hearing and/or a committee vote. We should give them that opportunity and let the chips fall where they may.

Senator Risch?

Senator RISCH. Well, thank you, Mr. Chairman.

First of all, let me say that you and I have discussed this on numerous occasions. I have expressed to you and express again here that I would like to see these people in place. I was a governor. I know that you cannot govern without having your people in place, and that is why we have processed 50 of them over the last month and a half.

The fact of the matter is that it is not going to be a situation where we are going to roll over on ones that we are not done with, and Gutmann is a good example, if you want to take that as the poster child for this. As you know, in her previous position, there were millions and millions of dollars went from China into the institution that she ran. This is a complex matter. We are looking at it, and we will get to a conclusion on that.

As far as the others, there is only one, and I think I have communicated to you already that I am not going to agree to putting on, and I guess you are the Chairman of the committee, if you want to put it on, you will not hear any whining from me. On the others, again, we are working on them in good faith. But with as many as we have had, as I have indicated, we have cleared 50 of them over the last month and a half, you cannot say that we are not acting in good faith. We are.

We are not dragging our feet on these, with the exception of the one that I have identified to you. And so we will continue to work, and on behalf of our obligation to assure that we have a legitimate hearing on these and people can make their decision, we will do so. We should get credit for the vast majority of them that we have already cleared.

So thank you, Mr. Chairman.

The CHAIRMAN. Senator Cardin?

Senator CARDIN. Mr. Chairman, thank you very much.

And to Senator Risch's point, let me just underscore the concerns that I have that have been expressed by our Chairman. I represented the United States this morning in an international meeting of the Helsinki OSCE Parliamentary Assembly. I am the Special Representative for Antisemitism, Racism, and Intolerance and

the head of the U.S. delegation to the OSCE Parliamentary Assembly. Along with Senator Wicker, we represented America today.

One of our principal topics is the rise of hate, the rise of intolerance, the rise of antisemitism globally. And we are working very hard with U.S. leadership to get our European allies for an action plan at the ministerial meeting that is taking place in December.

But it is very hard for us to show leadership when Sarah Margon, who is the nominee to be Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, has not been acted upon. Her nomination has been pending for 117 days. She is well qualified, and she is the key point person within the Administration on the human rights agenda, which is the hallmark of the Helsinki Final Accords. So it presents unique challenges.

And as Senator Menendez said with Deborah Lipstadt, who is the nominee to be Special Envoy to Monitor and Combat Antisemitism, she is so well thought of in the general community as well as the Jewish community in her longstanding efforts to stop the scourge of antisemitism. So as a person who it would be no surprise to Members of this committee, as I raise human rights at just about every one of our hearings and what our nominees are planning to do on behalf of human rights and advancing American values globally, it is our responsibility to act on these positions.

Leaving them vacant is not in our national security interest. We need to move them quickly. I think the Chairman's request that the Margon nomination be acted on at the next business meeting is a reasonable request, considering that she has been pending for 117 days. Let us vote on that.

I certainly hope that Deborah Lipstadt is on the next hearing list so we can move forward on our commitment to fight antisemitism. This has been universal in the Senate. Democrats and Republicans working together on these human rights agendas, on these religious freedom agendas, on the antisemitism agendas. Let us show by our actions on these critical nominations.

I would go through the rest, but I just really wanted to highlight those that are I think in the human rights basket that we need to act on.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Yes. Senator Risch?

Senator RISCH. To respond briefly, first of all, Senator Cardin, I have absolute and total respect, as you know, for your view on these issues. And you and I agree, to a large degree, on most of the stuff.

When it comes to the Margon one, look, shortly after her hearing, I communicated to the Chairman I was not going to agree to put her on the agenda. Out of all the noms, I think it is the only one that I have said absolutely not on. But you have two choices. Either pull her back, and we got lots of people we can put in there to do this job, or the Chairman can put it on the committee under the rules without my concurrence.

So that is the only one, and like I said, you are not going to hear any whining from me about it. If that is the way you want to go, have at it. I am not going to vote for her. I am not going to support her. I do not want anything to do with this nomination.

The others, we are working in good faith on it. I commit to you we will continue to work in good faith. So there is only one that falls in that category, but the ball is in your court on that.

Thank you.

The CHAIRMAN. Yes, Senator Coons?

Senator COONS. If I could just add my concerns about the process as well. First, if I could, I was at an event last night with Ambassadors from several European countries. Our not having Ambassadors to our critical allies like Germany is a significant, I think, impediment to our effective diplomacy around the world.

I am pleased that we moved Nick Burns for China and Rahm Emanuel for Japan and a dozen others today, but frankly, it is November, and we do not have Ambassadors to most of the countries of the world. It is November.

So, first, Penn is a very complex organization. It has got a \$7 billion annual operating budget, and I respect the right of any Member to ask QFRs about the details of the operations of an organization that someone who is nominated leads. But I think the detail that is being pursued in the case of the nominee for Ambassador to Germany is at this point delaying and holding up a nominee who ought to be moving forward.

I also spent a lot of time with a Republican colleague crafting the Development Finance Corporation, the DFC. There is a very capable nominee for that, Scott Nathan, who I have worked closely with, who has got a lot of relevant background. And I really hope we can move forward with a confirmation hearing for Scott Nathan the week that we get back, the week of November 15th.

In the absence of having a nominee, this is our best answer to the belt and road initiative, to providing development finance that works in the developing world, and not having someone with relevant investment community experience and development leadership experience confirmed I think is a huge missed opportunity. So I hope the minority will allow us to proceed with a hearing for Scott Nathan when we return.

Senator RISCH. Briefly, very briefly, Mr. Chairman, you know, the numbers speak for themselves. We are moving faster here than we did in the last Congress. I am with you. I have never understood, since I joined this committee, why it takes so long under either Republican or Democrat administrations to not get people in place. You cannot operate the Government without it. I am in full concurrence on that.

Like I said, we have kicked 50 of them out of here. The backup right now really is not here as much as it is on the floor, and I have no control of that. I do not think Senator Menendez has any control over that. That is between people who are at a higher pay grade than we are. But I am with you. I think we need to get most of these moved on and in place.

The CHAIRMAN. Yes, Senator Murphy?

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

Just briefly, to reiterate and to put some numbers behind the problem on the floor, right now we have five Ambassadors that have been confirmed by the full Senate. By this time in Donald Trump's first term, there were 32 Ambassadors that had been confirmed by voice vote, by voice vote. I hope my Republican col-

leagues will concede that they have no greater objections to President Biden's foreign policy than Democrats had in 2017 to Donald Trump's foreign policy, and yet we thought that the security of the Nation was important enough that we should have Ambassadors in place when we believed them to be qualified.

There is an entirely different standard being used, and we do feel that that different standard is infecting the way in which these nominees move to hearing. Let me just speak very briefly to Tamar Wittes, who is the USAID Assistant Secretary nominee to cover the Middle East.

This is someone that this committee knows well. She served as a previous Deputy Assistant Secretary at State for this region. She has been at Brookings. She has appeared before this committee. She has received awards and distinctions.

And at a time when we have some real crises in the Middle East that are connected to the way in which we spend dollars, I think about Lebanon, a country that is literally falling apart, where U.S. aid is maybe going to be one of the few things that holds it together, to decide as a committee that we are not going to even have a hearing on an incredibly—this is not someone who has never served before in Government. This is not someone whose views are unknown to us. This is someone who is ready to do the job that is certainly ready to at least come before this committee for a hearing and a vote, serving a region of the world that desperately needs someone to oversee U.S. taxpayer dollars.

We are spending that money one way or another. So why would this committee delay the ability to get somebody in place to oversee it? I want to concur with all the comments of the Chairman, and my hope is that we can break this logjam on the floor, but also break this logjam here in the committee.

Thank you, Mr. Chairman.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. Briefly, to respond, you focused on the Wittes one. You did not focus on the 50 that we have cleared through here. Wittes has a long, long history of tweeting about Members of this committee, to begin with. In one of the tweets, she called the Abraham Accords a "gift to authoritarianism." As a result of that, we are going back and looking very closely at everything that she has written and said to see whether we want to support that or not.

Again, I do not think it is fair to pick out one of those and ignore the vast majority we have put in here. I agree with you there is a logjam on the floor. I am not speaking to that. That is other people are going to have to speak with that.

But in any event, thank you, Mr. Chairman.

The CHAIRMAN. Yes.

Senator CARDIN. Could I just respond?

The CHAIRMAN. Senator Cardin?

Senator CARDIN. Senator Risch, the comity in this committee has worked, I think, extremely well for the benefit of this committee. I, at one time, had the responsibility of being the Ranking Member and working with Senator Corker. And I must tell you, there were so many nominations that came up during that period that I was

very much opposed to, but comity requires us to reach a point where we let the committee make those decisions, not the Chairman and Ranking Member.

And on the Margon issue, I would just urge you, if we have all the information for the committee to be able to make that decision, I think there is responsibility with the Chairman and Ranking Member to resolve when that comes before the full committee for determination. Otherwise, we are giving a veto to one member, and that is not what this committee is about. That is why comity works.

I would just urge you to reconsider this because, yes, Senator Menendez can bring the issue to our committee without comity, but I think comity has worked well to protect the majority and minority rights on this committee. It is extraordinary how much we work together in that regard, and it has worked well over time.

And I would just urge you to reconsider on this point. If all the information is available, if you can make your case before the committee, have trust in the membership. It is equally divided. Give us that opportunity in this committee to make that decision without jeopardizing a tradition in this committee that I think has worked to protect the minority rights probably more than the majority rights, but the rights and value of this committee working together.

The CHAIRMAN. Thank you. Senator Cruz?

Senator CRUZ. Mr. Chairman, I want to make three points on this.

First of all, in my judgment, the Ranking Member has bent over backwards to express comity and to work with the Chairman of this committee. I would note the committee has responded to those efforts of goodwill by doing things such as scheduling two successive business meetings in a single week when a matter is held over to circumvent the ability of the minority to focus on an issue of concern.

That is not an expression of comity when you have a business meeting on Wednesday and immediately do another business meeting on Thursday, with the obvious intention of saying never mind the prerogatives of the Member who is exercising it. We are the majority, dammit, we are going to force it through. That is not an expression of comity.

Secondly, I would point out with regard to the QFRs, there have been some nominees who have submitted their answers and submitted their answers reasonably. There have also been nominees who have openly defied this committee, and in fact, one of those nominees is before this committee today, Barbara Leaf.

As the Chairman knows, I spoke about Ms. Leaf at length on the floor yesterday. And Ms. Leaf's answers in response to questions I submitted for the record completely defy the authority of this committee. Three questions in particular that she refused to provide even the barest modicum of answers.

Number one, the Administration is right now today holding hostage \$130 million in military assistance to our ally the nation of Egypt. And the Administration is, among other things, demanding that Egypt release 16 prisoners that are currently incarcerated in Egypt. But the Biden administration refuses to identify who those

prisoners are, refuses to tell this committee, and refuses to tell the American people.

I asked Ms. Leaf who are the 16 prisoners that the Administration is demanding a quid pro quo? There is some irony to how we spent last year in impeachment proceedings, given that the Administration is explicitly and unabashedly insisting on a quid pro quo. You will get your \$130 million that Congress has appropriated when you release these 16 individuals from jail.

That is undoubtedly a quid pro quo, and the question I asked Ms. Leaf is, name the 16. Are they affiliated with the Muslim Brotherhood? Do they have terrorist ties? Are they American citizens? Have they committed crimes of violence? Those are reasonable questions the American people would like to know. Ms. Leaf responded to those QFRs with a thousand words of gobbledygook, where she spoke about everything under the sun except the specific question asked, who are the 16?

And I would note, in fact, the Administration did even better. There is a classified document that we can go to the SCIF and read. I have gone to the SCIF and read it. There is no reason for that document to be classified. The only reason that document is classified is because the Administration does not want me reading the names in this hearing.

It is purely a public relations ploy to keep that document classified. Ms. Leaf is defying this committee's authority. Likewise, a second question I asked Ms. Leaf. The State Department issued a written guidance to its employees prohibiting them from using the words "Abraham Accords." They are so opposed to the historic peace deals that were signed last year that they have forbidden using "Abraham Accords."

And I would note even though there have been some Biden nominees that have had the courage to defy that State Department guidance, it continues to have force. On September 13, U.S. Ambassador to the U.N. Thomas-Greenfield gave an entire speech about the Abraham Accords in which she did not utter the words "Abraham Accords." Instead, she used the banal euphemism "normalization agreements."

Likewise, on October 13th, Secretary Blinken met with Israeli Foreign Minister Lapid, and the spokesperson read-out again just used the words "regional normalization efforts."

I asked please provide to the committee and the American people the written guidance prohibiting use of the terms "Abraham Accords." And again, Ms. Leaf basically said go jump in a lake. No, I am not going to give you your guidance.

And by the way, her justification, she said, hey, I am at the NSC, that is State. I do not have the ability to give anything at State. Well, if Foggy Bottom wants her confirmed as an Assistant Secretary of State, I think they can find the State Departments documents.

And the third and final point I will make on Ms. Leaf's QFRs is I asked about the Administration's attempt to negotiate a so-called "less for less" agreement with Iran. In other words, lessening pressure on Iran for something substantially less than a promise not to build a nuclear arsenal.

Ms. Leaf's answer was to categorically flat-out deny there are no less for less negotiations. They do not exist. Multiple press reports in Reuters and elsewhere flatly contradict that. In my view, Ms. Leaf's answer to this committee was a direct and deliberate falsehood. And so I would say I addressed this at significant length earlier this week on the floor. I would commend anyone in this committee to listen to that floor address.

I think everyone on this committee should care about those question, particularly the first one. Who are the 16 individuals? I noted on my floor speech that Senate Democrats put in appropriation language in a report a series of names of individuals, expressing concerns about their incarceration in Egypt, one of whom is a prominent hate preacher who spreads antisemitism at great length.

Moments ago, the Chairman was speaking about the envoy to oppose antisemitism. Well, there is some irony that Senate Democrats are apparently demanding that Egypt release a prominent antisemite, and the public does not know if those are included in the people for whom the money is being held hostage or not.

A final point, Mr. Chairman. I would simply ask that I be recorded as a "no" and recorded as voting and present for the nominees Leaf, Gawande, Emanuel, and Reynoso.

The CHAIRMAN. Those will be so listed.

I know there are other Members who want to speak, but you know, you can have your opinion. You cannot have your own facts, though. The reality is, is that as it relates to calling business meetings consecutively, the Senator has abused the process that this committee has in a way that in my entire life in the Senate I have never seen on either side of the aisle.

So when you are going to do it indiscriminately and in a buckshot approach, it then calls for the ability to break an indiscriminate process with an opportunity for Members to cast their vote. Now that, by the way, was done on occasion under Republican majority, and I never heard the Senator complain about it. But then again, that majority at that time, that Republican majority never faced the indiscriminate hold of all nominees.

Secondly, on QFRs, you have answers. As a matter of fact, at the hearing for Ambassador Leaf, you had a good back-and-forth, and then there were reports out there that you wanted to follow, and so you decided to follow it. And the names have been provided. They are in the SCIF classified for anybody who wants to go see them. Evidently, you have referenced that you have seen them.

So the names are there. Whether you have a difference of view whether they should or should not be classified is another thing, but the names have been provided. So to suggest that the names have not been provided, therefore, it is unresponsive.

And lastly, you keep saying this thing. I know that if we say it enough, it is like, you know, the history of the past. If we keep saying something that is not true enough, we hope that it becomes true. The reality is, is that I have heard the Secretary of State, I have heard Ned Price, the spokesperson for the State Department, and others, including those nominees before this committee, consistently refer to the Abraham Accords as the Abraham Accords.

Now the Secretary of State is the highest person in the Federal Government as it relates to foreign policy outside of the President.

He has consistently named it the Abraham Accords, fitting and appropriate as it is. But to ask a nominee to give you a document that you are looking for that she has no control over the document, you can ask the Secretary of State for a document.

The bottom line is, if there was a prohibition against calling the Abraham Accords “the Abraham Accords,” then the Secretary of State would not use it. The Secretary of State’s spokesperson would not use it. None of the nominees that came before the committee would use it. So it is a fallacious argument at the end of the day.

Senator Kaine?

Senator KAINE. Thank you, Mr. Chair.

I think the numbers do not lie. What Senator Murphy said was correct that Democrats had major objections to Donald Trump’s foreign policy. But by this time, nearly 40 Ambassadors had been confirmed, 32 by voice vote and others by recorded vote. And here we are with 5 Ambassadors confirmed to countries around the world. What a poor message that sends about U.S. disinterest, U.S. disinterest in the world.

It sends a sign to nations that we are interested in them when we send them an Ambassador. And when we cannot even bother to do that, it sends a sign that we are not interested.

This is a parochial issue for me. An awful lot of State Department employees live in Virginia. Their morale is affected by the actions of this committee.

And I am starting to worry, Mr. Chair that what I am seeing not just in this committee and elsewhere over the course of the last few years is a sort of an effort by one party in this body to redefine what advise and consent is. This is a constitutional requirement of the Senate to advise and consent to a certain specified number of presidential nominations. Obviously, the advise and consent requirement is not rubberstamped. Consent also means oppose. But you ought to vote “no.”

I heard Senator Cruz. He does not like the fact that he got those names by classified rather than in public. That would be a great reason to vote “no.” That would be a great reason to vote “no.”

But what I have seen in this committee and others is an effort to switch advise and consent to not voting “no,” but just delaying action in an inappropriate way. And why delay action rather than vote “no”? Because you can avoid accountability for it.

A “yes” or “no” vote you got to explain. There is going to be some accountability for it, and most of us are proud to vote “yes” or “no” and explain. But avoiding votes, boy, what a slick trick. If we can figure out a way to avoid votes, we never have to explain. We never have to be accountable for it. And I think that is basically an undermining of the responsibility that is an important one that the Senate has of offering advise and consent on nominations.

So, Mr. Chairman, as far as I am concerned, Senator Risch has made an offer to you that you have the ability to put things on without his approval. You are a fair-minded individual. You do not put up with nominees not providing full responses to this committee because I have seen you be upset when they did not under both Democratic and Republican Presidents.

I feel like if you feel that a file is complete and the questions have been answered, and even if they are not answered to some-

body's satisfaction around this dais, if you think they have been answered in a reasonable way, I think we ought to be having hearings, and we ought to be having votes and let people go on the record and express whether they are happy or unhappy with nominees.

But this effort to avoid the advice and consent function by basically playing kind of a four corners basketball game where nobody is accountable for votes is very debilitating. It sends a horrible message around the world, and I think it undermines a responsibility that the Senate should take very seriously.

Thank you.

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. Let me turn to others who have not had an opportunity. Senator Merkley?

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

The question we are wrestling with is whether this committee can do its job in a day of intensified partisanship, partisanship that is fueled and amplified through separate cable channels, through intensive social media campaigns. And I would argue that it is the responsibility of the Chair and the Ranking Member to resist manifesting that accelerated, intensified partisanship in the context of the responsibilities of this chamber.

We are the Foreign Relations Committee. Only five Ambassadors have been confirmed by the Senate. As Senator Murphy pointed out, 32 were done by voice vote at the first year or to this point in the first 10 months of the Trump administration. Five Ambassadors.

Now the Ranking Member has pointed out that there is an alternative to comity that you, Mr. Chairman, can put Ambassadors up regardless of his consent. But you, as I understand it, are saying let us try to have a partnership between the Democratic and Republican leadership to make this committee work together for its responsibilities for America, for our diplomacy in the world.

So I beseech that, encourage the Chair and Ranking Member ponder this question. We have a responsibility that rises above the partisan rants of the membership. I think everyone here has expressed in tweets and speeches their frustrations, their anger with the other party, but this committee has a higher responsibility to make the executive effective in the world.

We are in a competition with China, if you have not noticed. They are saying the decisive nature of an authoritarian control gets things done, and they are pointing to America and saying, look, America cannot make decisions on fundamental issues. And they might put as a poster child this committee right now that has only been able to confirm, pass on 5 Ambassadors in 10 months. That is 1 Ambassador every 2 months.

This is an unacceptable, tragic outcome. It has to be addressed. And there are positions other than Ambassadors. Mallory Stewart, up for Assistant Secretary for Arms Control, Verification and Compliance. We are all concerned about China's new weapons strategy in the nuclear category. We are all concerned about the Russian program of nuclear technology weaponry. We are all concerned with the risk of the stability of nuclear war and nuclear proliferation.

We have a Nuclear Posture Review underway without the leadership of a person in this role. So she should come before this committee, and we should vote “yes” or “no.” But we should not sit on such an important position and not act. That is failing our responsibility for the security of this Nation.

Thank you, Mr. Chairman.

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. I am going to turn to Senator Shaheen, who has not had an opportunity, then I will turn to you.

Senator SHAHEEN. Thank you, Mr. Chairman.

I certainly want to echo the concerns of my colleagues, and you know, during the previous administration, I tried to vote for those nominees who I thought were qualified who I could support and vote against those who I did not support. There were some of my colleagues who voted against everyone who was nominated by the Trump administration. I did not think that was the right way to go, just as I do not think it is appropriate now for some of my Republican colleagues to vote against all of the Biden nominees.

I think I know there are some legitimate concerns that my colleagues have expressed. Senator Cruz and I agree on Nord Stream 2. But the fact is what is happening now is inhibiting the ability of the United States of America to do its work.

I appreciate that the Republicans in the Senate want to try and undermine this administration. They do not like the outcome of the past election. But it is over. You know, what happened to politics ends at the water’s edge?

Because our colleagues are looking at what is happening here—not our colleagues, our adversaries. And as Senator Merkley said so well, China is making a pitch that authoritarianism is the best alternative because democracy does not work because they are looking at our Congress and saying democracy does not work because people are not willing to work together.

I worked really closely on the bipartisan infrastructure package, on the package of COVID assistance that we did back in December. Those were bipartisan efforts to get things done in the best interests of the country, and that is what I am going to continue to try and focus on. And I really hope that all of us here would take that approach that we want to try and where we can agree, work together. Where we disagree, let us vote. But let us not continuously hold up the ability to get things done.

I would also point out, as the only woman on this committee, that most of the people who are being held up for these positions are women. I do not know how we fix this, but what is happening now is not working, and it is not working just for the Senate, but it is not working for the country.

The CHAIRMAN. Senator Cruz?

Senator CRUZ. Mr. Chairman, I would like to respond to several of the comments that have been made by Democratic Members of this committee. I would point out, first of all, on the 16 names, the Chairman observed that, yes, the Biden administration is holding hostage \$130 million for Egypt and demanding that 16 people be released from prison.

The CHAIRMAN. No, the Chairman did not recognize that.

Senator CRUZ. To be fair—

The CHAIRMAN. I did not recognize—do not put words in my mouth that I did not say.

Senator CRUZ. Mr. Chairman, do you deny that they are withholding \$130 million? Do you deny—

The CHAIRMAN. I did not say that—

Senator CRUZ [continuing]. That they are withholding \$130 million?

The CHAIRMAN [continuing]. And I do not need to be cross-examined by you.

Senator CRUZ. Well, you are cross-examining me. I am speaking. You are cross-examining me.

The CHAIRMAN. I am not cross-examining. I am correcting something—

Senator CRUZ. Mr. Chairman?

The Chairman [continuing]. That you misstated.

Senator CRUZ. You are interrupting me. You are interrupting me.

The CHAIRMAN. And the Chair—the Chair will not allow—

Senator CRUZ. Really?

The CHAIRMAN. The Chair will not allow—

Senator CRUZ. What will you not allow?

The CHAIRMAN [continuing]. You to say something I did not say. I did not say—all I said was—

Senator CRUZ. You are interrupting me in the middle of a sentence.

The CHAIRMAN [continuing]. There are 16 names.

Senator CRUZ. You are interrupting me in the middle of a sentence.

The CHAIRMAN. I did not—

Senator CRUZ. Do you deny that they are holding the money hostage?

The CHAIRMAN. The Senator will withhold.

Senator CRUZ. How about you withhold? You are the one interrupting me.

The CHAIRMAN. The Senator will withhold.

Senator CRUZ. I am speaking. You are interrupting me.

The CHAIRMAN. I will adjourn the meeting. If you want to have your—

Senator CRUZ. If you are afraid of my speaking—

The CHAIRMAN [continuing]. Opportunity, you will have it.

Senator CRUZ [continuing]. And want to adjourn the meeting—

The CHAIRMAN. You will not be allowed to put words in my mouth.

Senator CRUZ. After your lecture on comity, you are interrupting me.

The CHAIRMAN. I know you want to do this for your YouTube, for your presidential candidacy—

Senator CRUZ. You are interrupting me. Okay, that is an inferred—

The CHAIRMAN [continuing]. But stop putting words that I did not say.

Senator CRUZ. You are interrupting me again.

The CHAIRMAN. I did not say anyone is holding anybody hostage. Okay, continue.

Senator CRUZ. You are interrupting me again. Are you going to allow me to speak, Mr. Chairman?

The CHAIRMAN. Continue.

Senator CRUZ. That is very kind of you. And I will say, Mr. Chairman, I appreciate your lecture on comity when you interrupt me.

All right. So let me speak more precisely because I was in the middle of one sentence when you interrupted me.

It is an established fact, publicly acknowledged, that the Biden administration is holding \$130 million hostage in Egypt and demanding the release of 16 prisoners who are currently incarcerated. What the Chairman just said is that I should be satisfied because when I asked for those names, the Administration provided them in a classified document that Members of this committee can read in a SCIF that is hidden from the American people.

Mr. Chairman, the fact that it is hidden from the American people is a problem. This is not a star chamber where we sit in smoke-filled rooms. Rather, the American people have a right to know about the radical agenda that Joe Biden and Kamala Harris are putting forward, and there is a reason it is classified. They do not want the names known.

Why? Because under Barack Obama, the Obama administration repeatedly and vocally supported the Muslim Brotherhood, a terrorist organization that murders Americans, that murders Israelis, that is virulently antisemitic. When we saw over a million people standing in the streets of Cairo, they were holding up signs saying America supports the Muslim Brotherhood because the Obama-Biden administration had a policy of supporting the viciously anti-American terrorists in the Middle East.

Why does Joe Biden not want those names released? Because they cannot defend the names on the list. And so, for the Chairman to say you should be happy that they are hidden in a secret room, if you want to defend them—Senator Kaine talked about accountability, let us have some accountability. Let us talk about the 16 names, and the American people want to know why Joe Biden and Kamala Harris are trying to force our allies to release people who may well be a national security threat to the United States.

Secondly, on the Abraham Accords, the Chairman pointed out, said, well, there are members of the State Department who use those words, which is something I acknowledged in my remarks. Yes, there have been individual members of the Administration who have defied those orders.

Interestingly, what was missing from the Chairman's remarks was even a syllable of a word denying that there was a written guidance saying do not use the words "Abraham Accords," and the reason I believe the Chairman did not deny it, it has been publicly reported in the media that those written directives went out. And why does the State Department not provide them? For the same reason they do not provide the list of 16 names. They want to hide it from the American people because they are embarrassed at the left-wing politics driving their policies.

It is pure public relations, that they are hiding that directive. They do not want the American people to read it.

And third, there have been lots of speeches and high dudgeon about the delay in nominees. Now, I will note that many of the delays in Ambassadors have been delays in nominations that this administration has been incredibly slow in putting forward nominees to be considered. But I do not hide remotely from the fact that I have a hold on State Department nominees, and I have a hold for a specific reason that every Member of this committee knows exactly what it is. And it is that Joe Biden and Kamala Harris are defying Federal law. They are brazenly and unapologetically defying Federal law to benefit Russia and Putin on Nord Stream 2.

And the remarkable thing is every Member of this committee on the Democratic side of the aisle agrees with me on the substance and has said so on the record repeatedly, has voted on the record repeatedly. The Members of this committee know the Nord Stream 2 pipeline, if it goes online, will hurt America. It will hurt Europe. And it will enrich Putin and any successor tyrants in Russia for generations to come.

That is why we passed bipartisan legislation that Senator Shaheen and I have authored, not once, but twice into law. And the Biden administration made what I believe is a generational geopolitical blunder in surrendering to Putin.

Now I would note also that for several months since August, I have had a written offer of compromise submitted to this administration that if they want to break the logjams, it is very simple. Under CAATSA, which Members of this committee supported—indeed, I have given floor speeches quoting from multiple Democrats on this committee—CAATSA provides, it is a statute that provides if the Administration wants to waive sanctions on Russia, it triggers an automatic override vote in Congress.

And I have said it is very simple. If the Administration will waive the sanctions under CAATSA and trigger the override vote, I will lift my holds. Multiple Democrats on this committee privately have told me they think my offer of compromise is very reasonable, and the Biden administration should take it.

Now what has not happened, there have not been any Democrats saying that publicly. And I understand it is difficult to oppose a President of your own party. So it is one thing to say it privately on the Senate floor. It is another thing to say it publicly.

I will point out on Nord Stream 2, when we had a Republican President, I was not shy about speaking out and putting pressure on a Republican President to stand up to Russia and Putin on this. And I would ask my Democratic colleagues to show the same willingness to do so for a Democrat when you know the Democrat is wrong, and there is a reasonable offer of compromise that could break the logjam.

But instead of doing so, the Democrats who have told me privately they think it is a reasonable compromise, they have not said so publicly. Instead of putting pressure on their own Democratic President, we have Democrat after Democrat who come to the floor, and they give speeches lambasting me. The Chairman, I think I counted it is the third time he asserts that apparently I am not interested in Russia. I am not interested in American national secu-

riety. It is a presidential campaign, the Chairman tells me. He says so, repeatedly impugning my integrity.

And let me point out a final thing. Senator Kaine talked about accountability. I am a big believer in accountability. If any of you think that I am somehow afraid to be accountable for fighting against decisions that are hurting American national security, you have missed the hours upon hours upon hours in which I have defended that decision on the Senate floor. There ain't no hiding what I am doing because I believe it is the right thing to do.

But accountability is accountability to each other, but it is ultimately to the American people. The Senator from Virginia, I was in your State last night. There was an election in the State of Virginia last night where Glenn Youngkin was elected governor.

I would note the Chairman's State, New Jersey, had an election—

The CHAIRMAN. I have allowed the Senator to continue for an enormous period of time. I would ask you to wrap up because we do have a classified briefing.

Senator CRUZ. I am wrapping up, Mr. Chairman. I am wrapping up.

And my point is simple. Last night, in a political earthquake, the voters in Virginia elected a Republican governor. Last night, in a political earthquake, the voters of New Jersey may have done the same thing. I checked this morning. It is 1,500 votes separating the two, and they are still counting votes.

The reason I believe voters in two States that have been blue for a long time went the other direction is because of the radical and extreme policies of Joe Biden and Kamala Harris, and I will point out this committee, in saying we are not going to stand together fighting for the national security, is defying the American people. The American people have a right to know if Joe Biden is trying to release terrorists.

And simply the partisan loyalty of Democrats is not furthering the responsibility of this committee.

The CHAIRMAN. Thank you. Thank you very much. Thank you for the political lesson.

Let me first say that holding \$130 million is pursuant to congressionally passed legislation. You cannot keep saying that. It is congressionally passed legislation.

Number two is I never said you should be happy that the names are available. You once again tried to misclassify what the Chair said. I just said that they are available to you and to any other Member in the SCIF. I did not say you need to be happy for it.

And as it relates to Nord Stream 2, let me just say what you are suggesting is that a Member of the Senate, and in this case, a Member of the Senate in the minority, can dictate the policy to the executive branch in order to get their nominees through? Well, I have seen casting votes to suggest what that policy should be, but I have never seen the hostage-taking of career nominees in order to achieve that.

With the thanks of the committee, this meeting is adjourned.

[Whereupon, at 9:51 a.m., the committee was adjourned.]

BUSINESS MEETING

WEDNESDAY, DECEMBER 15, 2021

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

Summary of Action Taken by the Committee

NOMINATIONS

- Marc R. Stanley, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Argentine Republic—agreed to by voice vote
- Mr. Rashad Hussain, of Virginia, to be Ambassador at Large for International Religious Freedom—agreed to by voice vote
- Dr. Adriana Debora Kugler, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years—agreed to by voice vote (Barrasso and Cruz recorded as no)
- The Honorable Ramin Toloui, of Iowa, to be an Assistant Secretary of State (Economic and Business Affairs)—agreed to by voice vote
- The Honorable Thomas Barrett, of Wisconsin, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Grand Duchy of Luxembourg—agreed to by voice vote
- Mr. Erik D. Ramanathan, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Sweden—agreed to by voice vote
- Mr. Scott Miller, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Swiss Confederation, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Principality of Liechtenstein—agreed to by voice vote
- Ms. Jamie L. Harpootlian, of South Carolina, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia—agreed to by voice vote
- Mr. Scott Nathan, of Massachusetts, to be Chief Executive Officer of the United States International Development Finance Corporation—agreed to by voice vote (Barrasso and Cruz recorded as no)
- The Honorable John R. Bass, of New York, a Career member of the Senior Foreign Service, Class of Career Minister, to be an Under Secretary of State (Management)—agreed to by voice vote
- The Honorable Mark Brzezinski, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland—agreed to by voice vote
- Mr. Michael Adler, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Belgium—agreed to by voice vote

Ms. Chantale Wong, of the District of Columbia, to be United States Director of the Asian Development Bank, with the rank of Ambassador—agreed to by voice vote (Barrasso and Cruz recorded as no)

FSO LISTS

Arthur W. Brown, *et al.*, dated June 22, 2021 (PN 726)—agreed to by voice vote
 Rahel Aboye, *et al.*, dated June 22, 2021 (PN 728), as modified—agreed to by voice vote

Adam Jeffrey Abramson, *et al.*, dated October 27, 2021 (PN 1317)—agreed to by voice vote

Mario D. Ambrosino, *et al.*, dated October 27, 2021 (PN 1318)—agreed to by voice vote

Nicholas R. Abbate, *et al.*, dated October 27, 2021 (PN 1320)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 10:55 a.m., in Room SD-106, Dirksen Senate Office Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Romney, Cruz, and Rounds.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

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

Today we are considering 13 nominations and five Foreign Service officer promotion lists. I am pleased that we have strong nominees before us today both for critical positions at the State Department embassies around the world and the Department of Treasury. I would also like to acknowledge the various Members of the committee on both sides that have Chaired—who have served as Chair or Ranking Member for nomination hearings. We greatly appreciate your efforts as does the Administration.

I would note that we are unfortunately still running into issues where we have been unable to move forward with a number of nomination hearings because of the lack of willing and available Ranking Members. I would like to remind everyone that there is a lot more work to do to ensure that our national security agencies are full staffed and that we will need to approach that work energetically and efficiently in the New Year. We have between 20 and 30 nominations pending before this committee in addition to the dozens of national security nominations pending on the Senate floor without confirmation. I know none of us came to the Senate to just do nominations, so the more efficiently we are able to address this aspect of committee business next year, the more time we will be able to spend on the major foreign policy issues of that—of the day. To that end, I would like to ask all Members for your participation and support in the upcoming year.

Regarding the nominees we are considering today, while I will not speak about each of them, I do want to say that I believe they are all well qualified and deserving of their nominations, and I look forward to their swift confirmation. When it gets to that point, I

will ask for an en bloc vote for the Foreign Service officer promotion list and for the 13 nominees. But now, let me turn to the distinguished Ranking Member, Senator Risch.

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

Senator RISCH. Well, thank you, Mr. Chairman. We do have a number of important positions up today. I am only going to talk about two—well, two of them. The CEO of the International Development Finance Corporation is a particularly crucial position. This person will be charged with guiding an agency that has struggled to find its footing and for making tough calls about where and where not to invest. Mr. Nathan has the requisite finance experience to lead this Agency. The DFC's current narrow focus on green energy projects, particularly those that involve Chinese-made solar panels, creates unacceptable expenditure of U.S. taxpayers' dollars, particularly regarding the funding of solar panels made with forced labor. If confirmed, Mr. Nathan has committed to work with this committee to urgently address this risk and ensure its borrower supply chains are completely free of forced labor-made products. I plan to hold Mr. Nathan to all of those commitments and, if confirmed, will work with him to address these challenges and ensure the DFC remains focused on its core missions of promoting and protecting economic freedom.

With regard to the Stewart nomination, which is not on this agenda, I was very clear in my request to the State Department for cables outlining allied feedback regarding the Biden administration's consideration of a no first use policy, a policy that Ms. Stewart has reportedly helped lead at the White House. I requested seven cables total. The Department delivered one. This is not a responsive answer. It always amazes me that the State Department thinks they are supervising us and overseeing us as opposed to vice versa. Until the Department actually responds to my request and takes seriously the oversight role of this committee, I am not going to agree to move forward with consideration of this nomination. I hope that the State Department will commit—will actually deliver those cables.

With that, I yield back, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Risch. Without objection, we will now consider en bloc five Foreign Service officer promotion lists and 13 nominations that have been noticed for this business meeting. Since they are noticed, I am not going to read their names. They are all the people who are noticed for all the Members of the committee.

Is there any Member who wants to speak to any of these nominations?

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch.

Senator RISCH. Just briefly, I certainly have no objection to that process. I am going to have some people recorded "noes" if that is okay.

The CHAIRMAN. And they will be recorded as they wish.

Senator RISCH. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. If there is no member seeking to speak to the nominations, is there a motion to approve these items en bloc?

Senator CARDIN. So move.

The CHAIRMAN. So moved. Is there a second?

Senator MERKLEY. Second.

VOICES. Second.

The CHAIRMAN. So moved and second.

The question is on the motion to approve all of the nominations as listed.

All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed?

[No response.]

The CHAIRMAN. There are none, at least non-verbally.

With the majority of Members present having voted in the affirmative, the ayes have it, and the items, as amended, are agreed to.

I understand that the—Senator Risch wants, on behalf of some of his colleagues, to be listed—

Senator RISCH. Excuse me, Mr. Chairman. Are we talking about the 13 or are we talking about the FSO List?

The CHAIRMAN. We have—we did all of them, 13—

Senator RISCH. Oh, okay. Actually, the one that did request withdrew. I am not aware of any others, but anybody who is with us online, feel free to speak up. If not, thank you very much, Mr. Chairman.

The CHAIRMAN. All right. Well, these nominations will be—have all been approved. With the favorable recommendation of the committee, they will be reported to the Senate as such.

With the thanks of the Chair and the Ranking Member, this meeting is adjourned.

[Whereupon, at 11:01 a.m., the committee was adjourned.]

**BUSINESS MEETINGS OF THE U.S. SENATE
COMMITTEE ON FOREIGN RELATIONS
DURING THE SECOND SESSION OF THE
ONE HUNDRED SEVENTEENTH CONGRESS**

BUSINESS MEETING

WEDNESDAY, JANUARY 12, 2022

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

Summary of Action Taken by the Committee

NOMINATIONS

- Dr. Amy Gutmann, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Germany—agreed to en bloc by voice vote (Risch, Johnson, Rubio, Portman, and Hagerty to be recorded as no)
- The Honorable Donald Armin Blome, of Illinois, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan—agreed to en bloc by voice vote
- The Honorable Christopher R. Hill, of Rhode Island, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Serbia—agreed to en bloc by voice vote (Rubio, and Hagerty recorded as no)
- Ms. Alice P. Albright, of the District of Columbia, to be Chief Executive Officer, Millennium Challenge Corporation—agreed to en bloc by voice vote (Rubio recorded as no)
- The Honorable Joseph Donnelly, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See—agreed to en bloc by voice vote
- Ms. Michele Taylor, of Georgia, for the rank of Ambassador during her tenure of service as United States Representative to the U.N. Human Rights Council—agreed to en bloc by voice vote (Rubio and Hagerty recorded as no)
- Ms. Enoch T. Ebong, of the District of Columbia, to be Director of the Trade and Development Agency—agreed to en bloc by voice vote (Rubio, Barrasso, and Hagerty recorded as no)
- The Honorable Eric M. Garcetti, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of India—agreed to en bloc by voice vote (Rubio recorded as no)
- Ms. Lisa A. Carty, of Maryland, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations—agreed to en bloc by voice vote (Rubio and Hagerty recorded as no)
- The Honorable Laura S. H. Holgate, of Virginia, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador—agreed to en bloc by voice vote (Rubio, Johnson, and Hagerty recorded as no)

Ms. Oren E. Whyche-Shaw, of Maryland, to be United States Director of the African Development Bank for a term of five years—agreed to en bloc by voice vote (Rubio, Barrasso, and Hagerty recorded as no)

FSO LISTS

Leon Skarshinski, *et al.*, dated April 27, 2021 (PN 480-2)—agreed to en bloc by voice vote

John Breidenstine, *et al.*, dated July 19, 2021, (PN 903)—agreed to en bloc by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 9:10 a.m., in Room SD-G50, Dirksen Senate Office Building, Hon. Robert Menendez presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Murphy, Kaine, Markey, Merkley, Booker, Van Hollen, Risch, Romney, Paul, Young, and Hagerty.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today, we are considering two Foreign Service Officer promotion lists and 11 nominations for critical positions, including our ambassadors to Germany, India, Pakistan, Serbia, the Holy See, the U.N. Human Rights Council, the U.N. Economic and Social Council, and the International Atomic Energy Agency, the CEO of the Millennium Challenge Corporation, the director of the United States Trade and Development Agency, and the director of the African Development Bank.

Before we turn to these nominations, I would like to acknowledge the hard work that went into getting dozens of State Department and USAID nominees confirmed before the Senate's December recess.

I am very pleased that more than 85 capable experienced individuals now fill crucial national security positions and we are witnessing the real-life impact that these confirmations are having.

We now have ambassadors in place in Poland and at the European Union as we are engaging with European allies to deter Russia from further aggression, an ambassador in Bosnia and Herzegovina where threats to the rule of law and democracy grow by the day, and more than 14 confirmed ambassadors in Africa.

This is what it looks like to have the United States at the table and to have meaningful representation throughout the world. As we begin this new year, I am hopeful that the struggle it took to confirm these nominees will not be repeated.

We have much more work to do. Over 55 nominees are still pending before this committee and many challenges around the world that are awaiting them.

As I have said many times before this committee and on the Senate floor, prolonged vacancies are not in our interest. They undermine our national security, hinder our leadership role abroad, and benefit only our adversaries.

Turning to the nominees we are considering today, I will not speak about each of them, but I do want to say that I believe they are all well qualified and deserving of their nominations. I will be voting for them and look forward to their swift confirmation.

With that, let me turn to the distinguished Ranking Member, Senator Risch.

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

Senator RISCH. Thank you very much, Mr. Chairman. I concur in your remarks about filling these vacancies. It is important. I am glad we have been able to move as rapidly in this administration as we have, certainly, more so than we did in the last administration. Nonetheless, it is bipartisan that these vacancies be filled, whichever party is in control of the White House.

I want to speak briefly about the nominations, and as you and I discussed, we will accept a voice vote on these nominations with the understanding that with your usual kind indulgence, those who want to vote no will be able to be recorded as such.

So with that, I want to talk about the appointment of Dr. Gutmann, Ambassador to Germany.

The U.S. relationship with Germany faces significant challenges, especially due to threats of nefarious foreign and geopolitical influence from Russia and China. Our Ambassador in Berlin must be firm in combating these threats and able to make the case to our German counterparts that we need a shared approach to standing up against malign influence.

I am going to record a no vote against Dr. Gutmann, but it is not personal, which I will explain here, and when she is confirmed, I stand ready to work with her and to strengthen our alliance with Germany. I also expect her to engage on efforts to stop construction on the Nord Stream 2 pipeline.

I am a no not because of her qualifications. Certainly, she is qualified. She has had a long and successful career. But I think that probably, as with her position with the University of Pennsylvania, it really is a poster child for the ongoing and growing malign influence of China and at our institutions of higher learning.

The University of Pennsylvania has accepted millions, millions, and millions of dollars in donations and contracts from China. The issue of foreign influence and, particularly, Chinese influence in U.S. higher education institutions is very important to this committee. We have made and will continue—and I have worked with the Chairman on this—to pursue efforts to put a stop to this as it is important we do so.

The University of Pennsylvania is a large organization. But I remain troubled that Dr. Gutmann did not exert more oversight of Chinese donations and contracts that Penn institutions were accepting, and I think this is really a poster child for what is happening around the country.

All CEOs of these institutions of higher learning should learn from this wake-up call and should wake up to what China is doing in providing the money that it does. China is not providing the money for what they are doing out of the goodness of their hearts but, clearly, to gain malign influence.

For example, the University of Pennsylvania had four contracts to provide executive education to the PRC State Administration of Foreign Experts. During its operation, this government entity was responsible for recruiting foreign talent to China, including in science and technology.

Dr. Gutmann told the committee that Penn's contracts with PRC entities did not undermine U.S. national security simply because no classified information was revealed.

Not sharing classified information is just the starting point to protect U.S. national security. It is not the finish line. There are many other risks to national security presented by PRC inroads into U.S. universities, and these apply to Russia, too.

China uses lucrative contracts, grants, exchanges, and other incentives to co-opt networks and institutions, promote PRC interests, and manipulate public discourse.

I think, if anything, this nomination has provided us with an additional window into just how widespread this is and how dangerous this is. Additionally, there is provision for opportunities for efficient and easy access and collection of open source intelligence and know-how to these entities that provide the money.

We do not allow people running for public office to accept Chinese money or any other money. Why? Because we do not want them to purchase influence or exploit that position.

It just astounds me that we prohibit people running for public office from doing this but, yet, we allow this tidal wave flow of money into these higher education institutions.

This needs to stop and I look forward to continuing to work with the Chairman as we develop bipartisan legislation to do this.

Briefly, as to Michele Taylor on the nomination to the U.N. Human Rights Council, I remain deeply concerned with the Human Rights Council and the U.S. membership in it. It is a broken body which spends the majority of its time attacking Israel, and its membership is full of human rights abusers, including China, Venezuela, and Cuba.

I hope, although I doubt, Ms. Taylor can work to reform the Council. The Biden administration's track record of pushing reforms at the U.N. is weak at best, and the work that remains to be done is immense.

I believe it is inappropriate for the U.S. to bring its dignity and credibility and loan that to an institution like this institution.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Risch.

By agreement with the Ranking Member and without objection, we will now consider en bloc the two Foreign Service officer lists and 11 nominations that have been noticed for this business meeting. You all have the list based upon the notice.

Before I ask Members if there is anyone who wishes to speak to any of these nominees, let me just say very briefly that I share Senator Risch's concerns about Chinese influence in our institutions of higher learning.

But I do feel it is important for the record to revisit the fact as it pertains to Dr. Gutmann and the University of Pennsylvania.

First, none of the money that the University of Pennsylvania received from Chinese donors went to research involving critical technologies. None.

Second, none of the donations provided China access to classified or sensitive research information. None.

Third, as we heard from Dr. Gutmann directly in her testimony before the committee, under her leadership she rejected a Confucius Institute at the University of Pennsylvania, to her credit.

I have joined with the Ranking Member, as we did on the Committee's China bill earlier this year, on this issue. I believe we did some good work there, and I stand ready to work with him if more needs to be done.

With that, is there any Member who wishes to speak to these nominations before we vote en bloc?

Senator Cardin?

Senator CARDIN. Thank you, Mr. Chairman. I support all of these nominees and I concur in your comments about Dr. Gutmann in regards to her nomination to be the Ambassador to the Federal Republic of Germany.

Her family and background gives her a special insight that I think can help us greatly in our representation in Germany. But I wanted to take this time to raise a concern as to the Ambassador-at-Large nominee for Antisemitism that is not on our agenda and has not had a hearing.

I mention this because this committee was instrumental in establishing an Ambassador-at-Large for Antisemitism. And yet, we were not able to move forward with Deborah Lipstadt, which I think is very regrettable that we are not having action on this.

As Chairman of the U.S. Helsinki Commission, as Special Representative of the OSCE Parliamentary Assembly on Antisemitism, Racism, and Intolerance, I find it difficult to advocate our leadership globally when we do not move forward in our own Senate on this extremely important position, one in which we were responsible for creating.

Mr. Chairman, I just really wanted to raise that issue and I hope that we can work out between the Chairman and Ranking Member a process in which this committee can take action on the ambassadorship, which, to me, is so critically important for U.S. leadership to fight the growth of antisemitism.

The CHAIRMAN. Senator Cardin, let me thank you for your comments. I embrace them. I join you in them. I have been advocating for a hearing for this nominee and I hope to get there with the Ranking Member in order to do so.

I think it is a critical position to be able to fill in the world at a time in which we see a rising tide of antisemitism both at home and abroad, and so I look forward to working with Senator Risch in that regard.

Senator RISCH. If I can comment.

Likewise, I look forward to working in that regard, too. The nominee has left a lengthy trail of materials that we are in the process of reviewing. But I suspect we will get there and will continue to work in.

The CHAIRMAN. Any other Member who wishes to speak to these nominees?

[No response.]

The CHAIRMAN. If not, is there a motion to entertain these nominees in the FSO list en bloc?

Senator CARDIN. So moved.

The CHAIRMAN. So moved by Senator Cardin. Second.

All those in favor will say aye.

[A chorus of ayes.]

All those opposed will say no.

[No response.]

The ayes have it, and those who wish to be recorded as no will be so recorded for the record.

Senator RISCH. And, Mr. Chairman, we can submit those for the record if you would like. I would like to be recorded on Gutmann as no. I suspect other Members—

The CHAIRMAN. Senator Risch shall be so recorded and—

Senator RISCH [continuing]. Senator Barrasso also wants to be recorded on the Ebong nomination and the Whyche-Shaw nomination. But there are a number of these so we will submit it.

The CHAIRMAN [continuing]. They shall be so recorded as well.

Senator RISCH. Thank you.

The CHAIRMAN. Senator?

Senator HAGERTY. Mr. Chairman, I would like to be recorded as nay on the following: Gutmann for Germany, Hill for Serbia, Taylor UNHRC, Ebong USTDA, Whyche-Shaw for African Development Bank, Holgate for the IAEA, and Carty for ECOSOC.

Thank you, sir.

The CHAIRMAN. The Senator shall be recorded.

With that, the nominees have favorably reported to the Senate for the Senate's consideration and this meeting is adjourned.

[Whereupon, at 9:23 a.m., the committee was adjourned.]

BUSINESS MEETING

TUESDAY, MARCH 8, 2022

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

Summary of Action Taken by the Committee

NOMINATIONS

- Dr. C.S. Eliot Kang, of New Jersey, to be an Assistant Secretary of State (International Security and Non-Proliferation)—agreed to by voice vote (Risch, Rubio, Barrasso, Cruz, Rounds, and Hagerty recorded as no)
- Ms. Sarah H. Cleveland, of New York, to be Legal Adviser of the Department of State—not agreed to by roll call vote (11–11)
Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen
Nays: Risch, Rubio, Johnson, Romney, Portman, Paul, Young (proxy), Barrasso (proxy), Cruz, Rounds (proxy), Hagerty (proxy)
- Mr. George J. Tsunis, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Greece—agreed to by voice vote (Rubio, Barrasso, and Cruz recorded as no)
- Mr. James C. O'Brien, of Nebraska, to be Head of the Office of Sanctions Coordination, with the rank of Ambassador—agreed to by voice vote (Rubio, Cruz, Hagerty recorded as no)
- Dr. Beth Van Schaack, of California, to be Ambassador at Large for Global Criminal Justice—agreed to by voice vote (Rubio, Cruz, Hagerty recorded as no)
- Ms. Randi Charno Levine, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Portuguese Republic—agreed to by voice vote
- The Honorable Laura Farnsworth Dogu, of Texas, a Career member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras—agreed to by voice vote
- The Honorable N. Nickolas Perry, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica—agreed to by voice vote
- Dr. Deborah E. Lipstadt, of Georgia, to be Special Envoy to Monitor and Combat Antisemitism, with the rank of Ambassador—Held over
- The Honorable Barbara A. Leaf, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs)—Held over
- Dr. Adriana Debora Kugler, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years—agreed to by voice vote (Rubio, Barrasso, Cruz and Hagerty recorded as no)
- Ms. Mallory A. Stewart, of the District of Columbia, to be an Assistant Secretary of State (Verification and Compliance)—agreed to by roll call vote (12–10)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Paul

Nays: Risch, Rubio, Johnson, Romney, Portman, Young (proxy), Barrasso (proxy), Cruz, Rounds (proxy), Hagerty (proxy)

The Honorable Erin Elizabeth McKee, of California, to be an Assistant Administrator of the United States Agency for International Development —agreed to by voice vote

FSO LISTS

Scott Bruns, *et al.*, dated October 27, 2021 (PN 1319)—agreed to by voice vote

Casey E. Bean, *et al.*, dated November 17, 2021 (PN 1418)—agreed to by voice vote

Ronald P. Verdonk, dated November 17, 2021 (PN 1419)—agreed to by voice vote

Lisa M. Allen, *et al.*, dated November 17, 2021 (PN 1420)—agreed to by voice vote

Stephen Anderson, *et al.*, dated November 17, 2021 (PN 1421), as modified—agreed to by voice vote

Randy W. Berry, *et al.*, dated November 17, 2021 (PN 1422)—agreed to by voice vote

Kathy E. Body, *et al.*, dated January 31, 2022 (PN 1747)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 2:42 p.m., in Room SD-106, Dirksen Senate Office Building, Hon. Robert Menendez presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Rubio, Johnson, Romney, Portman, Paul, and Cruz.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today, we are considering seven Foreign Service Officer promotion lists and 11 nominations for critical positions. We received a holdover request for two nominations that were originally noticed for this business meeting: Deborah Lipstadt to be the Special Envoy to Monitor and Combat Antisemitism, who has been pending 158 days, and Barbara Leaf, who has been pending 302 days to be Assistant Secretary of State for Near Eastern Affairs.

The Chair will honor those requests, and we will consider them at the next business meeting.

But let me just say, at a time when the United States and its allies are working to put every conceivable pressure on Putin to stop his unprovoked, brutal, and illegal war against Ukraine, we have to have these nominees in place.

There is no substitute for an ambassador going in to see the leader of that country versus a Chargé d’Affaires. There is no substitute. There is no substitute for having an Assistant Secretary of State meeting others in the world that are their counterparts. This game is costing us.

So for all of my friends who love to wave the flag of how important it is to be leading the rest of the world and how forward look-

ing we should be, you are not helping the cause. If you do not like a candidate, vote against them. But this process of just holding and holding and holding makes no sense whatsoever.

The administration has done a superb job of imposing sweeping sanctions, along with our allies, that are devastating the Russian economy but there is more to be done.

These efforts will be enhanced with Jim O'Brien in place as the Sanctions Coordinator. Similarly, as we see Putin's army committing war crimes throughout Ukraine, we need to quickly confirm Sarah Cleveland and Beth Van Schaack, who will be instrumental in our efforts to hold Russian war crimes accountable.

And as the millions of Ukrainians who have not fled are facing lack of water, food, and heat, we need to confirm Ambassador McKean at USAID for Europe. The humanitarian situation is dire and it is only going to get worse.

Today, we are also considering other important positions, including Assistant Secretaries of State for International Security and Nonproliferation, for Arms Control and Verification for Middle Eastern Affairs, our Ambassadors to Greece, Portugal, Honduras, and Jamaica, and the Executive Director of the International Bank for Reconstruction and Development.

All of these positions matter. If anything is clear from this crisis, it is that every country, every multilateral body, has a role to play in coming to Ukraine's aid and rallying the world to stop Putin.

We need them in their place and I look forward to their swift confirmation.

Senator Risch?

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

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

I did not intend to get into that but I will reiterate the numbers again, and I am one who believes we need people in these positions. The people need to be vetted. They, certainly—the documentation has to be completed and we do our best in that regard.

In the 116th Congress where I was Chairman and you were Ranking Member, the average time was 94 days, and in the 117th Congress where you are Chairman and I was Ranking Member, the average time is 77 days. So if we are talking about who held up for how long, the numbers do not lie.

Anyway, in any event, let us move on to getting the job done.

I would like to express my support for Jim O'Brien to be Sanctions Coordinator. The current environment demonstrates how important this position can be.

With the United States and Europe finally rolling out new sanctions against Russia, it is more important than ever that we have someone who can coordinate across the U.S. interagency and serve as a conduit for our allies on alignment of our sanctions policies.

While these sanctions are a good start, we need to do more. Mr. O'Brien should push the Administration to truly isolate the Russian economy. It is vital this office receive the support and resources necessary to be successful.

That is why I worked with others to specifically provide direct hiring authority to his office. I expect that authority to be used

early and often to get the right team in place as quickly as possible.

I, and many of my Republican colleagues, remain extremely concerned by reports that the Administration has offered reckless concessions to the Iranians as a last-ditch effort to save this failed nuclear deal.

However, it is my hope that Mr. O'Brien can use his experience with other major sanctions regimes to talk some sense into this administration and highlight the negative impact these kinds of concessions will have on U.S. policy.

Regarding Sarah Cleveland to be Legal Adviser of the Department of State, this is one of the most important positions at the department, and no one is disputing her long record of legal and academic expertise in international relations and international law.

However, I am deeply concerned about Ms. Cleveland's record regarding legal opinions on abortion access. In the past, she contributed to and defended the U.N. Human Rights Committee opinion, which found that one country's domestic laws violated a citizen's international human rights by not providing and paying for an abortion.

This finding is starkly inconsistent with U.S. laws prohibiting provisions or promotion of abortions abroad. For this reason, I am not able to support her nomination, but I hope to be able to work with her on this and many other issues she will handle if and when she is confirmed.

Lastly, regarding Mallory Stewart to be Assistant Secretary of State for Arms Control Verification and Compliance, I have been very clear.

I am deeply concerned about the Administration's consultations with our allies and partners regarding a potential change in U.S. nuclear declaratory policy and Ms. Stewart's role in advising on those policies. I am troubled by the destabilizing positions that the Administration has been advocating in the arms control space.

With China's massive arms buildup and Russia's modernization, we and our allies must be postured to maintain deterrence.

While I appreciate Ms. Stewart's and the department's recent cooperation in sharing more of those consultations, I am still not convinced the Administration is listening to the concerns of our allies and partners.

So I will also be voting no on Ms. Stewart.

There are other nominees on this agenda that were re-nominated this year which I opposed in the past. Since I have not received any new information that would change my view on those nominees, I will be voting no on those nominations as well.

There are a few other nominees in this agenda I will not be supporting, but I understand there is other Members who want to speak on these nominees so I will move on to that.

And, Mr. Chairman, I would ask that Members be allowed to, however we vote, record their written no votes if they want to vote no on a person, and I would ask for a roll call vote on Cleveland and Stewart.

The CHAIRMAN. All right. We will get there.

Just one comment. I do not want to belabor the point. But one cannot compare the challenges we had with Trump nominees who,

when they did not move quickly, it was because they had deep problems—torture, sexual harassment, lying to the committee and the IRS, for which they were indicted.

I cannot expedite those people. The travesty is that they were all pushed through the committee and they were voted for.

So in any event, let me move to seek an en bloc consideration except for the ones you have asked for a roll call vote.

We will now consider en bloc the seven FSO lists and 11 of the 13 nominations that had been noticed for this business meeting. We will not consider the two nominees, Leaf and Lipstadt, who have been held over, and we will have Cleveland—at the request of the Ranking Member, Cleveland and Stewart will have roll call votes.

Other than that, the list is fully before the committee. Is there any Member who wishes to speak as to any of these nominations?

[No response.]

The CHAIRMAN. If not, I will entertain a motion to move them en bloc.

Senator CARDIN. So moved.

The CHAIRMAN. So moved.

Second?

So moved.

The CHAIRMAN. All those in favor will say aye.

[Chorus of ayes.]

All those opposed will say no.

[No response.]

The ayes have it and the—those who are on the list en bloc will be favorably reported to the Senate.

Senator RISCH. Mr. Chairman, I would like to be recorded as “no” on Kang.

The CHAIRMAN. You shall so be recorded.

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. Yes?

Senator CRUZ. I would ask to be recorded as a “no” on Kang, Tsunis, O’Brien, Van Schaack, Dogu, and Kugler, please.

The CHAIRMAN. Do you have all of those, Clerk?

You do? It shall be recorded.

Senator RUBIO. Mr. Chairman?

The CHAIRMAN. Yes?

Senator RUBIO. I would like—I would ask that I be recorded as a “no” on Kang, Tsunis, O’Brien, Van Schaack, and Kugler.

The CHAIRMAN. It shall so be recorded.

Seeing no others now, there is presently to be considered a vote on Sarah Cleveland to be the Legal Adviser to the Department of State.

And the clerk will call the roll.

The CLERK. Senator Cardin?

Senator CARDIN. Aye.

The CLERK. Senator Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Senator Coons?

Senator COONS. Aye.

The CLERK. Senator Murphy?

Senator MURPHY. Aye.

The CLERK. Senator Kaine?
 Senator KAINE. Aye.
 The CLERK. Senator Markey?
 Senator MARKEY. Aye.
 The CLERK. Senator Merkley?
 Senator MERKLEY. Aye.
 The CLERK. Senator Booker?
 Senator BOOKER. Aye.
 The CLERK. Senator Schatz?
 Senator SCHATZ. Aye.
 The CLERK. Senator Van Hollen?
 Senator VAN HOLLEN. Aye.
 The CLERK. Senator Risch?
 Senator RISCH. No.
 The CLERK. Senator Rubio?
 Senator RUBIO. No.
 The CLERK. Senator Johnson?
 Senator JOHNSON. No.
 The CLERK. Senator Romney?
 Senator ROMNEY. No.
 The CLERK. Senator Portman?
 Senator PORTMAN. No.
 The CLERK. Senator Paul?
 Senator PAUL. No.
 The CLERK. Senator Young?
 Senator RISCH. No by proxy.
 The CLERK. Senator Barrasso?
 Senator RISCH. No by proxy.
 The CLERK. Senator Cruz?
 Senator CRUZ. No.
 The CLERK. Senator Rounds?
 Senator RISCH. No by proxy.
 The CLERK. Senator Hagerty?
 Senator RISCH. No by proxy.
 The CLERK. Senator Chairman?
 The CHAIRMAN. Aye.
 The CLERK. Mr. Chairman, the yeas are 11; the nays are 11.
 The CHAIRMAN. The motion is tied. In accordance with Section 3 of Senate Resolution 27, I will transmit a notice of a tied vote to the secretary of the Senate, thereby, giving either the majority or the minority leader the authority to make a motion to discharge the nomination.
 The next nominee for a recorded vote is Mallory Stewart. The clerk will call the roll.
 The CLERK. Senator Cardin?
 Senator CARDIN. Aye.
 The CLERK. Senator Shaheen?
 Senator SHAHEEN. Aye.
 The CLERK. Senator Coons?
 Senator COONS. Aye.
 The CLERK. Senator Murphy?
 Senator MURPHY. Aye.
 The CLERK. Senator Kaine?
 Senator KAINE. Aye.

The CLERK. Senator Markey?

Senator MARKEY. Aye.

The CLERK. Senator Merkley?

Senator MERKLEY. Aye.

The CLERK. Senator Booker?

Senator BOOKER. Aye.

The CLERK. Senator Schatz?

Senator SCHATZ. Aye.

The CLERK. Senator Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Senator Risch?

Senator RISCH. No.

The CLERK. Senator Rubio?

Senator RUBIO. No.

The CLERK. Senator Johnson?

Senator JOHNSON. No.

The CLERK. Senator Romney?

Senator ROMNEY. No.

The CLERK. Senator Portman?

Senator PORTMAN. No.

The CLERK. Senator Paul?

Senator PAUL. Aye.

The CLERK. Senator Young?

Senator RISCH. No by proxy.

The CLERK. Senator Barrasso?

Senator RISCH. No by proxy.

The CLERK. Senator Cruz?

Senator CRUZ. No.

The CLERK. Senator Rounds?

Senator RISCH. No by proxy.

The CLERK. Senator Hagerty?

Senator RISCH. No by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

Clerk will report.

The CLERK. Mr. Chairman, the yeas are 12; the nays are 10.

The CHAIRMAN. And the nominee is favorably reported to the Senate.

With that, I believe that all of the business of the business meeting has concluded.

Senator VAN HOLLEN. Mr. Chairman, if I could just briefly—

The CHAIRMAN. Senator Van Hollen?

Senator VAN HOLLEN. Thank you, Mr. Chairman.

Just to raise a question about somebody whose name was not on the list today. That is the nominee for the Assistant Secretary of State for Democracy, Human Rights, and Labor. I think, given what is happening in Ukraine, it is more urgent than ever that that nominee be voted on before this committee.

The President's nominee was Sarah Margon. She was nominated on April 23rd of last year. Her hearing was on September 22nd of last year, almost six months ago.

And so I would just ask either the Chairman or the Ranking Member why it is that she is not on this list even though she has

had broad support from both Republicans and Democrats in the world of national security and human rights.

The CHAIRMAN. To answer the Senator's question, I have offered her nomination for a vote several times to the Ranking Member, and I have yet to get approval to have a vote on her.

And, as you know, we, so far, have operated under comity, and unless I have an approval to grant her a business meeting where she could be voted upon up or down, we have not been able to move forward.

Senator VAN HOLLEN. Thank you, Mr. Chairman.

I do not know if the Ranking Member wants to comment. I just—again, to the Chairman's earlier point on the need to have everybody on the field, especially at a moment like this when war crimes are very much a question, it seems to me we would not want to continue to hold up a vote on the Assistant Secretary for Democracy, Human Rights, and Labor.

The CHAIRMAN. Senator Risch?

Senator RISCH. Mr. Chairman, I have said over and over again I am not going to consent to a hearing on her. She is objectionable for many, many reasons I have stated many, many times.

I agreed with you, I think we should have somebody in that position. I would hope the White House would put somebody else forward or the Chairman would hold a meeting. He is, certainly, entitled to do that. He operates on this—on the condition of comity and this is the only one I have held up out of all the ones I have had.

I voted no on a lot of them but I have consented to a hearing. I am not going to consent to a hearing on her. So that is where we are on the position, and there is two ways to go. Either they can put a new person in for that position or the Chairman can hold a hearing. But I am not going to consent.

Senator VAN HOLLEN. Just for clarification.

I mean, we had the hearing back in September of last year. So we have had the hearing. The question is about—

Senator RISCH. That is true, and immediately upon the conclusion of that hearing I said I was not going to consent to her and I think the Chairman would agreed that he has been on notice since that moment that I would not consent to a business hearing on her. She is not acceptable.

Senator VAN HOLLEN. Mr. Chairman, I would just—I will continue to work with you and the Ranking Member. I think this is, again, a very clear example of how obstruction is preventing the President from having a full team on the field.

And to the Ranking Member, as you well know, I mean, vote yes, vote no. But blocking the democratic process, especially on a nominee who is supposed to be our Assistant Secretary of Democracy, has a bit of an irony to it.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

I would just say that it is true that I could just hold a business meeting and break comity. I have bent over backwards not to do that, and I hope to still get an opportunity to get Ms. Margon before a business-meeting committee vote, and we will see what the future unfolds as it relates to not only her but other nominees as well.

But with that, seeing no other Member seeking recognition, this business meeting is adjourned.

[Whereupon, at 2:59 p.m., the meeting was adjourned.]

BUSINESS MEETING

WEDNESDAY, MARCH 23, 2022

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

Summary of Action Taken by the Committee

LEGISLATION

- S. 3666, ACES Act, with amendments —agreed to by voice vote
 - Manager’s Amendment—agreed to by voice vote
- S. 816, Diplomatic Support and Security Act of 2021, with an amendment in the nature of a substitute—agreed to by voice vote
 - Substitute Amendment—agreed to by voice vote
- S.J.Res. 17, A joint resolution requiring the advice and consent of the Senate or an Act of Congress to suspend, terminate, or withdraw the United States from the North Atlantic Treaty and authorizing related litigation, and for other purposes—held over
- S. 3199, Ethiopia Peace and Democracy Promotion Act of 2021, with an amendment in the nature of a substitute—held over
- S. 3491, Commission on Reform and Modernization of the Department of State for the 21st Century Act, with amendments—agreed to by voice vote
 - Manager’s Amendment—agreed to by voice vote
- S. 3492, A bill to address the importance of foreign affairs training in national security, and for other purposes, with amendments—agreed to by voice vote (Barrasso recorded as no)
 - Manager’s Amendment—agreed to by voice vote (Barrasso recorded as no)
- S. 3591, United States-Ecuador Partnership Act of 2022, with an amendment in the nature of a substitute—agreed to by voice vote
 - Substitute Amendment—agreed to by voice vote
- S.Res. 427, A resolution to commemorate the 30-year anniversary of the 1991 Paris Peace Agreements with Cambodia and to call upon all signatories to those Agreements to fulfill their commitments to secure a peaceful, prosperous, democratic, and sovereign Cambodia, with amendments—agreed to by voice vote
 - Manager’s Amendment—agreed to by voice vote
- S.Res. 446, A resolution commending the Government of Lithuania for its resolve in increasing ties with Taiwan and supporting its firm stance against coercion by the Chinese Communist Party, with amendments —agreed to by voice vote
 - Manager’s Preamble Amendment—agreed to by voice vote
 - Manager’s Resolving Clause Amendment—agreed to by voice vote
- S.Res. 456, A resolution expressing support for a free, fair, and peaceful December 4, 2021, election in The Gambia, with amendments—agreed to by voice vote
 - Preamble Amendment—agreed to by voice vote
 - Resolving Clause Amendment—agreed to by voice vote

S.Res. 473, A resolution expressing the sense of the Senate on the necessity of maintaining the United Nations arms embargo on South Sudan until conditions for peace, stability, democracy, and development exist—agreed to by voice vote

S.Res. 503, A resolution expressing the sense of the Senate that the Government of the People's Republic of China should immediately guarantee the safety and freedom of tennis star Peng Shuai, with amendments—agreed to by voice vote

- Preamble Amendment—agreed to by voice vote
- Manager's Resolving Clause Amendment—agreed to by voice vote

S.Res. 547, A resolution recognizing the 201st anniversary of Greek Independence and celebrating democracy in Greece and the United States—agreed to by voice vote

S.Con.Res. 20, A concurrent resolution condemning the October 25, 2021, military coup in Sudan and standing with the people of Sudan—agreed to by voice vote

TREATY

The Convention between the Government of the United States of America and the Government of the Republic of Chile for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed in Washington on February 4, 2010, with a Protocol signed the same day, as corrected by exchange of notes effected February 25, 2011, and February 10 and 21, 2012, and a related agreement effected by exchange of notes (the "related Agreement") on February 4, 2010 (Treaty Document 112-8)—held over

NOMINATIONS

Dr. Deborah E. Lipstadt, of Georgia, to be Special Envoy to Monitor and Combat Antisemitism, with the rank of Ambassador—postponed

The Honorable Barbara A. Leaf, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs)—postponed

Ms. Maria Fabiana Jorge, of the District of Columbia, to be United States Alternate Executive Director of the Inter-American Development Bank—held over

Mr. Leopoldo Martinez Nucete, of Virginia, to be United States Executive Director of the Inter-American Development Bank for a term of three years—held over

Mr. Douglas T. Hickey, of Idaho, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland—agreed to by voice vote

The Honorable Alina L. Romanowski, of Illinois, a Career member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq—agreed to by voice vote (Cruz recorded as no)

Mr. Steven H. Fagin, of New Jersey, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Yemen—agreed to by voice vote (Cruz recorded as no)

The Honorable Rebecca Eliza Gonzales, of Texas, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Director of the Office of Foreign Missions, with rank of Ambassador—agreed to by voice vote

Dr. Monde Muyangwa, of Maryland, to be an Assistant Administrator of the United States Agency for International Development—agreed to by voice vote

FSO LIST

Bryan Patrick Abraham, *et al.*, dated February 28, 2022 (PN 1810)—agreed to by voice vote

Ranissa V. Adityavarman, *et al.*, dated February 28, 2022 (PN 1811)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 10:09 a.m., in Room S-116, The Capitol, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Murphy, Kaine, Markey, Merkley, Schatz, Van Hollen, Risch, Johnson, Romney, Portman, Cruz, Rounds, and Hagerty.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

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

Today we are considering a number of nominations, legislative items, and two Foreign Service officer promotion lists. We have received holdover requests for five items that were originally noticed for today's markup: S. 3199 on Ethiopia; S.J.Res. 17, the Chile Tax Treaty; Leopoldo Martinez to be Executive Director of the Inter-American Development Bank; and Maria Fabiana Jorge to be Alternate Director of the Inter-American Development Bank. Of course the Chair will honor those requests. We will take up and vote on those items at the next business meeting, and I appreciate the Ranking Member working with me to get that noticed for March 29th.

At this momentous time as we see a war raging in Europe, with human rights violations and a full frontal assault on democracy right in front of our eyes, our committee should be an example to the world of American democracy in action, and I am grateful for the hard work that went into our agenda today. But it has been 5 months since our last legislative markup, and there are critical matters to attend to, and while Ukraine is at the forefront of our minds, we cannot afford to neglect other pressing priorities. We have got to confirm officials to represent the United States on the global stage, we must take up legislation advancing U.S. interests around the world, and we must consider treaties to strengthen bonds with other countries and to drive economic activity. And we have key priorities: China, State authorization, and others. So I hope we can meet on a more regular basis.

Let me turn first to nominations. I won't speak about each of the nominees individually but will simply note that their knowledge and expertise are desperately needed, and these posts are critical to our national security. I support their swift confirmation and hopeful that you will do as well.

Finally, let me turn to legislation. We will vote on five bills and seven resolutions. I'll only highlight a few. I am pleased we will mark up the U.S.-Ecuador Partnership Act, legislation that will reinvigorate our bilateral relationship, deepen cooperation on environmental conservation, promoting economic growth, and help combat illicit economies, and it will strengthen democratic institutions Ecuador has taken steps to restore in recent years. Ecuador is a key partner in Latin America, and I want to thank the Ranking Member and Senators Kaine and Rubio for working with me on this.

I am also pleased that we are considering a bipartisan resolution honoring the 201st anniversary of Greece's independence. Amid democratic backsliding and war in Europe, it is more important than ever to recognize the importance of democracy and certainly celebrate its roots. And our increasingly close partnership with Greece plays a crucial role in stabilizing the Eastern Mediterranean.

Today, we are also considering three bills to advance reforms and modernization of the State Department, including expanding trade and professional development, and reforming the Accountability Review Board's system. As I have shared with the Ranking Member and the sponsors of these bills, while we agreed to mark up these bills today, we do so with the understanding that this is the beginning of a conversation on how to tackle these issues, and that we will examine these proposals closely as we put together the next State authorization bill. My expectation in the first instance is that these bills will move as part of that broader legislation.

I was extremely proud of our work to pass into law a bipartisan state authorization last year, the first time in nearly 2 decades, and I look forward to building on that success by putting forward another authorization bill this year, working closely with the Ranking Member and Members of this committee to support and expand the Department's important diplomatic work.

And with that, let me turn to the Ranking Member for his remarks.

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

Senator RISCH. Well, thank you, Mr. Chairman. First of all, I agree with your remarks that we have got a lot of work. I also would note, as you noted, that with what is going on in the Ukraine, it has a tendency to throw all the oxygen out of the room. But in the defense of all of us, it is pretty hard to look the other way when you have got something as ugly as that going on, and think we all are in agreement on that.

I will go very quickly through the items I wanted to. First of all, I want to thank Senator Murphy for working with me on Senate Bill 816. The Diplomatic Support and Security is something we have been working on for a long time. The State Department has rightfully sought to protect our diplomatic personnel in high-risk, high-threat environments. However, in attempting to achieve complete security and limiting risk, the Department routinely stifles the ability of our diplomats to get outside of the embassy walls and meet face-to-face with world leaders and communities. Our adversaries do not place such burdens on their diplomats, and, as such, we are at a disadvantage. The bill commends the State Department's efforts to protect diplomatic personnel but recognizes the pendulum has swung too far toward eliminating risk. This legislation will help recalibrate an appropriate risk tolerance.

Regarding Senate Bill 3666—Risch and Menendez, the Accountability for Cryptocurrency in El Salvador Act—thank you to Senator Menendez and Senator Casey, for working with us. Our legislation requires the State Department to coordinate with Treasury and other Federal agencies to examine and mitigate potential risks

related to El Salvador's adoption of bitcoin as legal tender. There are a whole lot of questions there as to what is going to happen as we go forward with that.

Regarding Ethiopia—Menendez-Risch—while it may be true that in the months since the introduction of Senate Bill 3199 and the fighting in Ethiopia has shifted, the core issues covered in this legislation remain the same. This bill provides the tools to hold all parties to this conflict to account for the many atrocities committed in a deadly humanitarian crisis. This legislation also focuses on the role of disinformation and foreign actors in this war, which have increased its lethality and persistence. Congress must send a strong message that we are serious about accountability and resolving the conflict.

On Senate Bill 3591—Menendez-Risch, on Ecuador—I am also pleased to have introduced this with Senator Menendez, Rubio, Kaine, and Cassidy. Our legislation authorizes the Administration to conduct activities that would improve commercial relations, promote security cooperation, improve law enforcement capacity, and strengthen democratic governance in Ecuador. It critically, improves ties with Ecuador, pushes against PRC influence in our hemispheres, and complements other economic and security successes in the region.

With myself, Senator Shaheen, I want to thank Senator Shaheen for working with me on Senate Res. 446, a resolution that commends Lithuania for standing with Taiwan despite Chinese economic coercion. Lithuania deserves recognition for its decision to stand with Taiwan despite knowing the backlash it would receive from Beijing. This resolution sends a signal to all our allies that when you make the moral choice to stand up to coercive, authoritarian pressure, you can trust your allies to stand united with you.

On other resolutions, there are a number of other bipartisan resolutions on the agenda I plan to support. Particularly I would like to thank Senator Coons for working with me on Senate Res. 446, a resolution that expresses support for a free, fair, and peaceful election in Gambia; Senator Menendez for working with me on Senate Concurrent Resolution 20, a concurrent resolution condemning the recent coup in the Sudan.

Turning to the nominations now, we have nine on the agenda. Mr. Chairman, I would like to have a roll call vote on Barbara Leaf and Debora Lipstadt, please. The others, we would certainly have no objection moving forward with the usual rule. I will be opposing both Leaf and Lipstadt. I did not support Ms. Leaf last year. I have heard nothing new that would persuade me to change my vote. At the National Security Council, Ms. Leaf continues to execute the Biden administration's flawed Middle East policy. My concern is that she would double down on these failed policies in her seat at the State Department.

I think we can all agree that the ambassador for antisemitism is an important position. When I was Chairman of the committee, I worked with Senator Rubio and others to ensure this position was codified into law. Regarding the nomination of Ms. Lipstadt to that position, I have real concerns about her judgment, her prior comments and tweets about Members of this committee, which were inappropriate, at the very least were unbecoming for a person to be

a U.S. Ambassador. The U.S. Ambassador's stock and trade is supposed to be diplomacy, and those tweets were anything but, so I am going to be a "no" on that.

With that, thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Risch. Let me start moving forward, and then, of course, to Members who have comments.

Without objection, we will now consider en bloc two Foreign Service officer promotion lists and several nominations. Since there are Members that I need in the room for today's vote and who could not be here, I am going to postpone the vote on Deborah Lipstadt and Barbara Leaf until March 29th, and intend to hold the vote at that time, so all Members can be aware of that.

The FSO list and nominees that we will vote on today are as follows: PN 1810, PN 1811: Douglas Hickey to be Ambassador to Finland; Aline Romanowski to be Ambassador to Iraq; Steven Fagin to be Ambassador to Yemen; Rebecca Eliza Gonzales to be Director of the Office of Foreign Missions; and Monde Muyangwa to be an Assistant Administrator to the United States Agency for International Development.

Is there a second to that en bloc motion?

Senator CARDIN. Second.

The CHAIRMAN. So moved. Would any Member wish to speak on any of these nominations before we vote?

[No response.]

The CHAIRMAN. Hearing none, all those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the nominations, en bloc, are reported favorably to the Senate.

Let me turn to—

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. Yes.

Senator CRUZ. I would ask that I be recorded as a "no" on the Steven Fagin and on Aline Romanowski, please.

The CHAIRMAN. Okay. It shall so be recorded.

All right. Now, without objection, we will now consider en bloc five bills and seven resolutions. They are S. 3666, as amended by the manager's amendment; S. 816; S. 3491, as amended by the manager's amendment; S. 3492, as amended by the manager's amendment; S. 3591; S.Res. 427, as amended by the manager's amendment; S.Res. 446, as amended by the preamble amendment and resolving clause amendment; S.Res. 456, as amended by the preamble amendment and the resolving clause amendment; S.Res. 473; S.Res. 503, as amended by the preamble amendment and the manager's resolving clause amendment; S.Res. 547; and S.Con.Res. 20.

Is there a second to vote on these amendments?

Senator CARDIN. Second.

The CHAIRMAN. Second. A motion has been made and seconded.

Would any Member like to speak on any of these items before we vote? Senator Cardin.

Senator CARDIN. Mr. Chairman, first, let me thank you and the Ranking Member. I just really want to take a moment. The sub-

committee that I Chair and that Senator Hagerty is the Ranking Member of has been holding hearings in regards to the challenges at the State Department and the modernization of the State Department. We have three bills, as you have noted, that are on this voting session that relate to those issues: a security bill that Senator Risch has led, a commission to look at the modernization reform that Senator Hagerty has taken the lead on that I have joined him on, and then the training bill that I have led that Senator Hagerty has joined me on. I do want to acknowledge in regards to the training bill the help of Senator Shaheen, Senator Markey, and Senator Portman. I thank you for your input into those bills.

I recognize your initial statement that we do need to do a State Department reauthorization, and I agree with you on that, and I think the work of our subcommittee gives us a sound foundation to move that forward. These bills are ones that are, I believe, non-controversial. They build on the professionalism at the State Department. They deal with real issues that we need to do in order to modernize and be more effective in diplomacy. Again, I want to thank Senator Hagerty for his help and cooperation on the subcommittee, and I hope that we can have a path forward to get these bills to the finish line.

The CHAIRMAN. Any other Members seeking recognition? Senator Hagerty.

Senator HAGERTY. Mr. Chairman, I would just like to, again, thank Senator Cardin for your work with me on this. With regard to the training bill that you have led and put together, I think that we have got great bipartisan support to establish a provost, to establish a board of visitors at the Foreign Service Institute. I have been through that institute myself. I think the leadership position that you have taken, Senator Cardin, is most appreciated, and I look forward to continuing to work with you on this important milestone as we modernize the State Department for this century, and I think we will have very good work products. So thanks to all the Members of the committee here.

Also, with respect to the commission that we are going to put together to reform and modernize the State Department, we have had strong bipartisan support, outside experts supporting this effort. I am very optimistic that through our work together, we are going to be able to see great improvements and modernization in the State Department, and I look forward to working with this committee.

The CHAIRMAN. Thank you. Senator Murphy.

Senator MURPHY. Very quickly, Mr. Chairman, I just wanted to thank you and Senator Risch for your help in putting S. 816, the Diplomatic Support Security Act, on the agenda today. I particularly want to thank Senator Risch who has given a lot of thought to this topic. It is really stunning how hard it is today to get our diplomats outside the wire, especially in places where we are spending a lot of money and need a lot of oversight, but there are security risks. And this piece of legislation recognizes that the number one priority is the safety of our diplomats, but also recognizes that we have had an accountability structure in place over the past 20 years that, frankly, disincentivizes any participation when it comes to making sure that we have forward-deployed dip-

lomats. So I am grateful for considering this perhaps as part of a bigger piece of legislation to make sure that we have diplomats that are out there in communities that we serve overseeing the billions that we are spending. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. And I would just say to our colleagues, your work has been incredibly important as a good foundation to what we hope to do in the State Department authorization. I am sure we will find a pathway forward that includes all of your great ideas.

Senator Kaine, do you want to seek recognition?

Senator Kaine. Just on the S.J.Res. 17.

The CHAIRMAN. Yes.

Senator Kaine. This would be a good time? I had a bill that was going to be called, a joint resolution today, and Senator Paul has asked that it be held over to the next business meeting on the 29th. And I just want to flag it because it is an interesting bill, and there is a little—you know, you may want to do some homework before we get here. The bill is an important and timely one. It is to clarify that no President can withdraw from NATO without either a Senate vote or an act of Congress.

The Constitution makes very clear that treaties—if it is a treaty, it has to be ratified, two-thirds vote of the Senate. The Constitution is silent on how we exit treaties. The Supreme Court dealt with this in one case, *Goldwater v. Carter*, when President Carter unilaterally pulled the United States out of a Taiwan defense treaty. Individual members of Congress sued President Carter over that. A lower court said President Carter could do it. The D.C. Circuit said President Carter could not do it. It went up to the Supreme Court, and a six-member Supreme Court said we cannot even take this case. It is a political question. It is for Congress and the President to work out. And in that case, they pointed out that Congress had not acted, had not responded when President Carter did this.

NATO is really important. This is a bill that Senator McCain and I first introduced 5 years ago. The committee has acted on it once before, and there has been some action in the Armed Services Committee to not allow funds to be used to pull U.S. troops out of NATO. But I think right now, when the world is really seeing the value of NATO, it is a good time for Congress to clarify our commitment to NATO. And so I would just suggest, and I appreciate putting it on the agenda for the next meeting on the 29th, but it might be a good idea for everybody to look at the *Goldwater v. Carter* case because I think it makes very plain that this is an area where Congress can act, and I think we should.

The CHAIRMAN. Senator Risch.

Senator Risch. Would Senator Kaine yield to a question? First of all, thanks for the work on that, and thanks for the history on it, too. Did you consider making this bill blanket for any treaty that we have entered into?

Senator Kaine. I did. I did.

Senator Risch. I am wondering if that is not a—

Senator Kaine. Yeah.

Senator Risch [continuing]. I mean, that is a huge issue.

Senator Kaine. Right.

Senator RISCH. And it probably deserves the attention of the U.S. Senate if the Supreme Court has said—or, as you say, the Supreme Court has said that this is a “political question.” Well, okay, let us solve it politically.

Senator KAINE. Right. I thought about making it cover all treaties and just decided that there is such a focus on the value of NATO right now, that rather than complicate it—you know, people might have questions about what might this mean with other treaties, and rather than complicate it with that, I would just focus on NATO. But it might be the kind of thing we can take this up about NATO and then continue to explore whether we would want to do something more broadly, and I would be very willing to do that.

Senator RISCH. Well, it seems to me that the founding fathers obviously thought that when it came to an agreement with another country, a treaty, that this was a really important role for Congress. The first branch of government, supposedly the people’s branch of government, would play an important role in that. So I think that would serve a—but anyway, thanks for your work.

Senator CARDIN. Mr. Chairman?

The CHAIRMAN. Senator Cardin?

Senator CARDIN. On that point, I think Senator Risch raises a very important point. I support your bill, but if we just pass your bill and do nothing else, it could be inferred—

Senator RISCH. That is right, yeah.

Senator CARDIN [continuing]. That other treaties can be withdrawn just by the President, and I think that needs to be clarified in your legislation, if you proceed with NATO alone, which I will support, but I think Senator Risch raises a very good argument.

Senator RISCH. You could get around that by putting some very specific language in there that says that nothing contained in this bill should suggest that Congress in any way cedes its authority, blah, blah, blah.

Senator KAINE. And we may even explore introducing companion legislation that is more general, even if that would not be taken up on the 29th, to show that—because I certainly would support the proposition for all treaties.

The CHAIRMAN. Senator Van Hollen.

Senator VAN HOLLEN. I was just going to make that suggestion that you—we include the language—

Senator KAINE. Yeah.

Senator VAN HOLLEN [continuing]. In the bill making it clear this does not grant just any other—that Congress—

The CHAIRMAN. All the time. All right. Any other Members wishing to seek recognition?

[No response.]

The CHAIRMAN. If not, the motion has been made and seconded to vote en bloc on these five bills and seven resolutions.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed, say no.

[No response.]

The CHAIRMAN. The ayes have it, and the resolutions are reported favorably to the Senate.

And with that—

Senator RISCH. Mr. Chairman, I would ask unanimous—

The CHAIRMAN [continuing]. Okay. Here we go. That completes the committee's business, and I would recognize Senator Risch.

Senator RISCH [continuing]. I would ask unanimous consent that Members of the committee be permitted to submit to the clerk any requests to be recorded "no" on any item that was on the agenda.

The CHAIRMAN. Without objection, so ordered.

I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

And with the appreciation of the Chair, this meeting is adjourned.

[Whereupon, at 10:28 a.m., the committee was adjourned.]

BUSINESS MEETING

TUESDAY, MARCH 29, 2022

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

Summary of Action Taken by the Committee

LEGISLATION

S.J.Res. 17, A joint resolution requiring the advice and consent of the Senate or an Act of Congress to suspend, terminate, or withdraw the United States from the North Atlantic Treaty and authorizing related litigation, and for other purposes, with amendments—agreed to by roll call vote (21–1)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Rubio (proxy), Johnson (proxy), Romney, Portman (proxy), Young (proxy), Barrasso (proxy), Cruz, Rounds, Hagerty

Nays: Paul

- Manager's Amendment—agreed to by voice vote (Paul recorded as no)

S. 3199, Ethiopia Peace and Democracy Promotion Act of 2021, with amendments—agreed to by voice vote (Barrasso, Rounds, Paul and Hagerty recorded as no)

- Manager's Package—agreed to by voice vote (Hagerty recorded as no)
- Rounds First Degree Amendment #1—agreed to by voice vote (Merkley recorded as no)

TREATY

The Convention Between the Government of the United States of America and the Government of the Republic of Chile for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed in Washington on February 4, 2010, with a Protocol signed the same day, as corrected by exchange of notes effected February 25, 2011, and February 10 and 21, 2012, and a related agreement effected by exchange of notes (the "related Agreement") on February 4, 2010 (Treaty Document 112–8)—agreed to by voice vote

- Paul First Degree Amendment #1—not agreed to by roll call vote (2–20)

Yeas: Paul and Cruz (proxy)

Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine (proxy), Markey (proxy), Merkley, Booker, Schatz, Van Hollen, Risch, Rubio (proxy), Johnson (proxy), Romney (proxy), Portman, Young (proxy), Barrasso (proxy), Rounds, Hagerty (proxy)

NOMINATIONS

Ms. Maria Fabiana Jorge, of the District of Columbia, to be United States Alternate Executive Director of the Inter-American Development Bank—agreed to by voice vote (Risch, Rubio, Johnson, Paul, Barrasso, Cruz, Rounds and Hagerty recorded as no)

Mr. Leopoldo Martinez Nucete, of Virginia, to be United States Executive Director of the Inter-American Development Bank for a term of three years—not agreed to by roll call vote (11–11)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen

Nays: Risch, Rubio (proxy), Johnson, Romney, Portman, Paul, Young (proxy), Barrasso (proxy), Cruz, Rounds, Hagerty

Deborah E. Lipstadt, of Georgia, to be Special Envoy to Monitor and Combat Antisemitism, with the rank of Ambassador—agreed to by roll call vote (13–9)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Rubio (proxy), Romney

Nays: Risch, Johnson, Portman, Paul, Young (proxy), Barrasso (proxy), Cruz, Rounds, Hagerty

The Honorable Barbara A. Leaf, of Virginia, to be an Assistant Secretary of State (Near Eastern Affairs)—agreed to by roll call vote (14–8)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Romney, Portman, Paul

Nays: Risch, Rubio (proxy), Johnson (proxy), Young (proxy), Barrasso (proxy), Cruz, Rounds, Hagerty (proxy)

Meeting Transcript

The committee met, pursuant to notice, at 10:19 a.m., in Room S–116, The Capitol, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Johnson, Romney, Portman, Paul, Cruz, Rounds, and Hagerty.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order. Thank you for attending.

Today we are considering a handful of nominations, two legislative items, and one treaty, and I appreciate the work of the Ranking Member and his staff in the extensive work needed for this business meeting to get us to where we are today.

Turning first to nominations, I am pleased that we are considering four nominees today, but I am still concerned by the delays that high-caliber nominees are facing, including the months that it has taken to get votes for Deborah Lipstadt and Barbara Leaf. Our national security suffers every day that our colleagues continue to block nominees on the floor. I will take a minute to register my deep disappointment that we are not considering Dr. John Nkengasong today, nominated more than 5 months ago to serve as Ambassador-at-Large to lead our global HIV/AIDS work. He brings immense experience and expertise. At a time when a global pandemic has ravaged communities and overshadowed the fight on HIV/AIDS, it is critical that we confirm him immediately. I know the Ranking Member is committed to global health, but I am perplexed at the continued and unexplained delays on this particular nomination.

Turning next to legislation, we will vote on two pieces of legislation and one treaty: S. 3199, the Ethiopia Peace and Democracy Promotion Act of 2021. Today's agenda includes a critical piece of legislation on the conflict in Ethiopia. Ethiopia has seen horrific atrocities, including extrajudicial killings, gender-based violence, ethnic cleansing, and, I believe personally, genocide. Two weeks

ago, Reuters reported on a video on social media showing men, some in Ethiopian military uniforms, burning civilians to death in the Western part of the country. I offered the Ethiopia Peace and Democracy Promotion Act, along with Senator Risch, to give additional tools to pressure both parties to end the conflict.

To his credit, President Biden responded to this crisis early in his tenure. He sent Senator Coons as his special representative to engage with the prime minister of Ethiopia. He appointed a special envoy for the Horn of Africa to bolster diplomatic efforts. The Administration has imposed visa restrictions and paused some assistance, and last September, the President issued an executive order creating a framework to sanction those prolonging the conflict in Ethiopia. And after months of negotiations, Ethiopia has lifted their state of emergency order. They have freed prominent opposition figures, thousands of Tigrayans, and hundreds of trapped American citizens can now safely return to the United States.

But for millions of Ethiopians, conditions have not changed. The Government has largely stonewalled our peace initiatives, refusing to commit to a political solution to end the conflict. It has blocked humanitarian access and broken promises to secure the withdrawal of Eritrean troops. Last Thursday, Ethiopia declared an indefinite humanitarian truce, which I welcome. While a hopeful moment, I remain skeptical this will be anything more than another empty pronouncement. The Government continues its humanitarian blockade of Tigray and has slated thousands detained in a state of emergency to be charged and prosecuted. I believe it is time for Congress to act.

I know that there are differing views on the utility of sanctions and other restrictions, but I firmly believe these tools can create leverage that will help push the diplomacy forward. At the same time, I am pleased that the manager's package we are voting on today incorporates the views and work of many Senators on the committee. I look forward to working with all of you to do what we can to advance the Administration's diplomatic efforts to solve the conflict and ensure that we have a robust legislative option available if additional tools will be necessary. And I appreciate the advances made by Assistant Secretary Phee in her work. As a matter of fact, some of the changes in this legislation are specifically as a result of her insights, which we are incorporating.

And it is my hope that the legislation never has to be pushed on the floor. I hope that we will achieve a peaceful solution, and I recognize in pursuing the legislation, that there are not clean hands here on all sides. But that does not mean that we should act in abeyance of trying to move forward to send a message that the Senate is ready to act if the parties themselves cannot move forward.

Second, Russia's unprovoked and unlawful war over the past month demonstrates the critical importance of S. Res. 17 and the Senate's advice and consent on the NATO withdrawal, and the critical importance of the NATO alliance and the United States' role in it. Senate Joint Resolution 17, introduced by Senator Kaine, reiterates our unwavering commitment to NATO, and, consistent with the important role this body plays in treaty making, it ensures that no President can withdraw from NATO without the advice and con-

sent of the Senate. I am pleased that we have a manager's amendment which makes technical changes to protect Senate equities, and I understand from some of our colleagues that there is a suggestion we should look into the broader question of all treaties and whether or not the President should be limited in scope in terms of being able to withdraw from a treaty without the consent of the Senate, and the Senate has to consent—advise and consent to a treaty. There are many who believe that; therefore, the Senate should also be part of the process to withdraw from a treaty. There are some who believe that should be given to the executive branch exclusively. That is a broader debate which I am happy to entertain at a future date.

Finally, I am pleased that we will be considering ratification of the tax treaty between the United States and the Republic of Chile. As only the third U.S. tax treaty with a Latin-American country, it will protect and grow U.S. foreign direct investment in Chile, and it would expand U.S. economic engagement across the region. It has broad support and twice has been reported out of this committee without objection. And there is a new president in Chile, a great opportunity to send a message that we want to engage in a direction that fosters open markets and free democratic institutions.

So with that, let me turn it over to the distinguished Ranking Member for his remarks.

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

Senator RISCH. Well, thank you very much, Mr. Chairman, and I concur with you that the appointment for the position for HIV/AIDS coordinator is really important. Regarding the nominee, I have said many times, and I will say it again, that there are Members of this committee who submitted questions for the record, and I expect the nominee and the Department to provide fulsome, responsive answers.

His initial responses did not meet the threshold for responsiveness. In several cases, he provided one-word answers. I appreciate that he revised some of those answers to be more responsive after my staff sent many of them back. However, several offices have let my staff know they have additional follow-up questions. I would encourage the Department to ensure that nominees' answers are responsive the first time so we can get to avoid these kinds of delays. Again, I think this is an important nomination. I commit to the Chairman to work every way I can to move forward, but we've got to have the information.

Regarding the time, I will say again, we are 17 days faster than when I was Chairman of the committee. My poster child, David Schenker, was held up for over a year on a single document request, understanding that some people felt that nominations are not the same quality in this Administration as they were last time. But nonetheless, we are where we are, and Members know a lot.

On today's agenda, first of all Ethiopia. Given the very real issues on the ground in Ethiopia and the problems State is having, this is really important legislation. I think everybody at this table recognizes that what is going on in the Horn of Africa is one of the

most critical dust-ups that is going on around the world next to Yemen, and probably one of the worst humanitarian crises in the world. While it may be true that in the months since the introduction of this bill, the conflict in Ethiopia has shifted, the core issues covered in this legislation remain the same.

This bill provides the tools to hold all parties to this conflict accountable for the many atrocities committed in the deadly humanitarian crisis. This legislation also focuses on the role of disinformation and foreign actors in this war, which have increased its lethality and persistence. The unilateral humanitarian ceasefire announced by the Government of Ethiopia late last week is a welcome signal. However, humanitarian access remains at a stalemate. Not all parties to the conflict have signed onto the ceasefire or agreed to come to the negotiating table, and the road to national reconciliation for Ethiopia is going to be long. Congress must send a strong message that we are still serious about accountability and resolving the conflict. A number of Members on this committee are deeply engaged in this particular issue, and I commend them for that and hope we can all work together. Certainly this is not a partisan issue or struggle.

Regarding the NATO resolution, Senator Kaine's S.J.Res. 17 on NATO withdrawal, as I said during our last business meeting, is an important Article I versus Article II issue, and I look forward to working with Senator Kaine on this. This is the second time this resolution has been before the committee. It was voice voted out in 2019. Recent Russian aggression in Ukraine has only reaffirmed the importance of NATO. I strongly support where we are going here with this.

I also appreciate Senator Hagerty's amendment regarding JCPOA. What the Administration is contemplating right now with regard to sanctions relief and revocation of the designation of the IRGC as an FTO is bordering on insanity. This is exactly the kind of thing the Constitution contemplated Congress having a voice on. I support Senator Hagerty and his efforts in that regard. I really do not think we should mix the two, however, depending on where we go with this, I am not going to support it going in here. But I want Senator Hagerty and the world to know that he is really on the right path here.

On the Chile tax treaty, we are also considering a tax protocol with Chile. Tax treaties are a critical part of the U.S. tax landscape. They prevent double taxation for U.S. taxpayers, help eliminate tax certainty, and they are important instruments in fighting tax fraud. In addition, they strengthen the ability of U.S. businesses to explore new opportunities. This treaty has my full support.

Finally, we have four nominees on this agenda. I would like to renew my request from last week that we have roll call votes on Barbara Leaf and Deborah Lipstadt. As I mentioned last week, I will be opposing both of those two nominations. I did not support Ms. Leaf last year, and I have heard nothing new that would persuade me to change my vote. At the National Security Council, Ms. Leaf continues to execute the Biden administration's flawed Middle East policy. My concern is that she double down on these failed policies in her new seat at the State Department.

On Ms. Lipstadt, I will say again, I think we can all agree the Ambassador for antisemitism is an important issue. When I was Chairman of the committee, I worked with Senator Rubio and others to ensure this position was codified into law. I supported it then. I support it now. I do not support Mrs. Lipstadt. I have real concerns about her judgment. Her prior comments and tweets about Members of this committee are particularly egregious and unbecoming of a U.S. Ambassador. I feel she is probably going to be confirmed. I hope that she will abandon the sophomoric efforts that she has engaged in over recent years and will rise to the level that is important for a U.S. Ambassador, but I am going to be a “no” on her nomination.

Finally, I ask that Members of the committee may be permitted to submit to the clerk any request to be recorded “no” any of the items on today’s agenda that we don’t have a roll call vote on. Thank you, Mr. Chair.

The CHAIRMAN. Without objection, that is fine.

Let me just make two comments and then we will move forward. My understanding is that on the nominee for the HIV/AIDS coordinator, that State has responded to all QFRs, that there are no pending follow-up questions that have been raised, so there is a disconnect between what they say they have done, which is everything being totally answered. And there are no follow ups, so we need to figure out where the disconnect is. And then secondly, we will have those, as you requested, the independent roll call votes on Lipstadt and Leaf.

I would just simply say, it cannot be serious to say that because a nominee tweeted something about whatever the subject, particularly Members of this committee, that is an affront so significant that the nominee should not move forward, because in the last 2 years, we had numerous nominees who made rather appalling comments about Members of this committee nominated by the Trump Administration, for which Members on the Republican side voted to confirm them. So if that is not the standard, tell me something else. If you don’t think the nominee is qualified for some reason that is different. But some of the statements, and I do not want to go through them, but some of the statements made about Members of this committee on the Republican side by a Republican nominee were pretty appalling, but you voted for them to get them confirmed. So that is really somewhat vacuous in terms of being the standard, but everybody is entitled to change their views.

So let me start off with asking unanimous consent for en bloc for the other two nominees—Maria Fabiana Jorge to be the United States alternate executive director of the Inter-American Development Bank, and Leopoldo Martinez Nucete to be the United States executive director of the Inter-American Development Bank for a term of 3 years.

Is there a motion to that effect?

Senator CARDIN. So move.

Senator CRUZ. Mr. Chairman?

The CHAIRMAN. So moved, and is there a second?

Senator Kaine. Second.

The CHAIRMAN. Second. Yes. Yes.

Senator CRUZ. On the second nominee, I would like to be heard.

The CHAIRMAN. Of course. That was the next question. Does anyone want to be heard on these nominations? Senator Cruz.

Senator CRUZ. So this is on Martinez Nucete—

The CHAIRMAN. Mm-hmm.

Senator CRUZ [continuing]. Who I think is a nominee not a lot of folks have focused on, but I have to say as I have looked at his record, I have been concerned. Like Deborah Lipstadt, he has an intemperate Twitter record, to put it mildly. He has been a hard partisan on Twitter, actually attacking multiple Members of this committee, and his record also demonstrates, in particular, an extreme and an unusual view and antipathy towards faith. For decades, it has been a core principle of development assistance that faith-based organizations are important partners, and, in many cases, critical partners in providing assistance and channeling financing all over the world.

Here is what the World Bank says about faith-based organizations: “Faith-based organizations are entities dedicated to specific religious identities, often including a social or moral component. The bank recognizes their distinct strategic value given their unique attributes, including the fact that more than 80 percent of the world’s population claims religious affiliation. Faith-based organizations are found in every country and offer opportunities for partnership and advocacy in a broad range of key development issues.” USAID says very similarly and so does the Inter-American Development Bank. All of those, their official statements describe faith-based organizations as really critical partners.

What is bizarre is Mr. Martinez Nucete does not agree with that, and the degree of his disagreement is unusual. So I asked him to what extent faith should be disentangled from development given the opportunities that surround communities of faith. Here was his answer: “There should be no entanglement between government and religion. That is a bedrock constitutional principle for us in America. I do not think any particular culture or religion is superior to others in terms of achieving socioeconomic development.” That is an odd answer given the role of faith-based organizations in development.

And I asked him more precisely to describe the role that faith plays in economic development as a constraint and as a contributing factor. Here was his answer: “Education and respect for human rights promoting social mobility and market economies is the key to development, not faith.” That is a level of hostility to faith-based organizations that I think is inconsistent with a development role. And so I would urge Members of this committee not to support this nomination.

The CHAIRMAN. Any other Members seeking comments on either of these two nominees?

Senator PORTMAN. Mr. Chairman—

The CHAIRMAN. I would just—yes? Yes?

Senator PORTMAN [continuing]. I would like to be recorded as “no” actually for a different reason, which is his lack of a background in banking and international finance. He is a lawyer and politician, I am sure a good one, but he does not have the background that we need at the Inter-American Development Bank.

The CHAIRMAN. Okay.

Senator ROMNEY. Mr. Chairman?

The CHAIRMAN. Yes?

Senator ROMNEY. I will also be recorded as a “no” in that regard, in part because I heard about Mr. Nucete’s concerns about the role of religion in economic development. I am not voting on the basis of his tweets. I must admit I find it hard to decide who to support based on tweets, so I am not going to be weighing tweets in my vote in that regard. But I will ask to be recorded as a “no.”

Senator RISCH. Mr. Chairman?

VOICE. I would like to be a “no” also.

Senator CRUZ. Mr. Chairman, I would just ask for a roll call vote.

The CHAIRMAN. When we get to a vote, we will get to that, but the question is does anybody have any comments on the nominee—any of the two nominees.

[No response.]

The CHAIRMAN. Let me just then close on—I think that having heard—I did not see his statement, but having heard you read it, I think there is a difference between faith and a faith-based organization. A faith-based organization can do an extraordinary job, and many do, in helping in development and humanitarian assistance and whatnot. It does not mean that the bedrock principle of—keeping the separation between church and state, regardless of which faith the church represents, is a bedrock principle of the United States embedded in the Constitution. So I do not take his statement—that is, where I think you probably thought you were headed—whether the weaving of faith in the pursuit of aid development is the case. As it relates to his own experience, he has decades of experience in the public and private sectors as well as academic. He has extensive experience advising Fortune 500 companies, private equity funds, international businesses, and non-governmental organizations. I think that is a pretty extensive background in that regard.

But with that, since there are several people who want to be recorded as a “no,” I think it would be simpler just to hold a roll call vote.

On Maria Fabiana Jorge, which I have heard no one speak about, I will move on a voice vote.

All in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

Senator RISCH. I would like to be recorded as a “no”.

The CHAIRMAN. Okay. Senator Risch. I am sorry, who else?

Senator HAGERTY. Hagerty.

The CHAIRMAN. Senator Hagerty. Who else? Senator Rounds. Senator Cruz.

Senator CRUZ. Please.

The CHAIRMAN. Senator Johnson and Senator Paul. Okay. With that, the nomination is approved and sent to the Senate favorably reported.

So I think the easiest way to proceed here is now to proceed to a roll call vote on Leopoldo Martinez Nucete.

The clerk will call the roll.

The CLERK. Senator Cardin?

Senator CARDIN. Aye.
The CLERK. Senator Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator PORTMAN. No.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator RISCH. No by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. No by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator HAGERTY. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The clerk will report.

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

The CHAIRMAN. The motion is tied. In accordance with Section 3 of Senate Resolution 27, I will transmit a notice of a tie vote to the Secretary of the Senate, thereby giving the majority and minority leader the authority to make a motion to discharge the nomination.

Okay. We will proceed to a vote on Deborah E. Lipstadt to be the special envoy to monitor and combat antisemitism with the rank of ambassador.

The clerk will call the roll.

Senator JOHNSON.—Mr. Chairman, to speak to it.

The CHAIRMAN. I had asked previously if anybody wanted to speak to any of them. Go ahead. By all means.

Senator JOHNSON. So let me speak to why postings on social media in the case that it is not me is relevant. When Congress created this position, the special envoy to monitor and combat antisemitism—by the way, it is a goal we all share in a completely nonpartisan manner. You know, we all are opposed to antisemitism. So when Congress created this position it required that the nominee, the person filling this post would be nonpartisan.

Unfortunately, this is a nominee that is anything but, and she has a history of her partisan postings to social media for all the world to see. I thought it was interesting when Majority Leader Schumer introduced her, he was talking about antisemitism and how awful it is in terms of the malicious poison of antisemitism. Well, I would argue that Dr. Lipstadt's postings on social media represent malicious poison. I think a vote for her basically acknowledges that you are okay with malicious was poison as long as it is directed at somebody that you do not agree with politically.

So I recommend all my colleagues to vote "no" on this nomination. This is not the right person for this diplomatic, nonpartisan posting.

The CHAIRMAN. Anyone else wishes to speak to this nominee?

[No response.]

The CHAIRMAN. Very briefly, Dr. Lipstadt has spent her entire life—entire life—fighting Holocaust denial, antisemitism, disinformation, considered by many to be the foremost expert on the issue. One thing we can and should be able to agree on is that we must call out antisemitic behavior and actions wherever and whenever we see them. As the Inter Jewish Muslim Alliance wrote, "Professor Lipstadt has acted without fear or favor in calling out Jew hatred from wherever place on the political spectrum and under whichever guise it may appear." That is what she has done regardless of party lines, regardless of titles, and so I think she's eminently qualified. I urge colleagues to support her.

If there is—

Senator CRUZ. Mr. Chairman.

The CHAIRMAN. Senator Cruz.

Senator CRUZ. Mr. Chairman, I will say, you know, I met with Deborah Lipstadt. I think she is a serious person and an intelligent person, and when it comes to antisemitism, I think antisemitism is an enormous evil in our society and the world. Senator Kaine and I joined together in authoring a resolution that passed the Senate unanimously condemning antisemitism when the House was not able to do so, and I think that was important.

I will tell you I was initially inclined to support this nomination, but I am troubled by her public advocacy. And, in particular, you know, Senator Romney pointed out tweets, and you are right, people can engage in public discourse. I do think there is a line that can be crossed, and in this instance, in particular, the tweet she sent about Senator Johnson where she described Senator Johnson, and her tweet says—this is on March 14th—"This is white supremacy/nationalism, pure and simple."

I do not believe any Senators on this committee are white supremacists or white nationalists, and there is a line that when you

are making an accusation like that, that unless you can back it up, I think that undermines the effectiveness of this job when you are throwing around insults like that. For me, that changed my vote from a “yes” to a “no” that she said this tweet about Senator Johnson.

Senator CARDIN. Mr. Chairman.

The CHAIRMAN. Senator Cardin.

Senator CARDIN. Well, first, let me say I really have appreciated the work of this committee, Democrats and Republicans, in fighting the spread of antisemitism. It has been strong and it has been bipartisan, and we very much appreciate that.

I am the special representative of the Organization for Security and Cooperation in Europe Parliamentary Assembly on Antisemitism, Racism, and Intolerance. I can tell you that Deborah Lipstadt is recognized as the leader in this country in fighting antisemitism. She has a global reputation. She has devoted her life to understanding the challenges of Holocaust denial and using that talent as a professor and in many roles to stop the spread of Holocaust denial and antisemitism. That is her career. Her reputation and credibility within the stakeholders who are fighting antisemitism in the United States and around the world is without question. She is the most qualified individual to be appointed to this position.

I understand the sensitivity on matters that, Senator Cruz, you are referring. She handled that during the hearing, and I think the comments that were made were pretty clear about that. So I would hope that this committee would support her nomination and we could get her confirmed. I can tell you for the United States’ leadership on this issue, it will not be understood, any delay in getting her confirmed. She is the right person at the right time in regards to this issue, and I urge my colleagues to support her nomination.

The CHAIRMAN. Any other Members seeking recognition?

[No response.]

The CHAIRMAN. If not, the clerk will call the roll on Deborah Lipstadt.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator PORTMAN. No.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator RISCH. No by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. No by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator HAGERTY. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 13; the nays are 9.

The CHAIRMAN. And the nominee is favorably reported to the Senate.

Now we turn to Barbara Leaf to be Assistant Secretary of State—and any Member who wishes to speak on this nomination.

[No response.]

The CHAIRMAN. Seeing—

Senator CRUZ. Mr. Chairman?

The CHAIRMAN [continuing]. Yes, Senator Cruz.

Senator CRUZ. So, Mr. Chairman, this nomination, I think, is a very troubling nomination. This committee is very well familiar with the issues in the Middle East and, in particular, with Iran. Ms. Leaf has been responsible for much of the Biden administration's policies, in particular, towards Iran. From the earliest days of the Administration, she has been the Senior Director for the Middle East, and if she is confirmed, she will be America's top diplomat in the Middle East.

In September, I asked her for written testimony to the committee on several of the most critical areas on Middle East policy, and her answers ranged from evasive to actively dishonest. I asked her about the State Department's written guidance concerning the Abraham Accords and refused to use those terms. She refused to answer those questions. I asked her about Egypt and, in particular, the State Department announcement they would temporarily withhold \$130 million in aid to Egypt over human rights concerns. They did so, demanding that Egypt drop charges against 16 unnamed individuals. They would not tell the American people who these 16 unnamed individuals were. I asked her who they were. In par-

ticular, for the ones that are not citizens, I asked if they are affiliated with “groups that promote Islamist ideologies, distribute anti-Semitic materials, or distribute political information.” Ms. Leaf wrote back almost 1,000 words in response, not one word which answered the question about these 16 individuals in jail in Egypt that the Administration is conditioning \$130 million in aid to.

Now, it turns out that the names are in a congressional notification in the SCIF, so I have gone and read them in the SCIF. There is no reason for those names to be classified other than they are politically embarrassing. The Administration does not want the American people to see the names on that list. We just had a vote on an envoy on antisemitism. For the Administration to be actively fighting to release people who are potentially virulent anti-Semites is very disturbing, and for the Administration to refuse to acknowledge it, to try to do it secretly is even more disturbing.

But then there is Iran, and everyone knows what happened a couple weeks ago in the classified hearing on Iran. Many Members of this committee were angry, and they were right to be angry. The Biden administration has not been honest with us on this agreement. They said they would consult with Congress and shape the bill in coordination with us. They have not. They said they would bring home a stronger deal than the JCPOA. They have not. What they are prepared to present is dramatically weaker. At this point, everyone knows this, and to be honest, we knew this. It was public in February of last year.

And I asked explicitly Ms. Leaf in writing about a so-called less-for-less agreement. Were they negotiating an agreement that was less than the JCPOA? And I am going to read the entire answer word for word—it will not take long—“There have been no such agreements—deals or agreements, contemplated to reduce pressure on Iran.” At the time she submitted that answer that was a flat-out lie. She knew it was a lie. Everyone involved in the process knew it was a lie because they were actively negotiating a less-for-less deal. And the reason, I presume, she lied to this committee in writing is that she and the Administration did not want to defend a deal that is markedly less than JCPOA.

If this committee is going to continue its critical role of foreign policy, we should expect nominees to answer reasonable questions. And, in particular, answering questions about what 16 prisoners in Egypt are you trying to release and what are you negotiating with Iran are questions right at the heart of this nominee’s responsibility. And we are going to have a big battle over any deal as submitted under INARA. We all sat in briefings where the Administration said it would. We are now hearing more and more they do not want to do that either.

If you are concerned about congressional oversight over a deal with Iran, I think approving this nominee is a very serious mistake.

Senator MURPHY. Mr. Chairman?

The CHAIRMAN. Senator Murphy.

Senator MURPHY. Thank you very much, Mr. Chairman. Not surprising, I do not share Senator Cruz’s characterization of the status of the Iran talks, nor do I share his characterization of the Administration’s dealings with this committee. But it is no secret that Re-

publicans on this committee are not likely to support whatever deal is submitted if a deal is submitted to the Congress. The question is whether we are going to hold a mainstream nominee responsible for legitimate policy objections that Members of this committee have with the Administration. I frankly do not love the Administration's policy on Egypt—I have been very public with my disagreements—but Barbara Leaf is as qualified a nominee as you get, right? She is a former ambassador in the region. She has served time all over the Middle East.

I just think it is not smart precedent for this committee to deny qualified applicants, exceptionally-qualified applicants like Barbara Leaf entry into leadership positions because of legitimate differences we have on the policy. So I do not think we can do better than Barbara Leaf, and I would hope the committee would support her today.

The CHAIRMAN. Any other comments on the nominee?

[No response.]

The CHAIRMAN. Let me just briefly say, first of all, on the question of the comments about the Abraham Accords, she was working at the National Security Council during all of this time where the Secretary of State and everyone who worked for him at the State Department has repeatedly referred to Abraham Accords as the "Abraham Accords." Matter of fact, the Secretary of State was just in the region holding a conference with all of the participants in the Abraham Accords directly. So I think that it does not hold much water.

With reference to the JCPOA, I may very well be on the same side as Senator Cruz when it is all over. We will see. I have not seen the agreement. Until I see an agreement, I cannot make the ultimate judgment of it. But if you want to say anything about anyone, Jake Sullivan, you know, Rob Malley, Secretary Blinken, they are the people leading the effort on the Iran agreement. It is not Barbara Leaf. And if she answered at a given time that—going back in time that, no, there is nothing contemplated, less-or-less, then, at that point in time, that may very well be the case.

So this woman is eminently qualified, and we do not have somebody in the position, as we have not had. We do not have anybody to engage with that can deal with the very questions that the Senator and others have, including myself. So I am going to support her, and I think we should move her nomination forward.

Senator PORTMAN. Mr. Chairman?

The CHAIRMAN. Yes. Senator Portman.

Senator PORTMAN. I voted for her by voice vote when she passed 7 years ago with many of colleagues, and then just in November, I voted for her. In this committee, I voted for her, and so I intend to support her again. I do share, Senator Cruz, many of your concerns about the broader policy discussions. I just do not think that she is the one who is responsible for some of those bad policy decisions. So as I supported her before, I support her now.

The CHAIRMAN. If there are no other Members seeking recognition, the clerk will call the vote on Barbara Leaf to be the assistant secretary of state for Near Eastern Affairs.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINÉ. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. No by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator PORTMAN. Aye.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Young?

Senator RISCH. No by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. No by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator RISCH. No by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. Mr. Chairman, the yeas are 14; the nays are 8.

The CHAIRMAN. And the nominee is favorably reported to the Senate.

Okay. Let us now move to legislation. Without objection, we will now consider two bills and one treaty. And before I do that, let me welcome Senator Shaheen back to the committee.

Senator RISCH. Hear, hear.

The CHAIRMAN. She is well and with us again.

Senator SHAHEEN. It is good to be back.

The CHAIRMAN. So thank you very much. Glad to have you back with us.

Without objection, we will now consider S.J.Res. 17, a joint resolution requiring the advice and consent of the Senate or an act of Congress to suspend, terminate, or withdraw the United States from the North Atlantic Treaty. Before we go to conversation, is there a motion to adopt the manager's amendment?

Senator CARDIN. So move.

The CHAIRMAN. So moved. Is there a second?

Senator KAINE. Second.

The CHAIRMAN. Okay. Are there any other amendments?

Senator PAUL. I would like to speak in opposition to the bill whenever appropriate.

The CHAIRMAN. Yes. The rule of construction about other treaties, that there is—this means no reference to the rule of construction on other treaties because we are not dealing with other treaties, is made clear so that we are not taking a position related to those other treaties, but we reserve the right to do so.

Okay. Without any other amendments, we will turn to debate.

Senator KAINE. Might I—might I offer just—

The CHAIRMAN. Absolutely. I am sorry. Senator Kaine, the sponsor of the resolution.

Senator KAINE [continuing]. So on S.J.Res. 17, let me first thank co-sponsors Senators Rubio, Blumenthal, Collins, Coons, Duckworth, Durbin, Feinstein, Graham, King, Klobuchar, Merkley, Moran, Shaheen, Warner, Cruz, Cardin, and Romney.

This was a bill that was originally introduced in July of 2018. The sponsors at that time were Senators McCain, Cory Gardner, Jack Reed, and myself. This, I believe, was the last bill that Senator McCain introduced before he passed in August of 2018. Like a lot of good ideas, I think we all grappled with the reality that we introduce bills that are good ideas, but sometimes the timing just is not right. The bill did pass out of this committee on a voice vote in—at the end of 2019, but it never saw floor action. The bill is currently in a very similar position to when it was originally introduced.

It does three things. It requires the President to seek the advice and consent of the Senate to terminate U.S. participation in the NATO Treaty, or to receive permission via an act of Congress. It requires the President to notify the relevant committees in both houses within 48 hours if the President determines that termination of the treaty is necessary, and prohibits use of funds for such termination unless or until Congress approves. And finally, it authorizes the Senate legal counsel and general counsel of the House to represent the Congress should there be a dispute about the termination.

I think bills happen even if they are good. We have all filed good bills. They just do not happen unless the time is right. The time is right for this bill. I do not think in my lifetime—I am 64—there has been a moment where the power of NATO has been as dramatically demonstrated as in the last month, with the possible exception of NATO coming to the aid of the United States after the attack of 9/11 under the Article 5 joint self-defense obligation.

I have conversed about this bill with members of the Administration. You might think a Presidential administration would be wary about this. No, to the contrary, they were very excited about the

bill because they think it could send a very strong bipartisan congressional message of support for NATO. And I have also talked, and I think many of you have as well, with many of the European ambassadors to the United States from NATO member countries, and they also view this as a very positive thing. So I think the time is finally right for this bill, and this is a bill, as the co-sponsorship demonstrates, that is very, very bipartisan. Sending a message of support for NATO would not be very good if it were just one side sending that message of support. The co-sponsorship list, I think, suggests that we can send a very clear message that Congress, both sides of the aisle, both houses, strongly support NATO in its 72nd year.

The thing I will say is this. This is a really interesting constitutional question because the Constitution is very clear about how we enter into treaties, but it is silent about how we get out of treaties. And that has led to a variety of actions over time—actions taken by Presidents, actions taken by Congress. In one such case, and I mentioned it last week when, at Senator Paul's request, we held this over. I encouraged folks to go read a really interesting case of *Goldwater v. Carter*. In one case that went to the Supreme Court, this issue was raised. The Constitution is silent. In that instance, President Carter unilaterally withdrew the United States from Taiwan Defense Treaty. It is kind of interesting. We are talking so much about Taiwan now. This was in 1979.

A handful of members of Congress sued President Carter and said, hey, that was a treaty ratified by the Senate. You cannot back out of it without Senate action, and the Supreme Court in a 6-3 vote said that is a political question for Congress and the executive to work out. And they dismissed the appeal, and they noticed—the 6-member majority noted very carefully in the opinion that, hey, Congress can act here. The President pulled out of the treaty. A handful of Members sued to say the President could not do it, but the majority said, wait a minute, Congress could act. Congress could pass a statute. Congress could say they disapprove of the President's action. That did not happen.

The clear implication of that opinion is this is a matter where the executive and the legislature can work out the circumstances of when, or whether, or how a treaty can be exited. And so this is squarely within our right as Congress, particularly in the Senate that ratified this treaty in 1949, and I would strongly ask for my colleagues' support.

The CHAIRMAN. Senator Paul.

Senator PAUL. Requiring two-thirds of the Senate for an act of Congress for any attempt to withdraw the U.S. from the NATO alliance goes against historical precedent. It also goes against the NATO Treaty itself. The NATO Treaty gives the President the power to enact. We gave the President two-thirds. The Congress gave the President the power to enact a treaty, which also includes in the words of the treaty, the ability to terminate the treaty.

But it is also most likely unconstitutional. This bill is an attempt to alter the Constitution by statute. The Constitution is clear that treaties are the sole purview of the Senate and the President. To allow the House to vote on changing treaties or how they are exited would clearly be a change in constitutional power. You are allowing

the House to enter into something it has no role in whatsoever. It is very explicit. It may be silent on how we leave a treaty, but it is very explicit that the role in the area of treaties is the Senate and the President. The House has absolutely no role. If we give them a role in voting on it, that is, without question, going to be of dubious constitutionality.

As far as the historical precedent, beginning in 1793, even Washington said Presidents are going to take this power, and he took it immediately to get out of an alliance we had in France, and it ended up avoiding a war and getting us in a middle of a war between France and Great Britain. The Constitution requires great deliberation before entering alliances but allows for quick withdrawal should international agreements prove potentially ruinous to a nation.

The power to enter treaties is found in Article II, which vests the President with the executive power. Unlike the legislative body, the President can act with unity and dispatch, precisely the qualities needed to negotiate a treaty or fight a war, so the founders grounded this authority in Article II. But just as we must pay careful attention to the text of the Constitution, so, too, we must take notice of its silence. As the Supreme Court pointed out in *United States v. Curtiss-Wright*, the powers of an external sovereignty did not depend upon the affirmative grants of the Constitution. In other words, the executive power to make international agreements would exist regardless of whether it was expressly mentioned in the Constitution.

What the Constitution does is carve away things from unlimited executive power. It says these certain powers, particularly the treaty, are not just the President's. The declaration of war is not just the President's. It is also the legislature's. So they define executive powers expansively, and then it is taken away from the President to say specific categories are Congress', but since the Constitution does not expressly make this similar exception for treaty termination or withdrawal, it remains the executive power of the President. Such power is entirely consistent with the notion of a chief executive.

As the Supreme Court decided after years of debate, a president may remove executive officers without the approval of the Senate. Andrew Johnson was impeached for violating the Tenure in Office Act, but decades later, in the case of *Myers v. United States*, the Supreme Court found that executive power includes, in the absence of express words, it does include power to unilaterally remove executive officers. In sum, the Supreme Court found that the power of removal is incident to the power of appointment, not to the power of advising and consenting to appointments, and that the executive is entrusted with the exclusive power of removal.

Similarly, legal scholars cite—Saikrishna Prakash and Michael Ramsey argue that the President's executive power includes a general power over foreign affairs, and where the Constitution does not allocate specific foreign power to Congress or the Senate, those powers reside with the President. Moreover, most treaties, including NATO, explicitly allow for termination, so we are passing a law today that actually contravenes the NATO Treaty. In the NATO Treaty, two-thirds of Congress gave this power to the President to execute the treaty, which says he can terminate the treaty. You

would actually be taking power away from the treaty. The argument could be made that terminating the treaty is really a president simply executing a portion of the treaty that two-thirds of the Senate have already affirmed. Think about it. Two-thirds of the Senate gave the President the power to exit the NATO Treaty, and now a simple majority of the House and Senate are attempting to rescind that power. Noting the constitutional problem is between changing something from a supermajority to a majority without amending the Constitution, it is hard to image the widespread support this bill has gotten, unless it is all about NATO and nothing about the Constitution.

Although it was not always the case, a unilateral Presidential treaty withdrawal is now a reasonably settled matter of historical practice. Almost all of the over 100 treaty terminations during the 20th and 21st centuries have been effectuated by Presidents who acted alone. Subsequently, even the American Law Institute's restatement of foreign relations endorses the view that the President has the authority to withdraw from a treaty.

When Congress has attempted to constrain the President's authority to exercise their executive power to withdraw from treaties, Congress has typically been unable to mount a serious challenge. Recently, even when Congress sought to impose preconditions on Presidential withdrawal of certain treaties, the President simply ignored them. In the 2020 National Defense Authorization Act, Congress enacted notification requirements and extended the timelines necessary to withdraw from the Open Skies Treaty. When President Trump withdrew from the treaty, Congress took no action except for a few public statements of criticism. Furthermore, there is the question of whether a bicameral law, a law voted on by the House and Senate, constricts a constitutional power that is entrusted solely to the Senate and the President.

I do not know how a statute can change the treaty power. I do not know how you can change the ability to get in or out of treaties without doing a constitutional amendment. The House was given no role in treaty making or consenting. It would seem an attempt to modify this treaty power with the House on its face, would appear to be of dubious constitutionality.

Before we vote, I also ask you to think about what we invite when we presume to invade the executive powers of the presidency. Many Members of this committee have argued for a unitary, all-powerful president with regard to war. While I disagree with the initiation of war being a President's prerogative, I have actually been one when the war starts and where they move troops around, you know, when they put 8,000 troops here and 5,000 troops there, there are a Commander-In-Chief prerogatives. This is an attempt to micromanage foreign policy.

This resolution argues for limiting the executive's power to engage in diplomacy. These views appear contradictory. On the one hand, we have people who believe in unlimited power to commit war, and they would want to restrain power to actually engage in diplomacy. This resolution would endorse the perpetuation of current American commitments, even if they become disastrous to American interests.

I think the vote will be on whether you like NATO or not. That is why it will overwhelmingly win. But I think we ought to also think about the Constitution, and if this power is exclusively given to us and not any of the power was ever meant to be a shared power. Thank you.

The CHAIRMAN. Thank you. Let me very briefly say that I think the question of—no law can become more in the United States without the House and the Senate passing and the President signing it. That is limited role that is envisioned here to create a law that then gives the Senate, not the House, that is correct, Senator, okay? So it would just give the Senate the right to take a position on the question of withdrawing from this particular treaty. I think, therefore, the House will no longer be engaged in the question of a treaty other than having passed a law that gives the Senate the power to do that.

The core question is, why would I vote to allow a president to go into a treaty and then take the view that he or she could withdraw from that treaty without having any advice of consent of the Senate? If I thought it was important enough to commit the United States formally to a treaty and voted that way, and then that I could have, unilaterally, the President of the United States walk away from that treaty without any advice and consent of the Senate, to me it seems an undermining of the very essence of the constitutional right that was established in the advice and consent of a treaty.

Now, I appreciate the science of the Senator's serious concerns about the separation of powers and whether this is an appropriate use. I personally fall on the side in this particular case that it is an appropriate use, and I will vote for the resolution. Is there anyone else seeking recognition?

Senator RISCH. Mr. Chairman.

The CHAIRMAN. Senator Risch.

Senator RISCH. First of all, one thing I agree with Senator Paul's analysis—I do not fully agree with the legal analysis of it, but from a practical standpoint, this is a really important question, all right? It was so important that the founding fathers sat around a table like this and argued about it, and did not complete the argument. I guess maybe they hit 5:00 or something and it was time to go to the pub. I do not know, but it would have been real simple to say, well, this is how you get in, this is how you get it. They did not.

It would be really nice to have this debate outside of who is the President at the current time and outside of the issue of NATO that, right now, we all love and embrace and cannot wait to get on it. Nonetheless, it is in front of us. I am going to support this, but I think this really deserves a serious discussion in a more anti-septic atmosphere that is not clouded by the other issues.

The CHAIRMAN. I appreciate that, Senator Risch, and I know Senator Paul made this argument to me, too, and I think that in a broader context, we should look at that question. And it will never be antiseptic because there will always be somebody sitting in the Office of the Presidency of the United States. Whether you like or do not like that person is another question. But to the extent that we can try to do it in a more broad—without a topic-specific treaty, I think that may be a useful enterprise. Senator Paul.

Senator PAUL. I wanted to make one final point on what the Court has said on this. Senator Kaine mentioned the Goldwater case—when the President unilaterally got out of the Taiwan Defense Treaty. While the Supreme Court never really ruled on this, their ruling, I think, could arguably be said not to really be on point or on the subject, and it's not the case. They said it was a non-traditional question. But the D.C. Circuit Court did, and this is the highest court in the land that has ever written an opinion about this.

And what the D.C. Circuit Court said was, "The President's authority is at its zenith when the Senate has consented to a treaty that expressly provides the termination on 1 year's notice, and the President's action is giving the notice of termination." And this is a conundrum for those of you who really love the NATO Treaty: you are actually seeking to abbreviate or constrict the treaty. You are seeking to take away by statute something that was passed by two-thirds of the Senate, and you are willing to simply be saying that two-thirds of the Senate, saying you can get—the President can execute this, and one of the things he can execute is this clause on termination. The Senate gives it back to the President to execute the treaty. It is in the treaty, so you are actually voting to overturn part of the NATO Treaty today.

The CHAIRMAN. Any other debate?

Senator RISCH. I do not want to extend this, but with all due respect to that argument, we do not know because there has not been a definitive question of whether the President can withdraw. If the treaty itself said he could, it would be unconstitutional. So that part of the treaty would not be in accord with the U.S. Constitution. So that argument, I do not think—

Senator PAUL. If the treaty said what?

Senator RISCH. If the treaty says the President can get out.

Senator PAUL. Right.

Senator RISCH. What if, although we have not—it has not been decided yet, but what if the actual law is that the President cannot withdraw? That provision of the treaty would be unconstitutional. So anyway, we are arguing about how many angels can dance on the head of a pin—

Senator PAUL. That is what the D.C. Circuit Court ruled.

The CHAIRMAN. Hold on a minute. Let me turn to Senator Coons and then Senator Romney.

Senator COONS. I will just simply reinforce the point made by the Chair and Ranking Member. Senator Paul raises some intriguing, engaging legal questions. I intend to ask the nominee to be the legal adviser to the State Department, who was a classmate of mine and is a scholar in this area, for her views on it and some other scholars. In the current context in which we find ourselves, I think we should proceed, and I look forward to my colleague, Senator Kaine, answering some of these questions. One of the great things about having a markup is we get to hear issues debated and discussed. I wish we had more markups. I have 10 bills that are all bipartisan and waiting for a markup. I think this is a great, frankly, opportunity for us to put things on the table and work through them, and I defer to my colleague to get this resolved. But, please, let us move forward.

The CHAIRMAN. Senator Romney.

Senator ROMNEY. Mine was a question to Senator Risch. You said that the NATO Treaty says the President may withdraw?

Senator RISCH. I think that is what—under certain circumstances.

Senator ROMNEY. The treaty—

Senator PAUL. Basically, when we pass a treaty, we pass it back off to the President who executes the treaty.

Senator ROMNEY. I understand that argument.

Senator PAUL. And that—

Senator ROMNEY. My point is the treaty does not say the President may withdraw. The treaty only says America may withdraw. It is up to the country to decide how that could be done.

Senator PAUL. And the only person—the only person that executes the treaty is the President. No one else actually—

Senator ROMNEY. That is your argument.

The CHAIRMAN. Senator Romney has the floor.

Senator ROMNEY. That is your argument and I understand that argument, and it may well be valid. But I just wanted to correct what I heard from Senator Risch, which is the treaty does not say that the President may withdraw from the treaty. It only says that America may withdraw—any member may withdraw from the treaty. How they do so would conceivably be up to the respective countries. And you may be right that the President should have that right, but the treaty itself does not say that the President has that power.

The CHAIRMAN. Senator Cruz.

Senator CRUZ. Listen, I think Senator Paul raises real and substantive concerns, and they are heartfelt on his part. I think the question of whether the President can withdraw from a duly-ratified treaty is a question on which there is constitutional ambiguity, and there are arguments that can be made on both sides. I also agree with the Supreme Court in the Goldwater case that that is ultimately a political question decided in the checks and balances and wrestling between the branches.

And when we talked last week about this resolution—I am a co-sponsor of this resolution, and I am going to vote for it. There was some discussion last week at making it broader and saying the President cannot pull out of any treaties. I would oppose that. I think that would be far too broad. I support this because I think NATO is exceptionally important, and I think in the back and forth and the wrestling between Congress and the executive which the framers designed, this is an appropriate wrestling back to say this agreement we think is particularly important, and we are exercising our constitutional prerogatives.

But I am glad that this is limited to NATO and not sweeping in every treaty that has ever been adopted. There may well be a time when a President makes a determination and a reasonable determination to pull out of a treaty, and if we disagree with it then, we can press back and that is the give-and-take of the system.

The CHAIRMAN. Senator Paul.

Senator PAUL. With regard to whether the NATO Treaty gives the President the power to pull out of this, it does not say the word “President,” but there is no one else who actually uses the treaty.

Historically, Presidents execute treaties. None of us can execute a treaty. The President, the executive branch, does, and that is what it has always been in every treaty over 250 years. So when it gives the right to terminate a treaty, it is giving a right to those who execute the treaty. That is the President. And so, yes, this law that you passed will contravene and contradict the actual NATO Treaty because you are now limiting by majority vote something that was passed by two-thirds of the Senate.

The CHAIRMAN. All right. I think we have had a robust debate. I would just say that it could be considered that the President is acting and functioning on behalf of the United States of America when he does that, if the Senate were to agree with him. But I think we have had a robust debate. There is obviously, in the broader context, going to be future hearings.

First, a motion has been made and seconded to adopt the manager's package.

All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed?

Senator PAUL. No.

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

I will move to have a voice vote on—Senator, do you seek a voice vote?

Senator PAUL. I think we should have a roll call. We had a good debate. Let us have a recorded vote.

The CHAIRMAN. Okay. The clerk will call the roll on S.J.Res. 17, as amended.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. Mr. Chairman, the yeas are 21; the nays are 1.

The CHAIRMAN. The majority of Members present having voted in the affirmative, the ayes have it, and the legislation is agreed to and sent to the Senate.

All right. Finally, without objection, we will now consider S. 3199, the Ethiopia Peace and Democracy Promotion Act of 2021. Is there a motion to adopt the manager's package?

Senator CARDIN. So move.

The CHAIRMAN. So moved. Is there a second?

VOICE. Second.

The CHAIRMAN. All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Opposed, no.

[No response.]

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

Are there any amendments?

Senator ROUNDS. Mr. Chairman.

The CHAIRMAN. Senator Rounds.

Senator ROUNDS. I would call up Rounds 1, Degree 1.

The CHAIRMAN. Why does the Senator not speak to the amendment?

Senator ROUNDS. Did you want me to speak to the amendment?

The CHAIRMAN. If you wish.

Senator ROUNDS. I would, Mr. Chairman.

The CHAIRMAN. Okay.

Senator ROUNDS. I was under the impression that with a voice vote, you would prefer to move on to the discussion of the bill.

The CHAIRMAN. Okay. Yes. I mean, if the Senator does not wish to speak to it, I intend to accept it by voice vote.

Senator MERKLEY. Mr. Chairman, I would like to speak to it.

The CHAIRMAN. Yeah. Okay. So the Senator is offering his amendment. It is my intention to take it by voice vote. Before that, we will entertain any debate on the amendment.

Senator MERKLEY. Thank you. I was actually looking forward to your presentation on it to better understand the context, and I do

understand the role of the—that Turkey is playing in this. I cannot help but reflect, though, on an experience I had early in life in living in an Ashanti Village in West Africa, and right over the hill was Capri Village, and the two tribes absolutely hated each other. Very amazingly different languages, just a small area to small area.

In these tribal settings, when arms dealers are free to provide arms to all sides, it changes kind of traditional hatreds and fears into sometimes bloody, bloody conflicts. When I read the language—that is why I wanted to hear your presentation on it, that this allows support for a weapon systems to go to any side. It disturbed me because so often these conflicts are amplified by arms dealers selling. I understand there is a clear context here with Turkey, but I feel like the waiver power of the President might be the appropriate way to address that rather than taking off the sanction completely. And just all around the world, we have seen—but particularly in Africa, we have seen amplification of the arming of all sides, so that is my concern.

The CHAIRMAN. Senator Rounds, do you wish to—

Senator ROUNDS. Well, Mr. Chairman, just simply, with the adoption of the manager's package and with the adoption of this clarifying—the issue regarding the—our members, including NATO and other countries, would not be retrospectively identified as being subject to sanctions, I felt that this was something—a clarification and we did not have a debate necessarily, with your acceptance of the—or the motion on this with a voice vote. But if you would prefer, I would be happy to get into the substance of the amendment as well.

The CHAIRMAN. Well, we are happy to accept it. I think Senator Merkley was just looking for some information. I think the concern here, Senator Merkley, is that the retroactivity of some of the provisions would have involved NATO allies who are engaged with us, and for which maybe the sale of some of their equipment is desirable in some places, like in Ukraine, but maybe not elsewhere. And so the question was to leave that off the table for the moment. The Administration can still pursue its interests as it would choose to do so in this regard. And in the pursuit of the greater good that I think the bill does, I am willing to accept the Senator's amendment. It does not mean we cannot—

Senator MERKLEY. Point of clarification. Would not the President, under the manager's package waivers, have the ability to provide those waivers from past provisions and apply them prospectively forward as needed in the judgment of the President, without creating a complete kind of sanction-free realm for providing arms to all sides?

The CHAIRMAN. I believe the answer to that question is, yes, that waiver could be used in that regard as the Senator has described.

Senator MERKLEY. Listen, I do not mean to prolong the discussion, but I wanted to understand it better, and after we vote, I will ask to be recorded as “no.”

The CHAIRMAN. All right. A voice vote is—

All those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed, say no.

Senator MERKLEY. No.

The CHAIRMAN. The ayes have it, and the amendment is agreed to.

VOICE. Mr. Chair.

The CHAIRMAN. Is there any other amendment? Senator Van Hollen.

Senator VAN HOLLEN. Mr. Chairman, I would like to speak to the bill and—

Senator MERKLEY. I would like to be recorded as “no” on that vote, please.

The CHAIRMAN. Senator Merkley shall be recorded as “no.”

Senator VAN HOLLEN [continuing]. Obviously what is happening in Ethiopia is a very serious situation. I am glad we are giving it this attention. This bill is also a pretty broad bill, and it states the obvious that the situation in Ethiopia is very complex, so we can spend all day going through the history that brought us to this point. There are no clean hands in this, and my biggest fear with the original bill was that we would have unintended consequences.

I think everybody here wants all sides to come to the peace table. Everybody here wants to hold everybody equally accountable. But the original bill, as I read it, applied very tough mandatory sanctions, some to everybody potentially, but some only apply to the Government of Ethiopia, so I did not think it met the standard of trying to hold everybody equally accountable. I want to thank Senator Rounds and Senator Murphy for joining me on the amendment to provide waiver authority to the sanctions provisions so that the President is not required to apply sanctions that can only be escaped through very tough, narrow criteria, and very rigid criteria.

I do want to point out to our colleagues the unintended consequences we often see from sanctions. So we have an AGOA provision that the Administration felt was triggered, so we now deny any kind of trade status for the products from Ethiopia. The result of that is punishing lots of Ethiopian farmers, but the day that happened, the Government of China said to the Continent of Africa, the United States is unreliable. We are going to purchase \$300 billion of products. So I think we need to be very careful as we go down this road.

I want to thank you, Mr. Chairman and Ranking Member, for accepting that amendment, and as a result, it can move forward. But let me just also mention something that we just changed last night, and this goes to the issue of, you know, just big bills before the committee. There was a big First Amendment problem here. There was a provision in this bill that essentially instructed the Government of the United States to monitor disinformation, including among American citizens, with respect to narratives that are favorable or unfavorable to either party and to report on those citizens. That is a big First Amendment problem, and it just goes, in my view, to the issue that we got to really scrutinize these bills carefully. There may be other parts of this bill that still suffer from that challenge. I am glad we removed that last night. If we applied the issue of disinformation standard of holding America accountable in this environment, we are all in big trouble.

Timing. Mr. Chairman, you know that the Assistant Secretary of State for African Affairs expressed concern about the timing here

with respect to very sensitive negotiations. I am fine moving this bill forward, as you say, to the floor. I would, at this point, oppose trying to move forward on the floor given the very sensitive situation. I think it could be counterproductive, and she is a great diplomat and that was her assessment.

The thing I just ask and it actually goes to the amendment that Senator Rounds offered. Until last night, we were told by committee counsel that the sanctions in this bill applied retroactively to the beginning of the conduct, retroactively and potentially even before, which is why Senator Rounds has been concerned about the sanctions inadvertently even hitting the U.S., NATO partners, Israel, and others. My understanding, Mr. Chairman, and I would like to clarify this here, is that the sanctions in this bill apply only going forward from the date of enactment of the bill. That is what we have been told, and it is a very big difference in interpretation of the bill, which we learned about late last night.

The CHAIRMAN. Yes, the sanctions apply only prospectively. They cannot be imposed on acts that occurred prior to enactment.

Senator VAN HOLLEN. Thank you.

The CHAIRMAN. Is there any other remarks?

Senator ROUNDS. Mr. Chairman?

The CHAIRMAN. In a moment, I am going to acknowledge Senator Rounds—when we want markups, which I am all for, we have to stay for the debate, and then we have to stay for votes. I need 12 Members to be present in order to cast a vote. So when—

Senator ROMNEY. So you called me back.

The CHAIRMAN. And I appreciate it very much.

Senator ROMNEY. I have learned when you leave, leave early, number one.

[Laughter.]

Senator ROMNEY. But number two—

The CHAIRMAN. I am just giving the broader notice to everybody for future purposes. We want markups, but we have to be able to stay.

Senator ROMNEY. I keep asking Senator Cardin to leave. Is that—

[Laughter.]

The CHAIRMAN. Senator Rounds.

Senator ROUNDS. Thank you, Mr. Chairman.

The CHAIRMAN. It is the ultimate expression of bipartisanship.

[Laughter.]

Senator ROUNDS. Well, first of all, let me just say thank you to Senator Van Hollen. He is the Chair of the Subcommittee on Africa and Global Health Subcommittee. I am the Ranking Member. I do have serious concerns about S. 3199, the Ethiopia Peace and Democracy Promotion Act. I will vote “no” on this bill at this time. I have traveled to Ethiopia on multiple occasions and consider Prime Minister Abiy a friend of the United States. After 16 months of cruel civil war, it may be hard to remember Abiy’s ascension to prime minister in Ethiopia in 2018, and the immediate steps he took to free political prisoners, welcome back refugees, and make peace with Eritrea. The latter action earned him the Nobel Peace Prize. I continue to believe he has the right vision for his country, one that is difficult to achieve given Ethiopia’s chronic societal

schisms, instability, and propensity for political violence. Under these trying circumstances, Prime Minister Abiy remains our best bet.

This bill was originally proposed in November of 2021. In November, the situation on the ground was considerably different than it is today with many observers even thinking that the TPLF might advance on Addis and topple Abiy's government. It was in November that Ethiopia declared a state of emergency and Prime Minister Abiy went to the front lines to lead the counter-offensive. On November 5th, the State Department was so concerned that the U.S. Embassy in Addis went on ordered departure. The facts on the ground have changed dramatically in Ethiopia, and the situation remains fluid.

I understand the desire to do something and seek redress for its unfortunate victims, and I understand that the tragedy of this horrible civil war continues today. But I do not see the wisdom of injecting ourselves in the civil war at a delicate moment when parties to the conflict appear to be making some tentative, but real, steps towards peace. Just last Thursday, the Ethiopian Government announced a humanitarian truce, which the Tigray People's Liberation Front—the TPLF—is also observing. The State Department has also reported a renewed willingness by the Ethiopian Government to substantively engage with the United States on this issue. I have also heard that the Government is in early stages of planning a national dialogue.

In light of this progress alone, I believe S. 3199 is ill-conceived and will jeopardize relations with Ethiopia. I just personally believe that this is not the right time for this bill. I think it sends a tough message to Ethiopia as China sits in the wings and watches. In closing, I believe that we should allow Prime Minister Abiy the space to continue this progress which is currently in place. So with that, I will vote "no" and would offer that I think it is appropriate that we hold this in committee until such time as we see changes in the modifications or changes in Ethiopia. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Coons.

Senator COONS. Thank you, Chairman Menendez, Ranking Member Risch. I want to start by thanking Senator Van Hollen for his very constructive amendments and engagement on this. A year ago, I traveled to Ethiopia and met with Prime Minister Abiy, and I will agree with Senator Rounds that he is an engaging, charismatic, capable leader. Ethiopia is an ancient nation of 120 million people with very complex internal divisions of ethnicity, religion, and language, similar to the former Yugoslavia, a very complex federal republic with very complex dynamics.

After 2 days of intense conversation, he made a series of five promises to me, to our President, I would argue to us, and acted on some and failed to act on others, and ultimately, a year of brutal civil war has ensued. Rather than re-litigating any of that, let me just recognize two realities. One, Senator Rounds correctly assessed there have recently been some very encouraging developments in terms of a humanitarian ceasefire, release of prisoners, the TPLF agreeing to a ceasefire, and there being the possibility of several of those key promises around humanitarian relief and a national

dialogue finally moving forward. As to the promise to have the Eritreans depart, I see no progress.

Given how rarely this committee meets in markup, I will support moving forward with this legislation today so that we have it with a full presidential waiver, so that in the event there is, again, one step forward and two steps back, and no real progress, and fighting resumes, the Administration and this Senate will have the opportunity to consider this legislation on the floor. On the other hand, if the recent developments continue to move forward, there will be no need for this legislation. We may be on the cusp of a balanced path forward for accountability for all parties—TPLF, ENDF, Amhara, Eritreans, and others—who have committed crimes against humanity. If the current progress holds, there may be a path forward on humanitarian relief, but, tragically, we have seen this moment several times in the last year, and I think we need to empower the Senate with the ability to vote on this on the floor if necessary. I pray it is not necessary and that we will finally see a resolution to this brutal civil war.

So with that, I intend to support the bill. I want to thank my colleagues for their very active and very productive engagement on this issue. I recognize Prime Minister Abiy has taken political risk in extending his hand, I recognize this is a very difficult conflict, but I think we should proceed and move forward with this bill today.

The CHAIRMAN. Thank you. Senator Merkley.

Senator MERKLEY. Thank you, Mr. Chairman. I really appreciate the hard work that our special envoy for the Horn of Africa has been doing—Mr. Satterfield—and who has remained in the region to try to push forward as well, as our Assistant Secretary, Molly Phee, and has rightly pointed out all of these steps of progress that have occurred over the past 2 months. She has also pointed out that the convoys providing food have failed month after month, and that now we are at this point. And I take this back from elsewhere that it is estimated 700 trucks per week are needed to reverse the famine conditions and none have progressed since December, and that there are multiple routes into the region; that the international groups that my team has spoken with do not feel like the effort to get food in Tigray has been fully, enthusiastically supported by the Government. The Government does point out tribal obstacles along the way. Those are real.

But my point here is that you have three-quarters of the 7.7 million people in the Tigray region who are on the brink of famine, and that it is important for us to act, to back up the notion that starving that region is unacceptable. There was supposed to today be another effort to provide a convoy. We will look and see how—whether that succeeds, but it is important to send the message that we are paying attention and really strongly encouraging the Government to find a way to provide relief.

It cannot be done by air. We are told medical supplies have been provided by her, and that is one of the steps forward over the last 2 months as well as other pieces: looking at a state of emergency, release of some political prisoners. They are reducing the air operation. All those are very positive, and I do want to make sure that the Government of Ethiopia is aware that we are aware of those

positive steps, but that it is extremely important that this not be the moment where those positive steps end, and that famine affecting men, women, and children in that region be allowed to continue.

The CHAIRMAN. Thank you. If there is no one else seeking recognition, I will just simply say I have said that the Administration has made important progress. We recognize that. I appreciate the incredible work that they are doing into that, but I do not share the view that marking up the legislation will impede the ongoing diplomatic efforts. In fact, President Abiy is aware of this legislation. The House Foreign Affairs Committee discharged its version of the bill in February and negotiations continued. It did not impede it. Maybe in some respect, it incentivizes it. The bill has been made, I think, far more flexible in terms of the issues that many Members are concerned about. And even though the humanitarian ceasefire last week is very promising, I have seen breakthroughs like this in the past and not have ushered in a process forward. So I think being ready to act if that moment in time comes, from my perspective, I hope they achieve the success we all want to see and we never move the bill on the floor. But having that possibility, I think, is important.

With that, the clerk will call the roll on S. 3199, as amended. Is a voice vote acceptable here? Members can be recorded “no” if they wish.

Okay. All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. No. Okay. There are two “noes”—Senator Paul, Senator Rounds—and the legislation will be reported to the Senate.

Finally, without objection, we will now consider the tax treaty on the agenda: the resolution of advice and consent to the ratification of the convention between the Government of the United States and the Government of the Republic of Chile. Are there any amendments to the resolution of advice and consent? Senator Paul.

Senator PAUL. I have been following these tax treaties for a long time, and my biggest concern is that I think they codify or allow a transfer of information that is at a lower standard than what we provide for our own citizens in this country. So my amendment would be to the reservations, and it changes the standard. We are all familiar with probable cause as a standard. We also have reasonable suspicion. The standard in these treaties is that it should be relevant to the treaty, which I think means nothing. And so while if you are an American overseas and the Democrats abroad as well as the Republicans overseas agree that 9 million Americans are concerned about doing their banking, that “relevant to the treaty” means that the Government can scoop up all of your information with no accusation and no individualization.

In our country, it does not take much to get banking records, but at least have the name, you know? They have to accuse you of something. What we are allowing through these tax treaties is huge bulk transfers of just pushing a button and every American’s information is going to be transferred to the IRS, so I think it harms the due process protections. My amendment is to the res-

ervation, so it does not require a renegotiation of the treaty. What it requires is, or what it would do is it would limit the American Government to either ask for or give that information, oversee that information on Americans, so it would affect the American side.

The treaty would still pass with the reservation, and if nobody complains, it becomes part of the treaty in about a year. I do not see why anybody else would complain simply because it is not affecting anything that Chile does. It is only affecting Americans' ability to act overseas. I think all Americans, whether they live here or abroad, do deserve the due process of the Government not just snooping or sifting through your bank records without any kind of cause.

The CHAIRMAN. All right. I respect the Senator's concern. I do not read it as he does, and I will oppose the amendment. Will you accept a voice vote or do you—

Senator PAUL. I have been working on this for 10 years. We might as well all be on the record.

The CHAIRMAN [continuing]. Okay. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Markey?

VOICE. No by proxy.

The CHAIRMAN. Who is that for—Markey? No by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. No by proxy.

The CLERK. Mr. Romney?

Senator RISCH. No by proxy.

The CLERK. Mr. Portman?

Senator PORTMAN. No.

The CLERK. Mr. Paul?

Senator PAUL. Yes.

The CLERK. Mr. Young?

Senator RISCH. No by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. No by proxy.

The CLERK. Mr. Cruz?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator RISCH. No by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 2; the nays are 20.

The CHAIRMAN. And the amendment is not agreed to.

Is there any other amendment to be offered?

[No response.]

The CHAIRMAN. If not, I would entertain a motion to approve the resolution of advice and consent.

Senator CARDIN. So move.

The CHAIRMAN. So moved. Is there a second?

VOICE Second.

The CHAIRMAN. Second. All those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[A chorus of noes.]

The CHAIRMAN. The ayes have it, and a majority of the Members present having voted in the affirmative, the ayes have it, and the resolution of advice and consent is agreed to.

With that, I ask that the—unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

And this meeting is adjourned.

[Whereupon, at 11:48 a.m., the committee was adjourned.]

BUSINESS MEETING

WEDNESDAY, MAY 4, 2022

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

Summary of Action Taken by the Committee

NOMINATIONS

Dr. John N. Nkengasong, of Georgia, to be Ambassador at Large, Coordinator of United States Government Activities to Combat HIV/AIDS Globally—agreed to by voice vote

Mr. Marc B. Nathanson, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Norway, agreed to by voice vote

Ms. MaryKay Loss Carlson, of Arkansas, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Philippines—agreed to by voice vote (Cruz recorded as no)

The Honorable Philip S. Goldberg, of the District of Columbia, a Career member of the Senior Foreign Service, Class of Career Ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea—agreed to by voice vote

The Honorable Caroline Kennedy, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Commonwealth of Australia—agreed to by voice vote

TREATIES

Amendments to the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty Doc. 115-3)—agreed to by voice vote

- Treaty Doc. 115-3—Resolution of Advice and Consent to Ratification—agreed to by voice vote

Agreement between the Government of the United States of America and the Government of the Republic of Croatia comprising the instrument as contemplated by Article 3(2) of the Agreement on Extradition between the United States of America and the European Union, signed June 25, 2003, as to the Application of the Treaty on Extradition signed on October 25, 1901 (the “U.S.-Croatia Extradition Agreement”), and the Agreement between the Government of the United States and the Government of the Republic of Croatia comprising the Instrument as contemplated by Article 3(3) of the Agreement on Mutual Legal Assistance between the United States of America and the European Union signed at Washington on June 25, 2003 (the “U.S.-Croatia Mutual Legal Assistance Agreement”), both signed at Washington on December 10, 2019 (Treaty Doc. 116-2)—agreed to by voice vote

- Treaty Doc. 116-2 (Extradition)—Resolution of Advice and Consent to Ratification—agreed to by voice vote

- Treaty Doc. 116–2 (MLAT)—Resolution of Advice and Consent to Ratification—agreed to by voice vote

Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer (the “Montreal Protocol”), adopted at Kigali on October 15, 2016, by the Twenty-Eighth Meeting of the Parties to the Montreal Protocol (the “Kigali Amendment”) (Treaty Doc. 117–1), agreed to by voice vote (Barrasso recorded as no)

- Treaty Doc. 117–1—Resolution of Advice and Consent to Ratification—agreed to by voice vote (Barrasso recorded as no)

Meeting Transcript

The committee met, pursuant to notice, at 10:07 a.m., in Room S–116, The Capitol, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Kaine, Markey, Booker, Schatz, Van Hollen, Risch, Rubio, Romney, Portman, and Rounds.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today we are considering a handful of nominations and several treaties, but let me first turn to nominations.

I am pleased that we are considering five nominees today, including Dr. John Nkengasong to serve as ambassador-at-large to lead our global HIV/AIDS work. All of the nominees are superbly qualified in their knowledge and expertise and are needed at the posts for which they have been nominated. I was disappointed it has taken more than 5 months to get a committee vote for Dr. Nkengasong, who brings immense experience and expertise, which is particularly critical at a time when the COVID pandemic has ravaged communities and overshadowed the fight on HIV/AIDS. We have received multiple letters of support for Dr. Nkengasong, including from former Senators Bill Frist and Tom Daschle and from multiple faith-based organizations, and I ask unanimous consent for these letters to be entered into the record.

Without objection, so ordered.

[The information referred to is located at the end of this transcript.]

The CHAIRMAN. And I urge all of my colleagues to support his nomination and the other nominees today and work towards their swift confirmation.

Let me turn to the treaties before us today. Our committee has a critical role to play in the constitutional treaty-making process. We are the only committee in the entire Congress with jurisdiction over treaties, and I appreciate the efforts of the Ranking Member and his staff in helping us fulfill our responsibilities in this area. The treaties we consider today make technical updates to the framework from years past to modernize our existing relationships with other countries in critical areas.

We heard last month from government experts and business representatives who made the strong case for why we must urgently provide our advice and consent to ratifying these treaties to protect and advance U.S. business interests in a wide-ranging sector of the

economy, and to facilitate critical law enforcement cooperation with Croatia, a key U.S. ally in Europe. The treaties with Croatia that are before us will enhance the ability to extradite criminals, share information, and exchange evidence for investigations and prosecutions.

The amendments to the 1987 South Pacific Tuna Treaty secure a better deal for the U.S. tuna fishing fleet, making it easier for U.S. fishing vessels to fish on the high seas and to make arrangements directly with our Pacific Island partners without the Federal Government as a middleman. And the Kigali amendment to the Montreal Protocol modernizes the protocol, which has been a cornerstone of international manufacturing and business related to refrigerants by addressing chemicals called hydrofluorocarbons, HFCs. Senate approval of the Kigali amendment will not only help U.S. businesses, including manufacturers in Texas, Tennessee, and Wisconsin, develop and access global markets, but it will also ensure that our manufacturers are not shut out of those markets.

Let me be more explicit here. Through the AIM Act, we are already taking the domestic steps that Kigali would require, so the only question is whether we will join the treaty, expand business opportunities for U.S. companies, and create thousands of jobs, or stay on the outside and lock our companies out of foreign markets. We have received an outpouring of support for the Kigali amendment from the business community. We approved each of the prior four amendments to the Montreal Protocol with overwhelming bipartisan support, and we should do so with Kigali as well. I welcome the opportunity to take up the four treaties today, and I urge all Members of the committee to support them.

Let me turn to the Ranking Member, Senator Risch, for his comments.

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

Senator RISCH. Thank you, Mr. Chairman. In short, I intend to vote for all the treaties and all the nominees on the agenda today.

First of all, with Croatia, the Mutual Legal Assistance Agreement with Croatia would help streamline the process for securing the evidence and testimony we need to enforce our laws. The South Pacific Tuna Treaty amendments are important and strengthen the ability of U.S. tuna fishing vessels to fish in the South Pacific where as much as 60 percent of the world's tuna catch can be found. This treaty is supported by the industry, and I think it will be helpful for America.

The Kigali amendment is the most complex of all of these. With ratification of the amendment, the U.S. will join about 130 countries in a multi-decade plan to phase down the production and consumption of 18 highly-polluting substances known as HFCs. The Kigali amendment will facilitate the transition to the next generation of refrigerants. That alone is enough to support this treaty, but on top of that, the U.S. is an innovator in the substitutes for what will be used in refrigeration. This is strongly supported by industry and gives America's businesses a leg up. I support those. I ask—Mr. Chairman, if—I understand you are going to have a voice vote.

The CHAIRMAN. Yes.

Senator RISCH. Which is agreeable as long as everyone can record the—unless someone has a specific objection. Anyone who wants to be recorded as “no” on any of these, of course, can.

The CHAIRMAN. Yes, that would be fine. Thank you, Senator Risch.

Without objection then, we will now consider, en bloc, the entire agenda that was noticed for today’s business meeting, all of the nominations and resolutions of advice and consent for the treaties. I think they are all before the committee Members here and are noticed and is the group that we are moving. Would any Members like to comment on any of these items before we vote?

Senator PORTMAN. Mr. Chairman, I would like to talk about the Kigali amendment after we vote.

The CHAIRMAN. After. Absolutely.

Senator COONS. Mr. Chairman, the same.

The CHAIRMAN. After—

Senator COONS. After the vote.

The CHAIRMAN. Okay. All right. So I will entertain a motion to approve all of these items, en bloc.

Senator KAINE. So moved.

The CHAIRMAN. Is there a second?

VOICE. I will second.

The CHAIRMAN. Seconded. All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say nay.

[No response.]

The CHAIRMAN. The ayes have it, and the nominees and the treaties are favorably reported to the full Senate.

I am happy to recognize Senator Portman.

Senator PORTMAN. Well, are we going to do the nominees next, Mr. Chairman?

Senator RISCH. We did them all.

The CHAIRMAN. We just did them.

[No response.]

Senator PORTMAN. Well, I just want to talk about Kigali for a second and why it makes so much sense. You mentioned Texas as one of the States. Ohio is one of those States that produces a product that will actually be advantaged by this amendment because we have the new technology. So we are phasing out HFCs, as we should and as the Trump Administration agreed we should. We are in a position in the United States to actually increase our trade probably by 25 percent in terms of some of these items, like refrigeration. So this is good for Ohio. It is good for our country.

I will say that I continue to be concerned that the EPA has overstepped its statutory authority under the broader AIM Act under which this is being accomplished by banning what are called non-refillable cylinders, which the law did not address. So I just advocate for agencies to listen to what we say here and follow the law. In this case I believe the EPA has not done that, and I would hope that they would. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Coons.

Senator COONS. Thank you, Mr. Chairman. Some have heard of a little company in Delaware named DuPont. They innovated some-

thing called freon decades ago. It had the unexpected, unintended consequence of creating a hole in the ozone layer. Many years later, innovation by American companies produced the next generation of refrigerants. By ratifying this Kigali amendment, we create the market opportunity for those next-generation refrigerants to replace the old HFCs. If we fail to ratify this on the floor of the Senate, we lock in China's competitive advantage as they continue to make and export the old, more polluting refrigerants. This is a real chance for us, on a bipartisan basis, to move forward in innovation and American manufacturing. The bipartisan Senate Climate Solutions Caucus—a majority of the Members sent a letter in support.

One other sentence, if I might, Mr. Chairman. Later today, I believe you are meeting with the foreign minister of Sweden. I just met with her. A number of us have met with leaders of Finland and Sweden. I think it is a very positive development for the security of the West if Finland and Sweden do, indeed, proceed to seek to join NATO, and we should do everything we possibly can to clear the path for ratification of their admission to NATO, and to make sure that we can get that treaty ratified before the August recess because there is a period of great danger, I think, between their application, and accession, and ratification. And I know as the Chairman of this committee, you and the Ranking Member will lead that process ably and well, and I look forward to supporting you in that.

The CHAIRMAN. Thank you very much. I am in agreement with your comments both on Kigali and the importance of their accession into the NATO treaty. Any other Member who wishes to speak to any—

Senator RISCH. Mr. Chairman.

The CHAIRMAN. Senator Risch.

Senator RISCH. First of all, I agree with Senator Coons on most of what he said, but particularly on the accession to NATO. We have all met with the Fins and the Swedes. You could not help, if you were a person who lived in that country and looked at what just happened in Ukraine, and say, whoa, you know. We have been trusting all these years. It turns out we cannot trust. There is a better path, and I think it took them a while to come to the realization. I met with them shortly before the invasion, and I can tell you that the enthusiasm and the heat has changed dramatically to now. So I am not sure that I agree that there is that period of danger between the time they apply and the time that it actually is completed. Certainly that would be argued. I know Putin will argue that. He already has. He has not scared them so far, and I do not think he will scare them now.

So but having said that, I think in the past, these have taken a year. This is a whole different kettle of fish, I think. These people are ready. The work has been done. I have written the Administration telling them to get the stuff ready so that when it does come, we can move it quickly, and I think probably we are going to have pretty much unanimous acceptance. In addition to that, from a pure financial standpoint, you know, after the dust settles, we are going to wind up hardening the Eastern flank, and it is going to cost a lot of money. The more pocketbooks we have got stepping up to the line, I think the better off we will be.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Any other Members wishing to make a comment?

[No response.]

The CHAIRMAN. If not, with the thanks of the Chair for all of your attendance, this business meeting is adjourned.

[Whereupon, at 10:18 a.m., the committee was adjourned.]

Additional Material Submitted for the Record

**CORRESPONDENCE SUBMITTED IN SUPPORT OF THE NOMINATION OF
DR. JOHN NKENGASONG TO BE GLOBAL AIDS COORDINATOR**



The Honorable Bob Menendez
United States Senate
528 Hart Senate Office Building
Washington, DC 20510

5810 Kingstowne Center Drive
Suite 120-764
Alexandria, VA 22315 USA
+1-703-923-8960
www.ccih.org

Dear Chairman Menendez,

I would like to thank you for your continued support of the President's Emergency Plan for AIDS Relief (PEPFAR). As the Executive Director of a coalition network of Christian organizations working in over 100 countries around the world, I have seen firsthand the impact PEPFAR programs have had for the work of our members.. Not only do these programs combat HIV/AIDS, they provide something far more meaningful to these communities: Hope. It is this hope that allows them the confidence that with U.S. partnership, together we can defeat this terrible disease.

We are very pleased to see that the White House nominated Dr. John Nkengasong as Global AIDS Coordinator to lead the PEPFAR program. His experience overseeing the Center for Disease Control's (CDC) operations in Africa, combined with his roots in the same context give him a deep background and unique perspective that will certainly assist U.S. national interests. We are pleased with Dr. Nkengasong's demonstrated commitment to the faith community and hope that under his leadership, PEPFAR will continue to view the faith community as invaluable partners in the fight against HIV/AIDS.

As a champion of PEPFAR, you have a deep understanding of the importance of stable leadership and that the world often looks to the U.S. to lead in times of crisis. The impacts of the COVID-19 global pandemic have had a profound impact on existing programs such as PEPFAR and I believe Dr. Nkengasong can help steward the agency in these troubling times. I respectfully ask as Chairman of the Senate Foreign Relations Committee that you would encourage others on the committee to urge for a speedy confirmation hearing of Dr. NKengasong as the Global AIDS Coordinator.

Thank you again for all you and your staff do to support global health, making a positive impact on millions of lives around the globe.

Sincerely,

Executive Director

The Honorable Bob Menendez
Chairman
Senate Foreign Relations Cmte
Senate Dirksen Room 423
Washington, DC 20510

The Honorable Jim Risch
Ranking Member
Senate Foreign Relations Cmte
Senate Dirksen Room 423
Washington, DC 20510

The Honorable Chuck Schumer
Senate Majority Leader
US Capitol S-221
Washington, DC 20510

The Honorable Mitch McConnell
Senate Minority Leader
US Capitol S-230
Washington, DC 20510

January 17, 2022

Dear Senators Menendez and Risch, Leaders Schumer and McConnell:

We write today regarding a lifesaving matter that has always been, and continues to be, solidly bipartisan here in America – the global fight against AIDS and to urge the swift confirmation of Dr. John Nkengasong to be the US Global AIDS Coordinator. His effective and inspiring leadership is needed now more than ever.

In his State of the Union address in 2003, President George W. Bush called for the creation of the President’s Emergency Plan for AIDS Relief (PEPFAR) saying that “seldom has history offered a greater opportunity to do so much for so many.” Since then, Democratic and Republican Presidents, and Democratic and Republican-led Congresses, have tirelessly supported PEPFAR in saving more than 20 million lives, preventing millions of new HIV infections, and moving the HIV/AIDS epidemic from crisis toward control in more than 50 countries – reducing AIDS deaths by 60% and new HIV infections by 40%.

In the last 18 months, PEPFAR platforms have been leveraged in the fight against COVID-19 delivering test kits, PPE, and laboratory reagents through reliable supply chains, completing tens of millions of COVID tests through well equipped labs, collecting and using data from effective health management systems, and deploying health care and community health workers for vaccine literacy, readiness and administration. So much progress has been achieved, and yet all of it is being pushed to the brink by COVID. If there ever was a time and a place for skilled and steady leadership – it would be now and at the helm of the US government’s flagship global health effort.

Thankfully, Dr. John Nkengasong is a perfect match for this moment and the challenges that lie ahead in ending AIDS by 2030 in the age of COVID and whatever viral nightmare comes next. Dr. John, as his colleagues call him, is a world renowned virologist with more than 30 years experience in global public health, including more than 20 years in various HIV/AIDS leadership positions at the Center for Global Health at the US Centers for Disease Control (CDC) in Atlanta and 5 years as the Founding Director of the African Centres for Disease Control (CDC), and the African Society for Laboratory Medicine, in Addis Ababa, Ethiopia. He has

served as a board member for the International AIDS Vaccine Initiative (IAVI) and the Coalition for Epidemic Preparedness (CEPI) and as a World Health Organization (WHO) Special Envoy for COVID-19. While Dr. John is a US citizen, he would be the first US Global AIDS Coordinator to be born in Africa – the epicenter of the HIV pandemic and heart of PEPFAR’s lifesaving work.

Dr. John is just what the doctor ordered. And while every government job requiring Senate confirmation is important – few have the life and death consequences of the PEPFAR posting. We strongly urge the Senate Foreign Relations Committee to favorably report Dr. John’s nomination and the full Senate to confirm him as soon as possible. His leadership is urgently needed to forge continued success in addressing both HIV/AIDS and ensuring we leverage this flagship program to meet the challenges of COVID and future pandemics

If there is anything that we can do to help make this happen, please know that we stand ready. Thank you for exercising your leadership on this lifesaving matter.

Sincerely,

Sir Elton John
Founder, Elton John AIDS Foundation

Pastor Rick Warren
Saddleback Church

Senator Tom Daschle
Former US Senate Majority Leader

Senator Bill Frist, MD
Former US Senate Majority Leader

Charlize Theron
Founder
Charlize Theron Africa Outreach Project

Linda-Gail Bekker, MD
Director
Desmond Tutu HIV Centre

Ambassador Mark Dybul, MD
Former US Global AIDS Coordinator
President George W. Bush

Ambassador Eric Goosby, MD
Former US Global AIDS Coordinator
President Barak Obama

A Message from the Faith Community

January 19, 2022

Dear Members of the United States Senate,

For the past eighteen years the faith community has participated in the President's Emergency Plan for AIDS Relief (PEPFAR) providing life-saving treatment to literally millions of people, caring for millions of orphans and vulnerable children, and giving messages of hope and prevention that have saved countless more from the devastation of HIV infection and AIDS. Even before the enactment of this legislation the faith community was at the forefront of battling the epidemic in the developing world. Working together we have accomplished miraculous things, but the work is far from over.

It is critical we have leadership at the program as soon as possible. The sooner that can happen the more progress can be made. Covid-19 has been detrimental to the program even as its solid foundation has kept it functioning better than one might have expected. Few patients have lost access to much needed treatments, while programs focused on orphans and vulnerable children have largely held their own. We are close to meeting the goals that were set prior to Covid, but there is a critical need to have leadership that will sustain PEPFAR's progress.

That is why it is imperative that the Senate move quickly to confirm Dr. John Nkengasong as soon as possible. He knows the program well, he knows Africa – where the bulk of AIDS cases are found--better than most in this issue, and he has the respect of a broad range of individuals from the medical/public health community to country leaders, and the faith community. Your support will show that America cares deeply for the people in the developing world and will send a message of hope where little exists today.

We the undersigned support the immediate confirmation of a new Global AIDS Coordinator. While some of the faith entities below (marked with an asterisk*) have policies preventing their support of any specific political nominee, all express a desire to have new PEPFAR leadership as soon as possible. Those without asterisks are specifically endorsing the nominee before you, Dr. Nkengasong. Thank you for your consideration and hopefully confirmation of this nominee.

| | |
|--|---|
| 4africa | Interfaith Network of Religious Leaders Living with or Personally Affected by HIV |
| African Christian Health Associations Platform | Kerus Global Education |
| Catholic Relief Services* | LifeNet International |
| Children's AIDS Fund International | Nazarene Compassionate Ministries, Inc. |
| Chreso Ministries | Salvation Army* |
| Christian Connections for International Health | Saddleback Church – Rick and Kay Warren |
| Christian Alliance for Orphans | Samaritan's Purse* |
| Circle of Hope, a ministry of Expanded Church | National Association of Evangelicals* |
| Response to HIV/AIDS Trust | The Radler Foundation |
| Eastern Deanery AIDS Relief Program | UBtheCURE LLC |
| Every Orphan's Hope | United Church of Christ HIV & AIDS Network |
| Food for the Hungry | US Conference of Catholic Bishops* |
| He Intends Victory (H.I.V.) | World Relief* |
| Interfaith Health Platform | World Vision* |
| Interfaith Health Program & CHAMPS Network, | |
| Rollins School of Public Health, Emory Univ. | |

BUSINESS MEETING

WEDNESDAY, MAY 18, 2022

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

Summary of Action Taken by the Committee

LEGISLATION

- S. Res. 341, a resolution commemorating the 70th anniversary of the signing of the Security Treaty among Australia, New Zealand, and the United States of America—agreed to by voice vote
- S. Res. 529, a resolution supporting a democratic, pluralistic, and prosperous Bosnia and Herzegovina on the 30th Anniversary of its declaration of independence, with amendments—agreed to by voice vote
- Shaheen 1st Degree Amendment #1—agreed to by voice vote
 - Shaheen 1st Degree Amendment #2—agreed to by voice vote
- S. Res. 499, a resolution celebrating 100 years of diplomatic relations between the United States and the Baltic States—agreed to by voice vote
- S. Res. 615, a resolution expressing appreciation for the efforts of the Republic of Poland to assist Ukrainian refugees and support the sovereignty of Ukraine following the Russian invasion of Ukraine—agreed to by voice vote
- S. Res. 538, a resolution expressing support for a second United States-Africa Leaders Summit as an important opportunity to strengthen ties between the United States and African partners and build on areas of mutual interest—agreed to by voice vote
- S. Res. 390, a resolution expressing appreciation for the State of Qatar's efforts to assist the United States during Operation Allies Refuge—agreed to by voice vote
- S. Res. 632, a resolution calling for the immediate release of Russian opposition leader Vladimir Kara-Murza, who was unjustly detained on April 11, 2022—agreed to by voice vote

NOMINATIONS

- Ms. Bernadette M. Meehan, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chile—agreed to by voice vote (Rubio, Barrasso, and Cruz recorded as no)
- The Honorable Jane Hartley, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland—agreed to by voice vote (Rubio recorded as no)
- Ms. Constance J. Milstein, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta—agreed to by voice vote (Risch, Rubio, Johnson, Portman, Paul, Young, Barrasso, Cruz, Rounds, and Hagerty recorded as no)
- Dr. Bruce I. Turner, of Colorado, for the rank of Ambassador during his tenure of service as U.S. Representative to the Conference on Disarmament—agreed to by voice vote

The Honorable Alexander Mark Laskaris, of the District of Columbia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be an Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad—agreed to by voice vote

The Honorable Bridget A. Brink, of Michigan, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine—agreed to by voice vote

Mr. Alan M. Leventhal, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Denmark—agreed to by voice vote (Rubio, Johnson, Paul, Barrasso, and Hagerty recorded as no)

Meeting Transcript

The committee met, pursuant to notice, at 2:07 p.m., in Room S-16, The Capitol, Hon. Robert Menendez presiding.

Present: Senators Menendez [presiding], Shaheen, Risch, Romney, and Portman.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today, we are considering a number of nominations and legislative items for planning purposes. I just want to let Members know I intend to hold, working with the Ranking Member, another legislative markup on May 26th before the end of this work period.

Let me turn, first, to nominations. I am pleased that today's agenda includes Ambassador Bridget Brink to be the Ambassador to Ukraine, whose appointment and, I hope, expedient confirmation on the Senate floor is critical to our efforts and ability to stand with Ukraine.

As Russia continues its the brutal assault on Ukraine, the Ukrainian people have shown remarkable resolve. The United States and the international community have also shown our commitment to supporting those on the frontlines in defending democratic systems of government against autocracy.

There is, obviously, no question about the U.S. commitment to Ukraine but having such a capable, qualified, professional diplomat in Kyiv will be critical to ensuring we continue not just immediate military humanitarian support but a long-term partnership.

I am also pleased that we are considering a number of other well-qualified nominees for important posts, including Jane Hartley to be the Ambassador to the United Kingdom, Alexander Laskaris to be the Ambassador to Chad, Alan Leventhal to be Ambassador to Denmark.

I will not speak about each of the nominees individually but I will reiterate what we all know. It is critical to our national security to have a full team in place at the State Department and our embassies around the world. We need to confirm these people quickly.

Turning to legislation, we will vote on seven resolutions that represent the good bipartisan work of many Members of the committee and the Senate, including Senators Risch, Shaheen, Coons, Murphy, Portman, as well as Senators Graham and Durbin.

I will not speak about all the resolutions but I want to thank Senators Risch, Durbin, and Blunt for joining me on Resolution S. Res. 341, which commemorates the 70th anniversary of the signing of the security treaty among Australia, New Zealand, and the United States.

I also want to applaud Senators Coons and Rubio for their respective bipartisan resolutions, one expressing appreciation for the efforts of Poland to assist Ukrainian refugees, and the other calling for the immediate release of Russian opposition leader Vladimir Kara-Murza, who has been unjustly detained for his tireless efforts to advance freedom and human rights for the people of Russia.

On Poland today, we commend the country for opening its doors to more than 3 million people fleeing the war in Ukraine.

Yet, I must also note concerning reports that Roma and non-Ukrainians, such as African and Asian students, continue to experience differential treatment at and beyond Ukraine's border, and we call for Poland and other countries providing safe harbor from this terrible conflict to treat everyone with dignity and respect and provide comparable humanitarian assistance.

In addition, as the committee continues its effort to examine and address Russia's horrific invasion of Ukraine as well as the ongoing crackdown on independent voices in Russia, I am pleased we will be moving these resolutions forward.

Finally, I want to take a moment to say that we are thinking of Senator Van Hollen, that we wish him a speedy recovery.

From all indications, Senator Cardin has shared with many of us that he spoke to him and he is doing well and we look forward to him being back with us. He is an incredibly valuable Member of the committee and we appreciate his voice on so many different issues. We wish him well.

With that, let me turn to the Ranking Member, Senator Risch, for his opening remarks.

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

Senator RISCH. Thank you, Mr. Chairman, and let me take up where you left off. Likewise from our side, we wish Senator Van Hollen the best and hoping to get back here. He is a very valuable contributing member to our committee here.

First of all, I am glad to be having this business meeting. We have some of these that are really urgent. Of course, I am disappointed it took the President 15 months to nominate an ambassador to Ukraine, particularly under the circumstances.

But we got the right person for the job now. The sooner we get her on the job the better off we will be. Same way with Hartley's nomination. I think that those are two that we need to move, hopefully, on the floor as quickly as we can.

With the others, we have a mixture, Mr. Chairman. I do not know how you intend to do the vote, but if anybody wants a roll call or a voice vote or what have you, obviously, you will accommodate us as you usually do, I would assume, so we can get recorded the people who want to be recorded as backup

The CHAIRMAN. Sure. It is my intention to consider an en bloc for the entire agenda but we will recognize dissenting voices on any specific nominee or legislative item.

Anyone else wishing to address this? Senator Shaheen?

Senator SHAHEEN. Yes. I just wanted to urge support for S.Res. 529, which is a resolution that supports a democratic, pluralistic, and prosperous Bosnia-Herzegovina on its 30th anniversary of its declaration of independence.

Ron Johnson, who is the Ranking Member with me on the European Affairs Subcommittee, and I are supporting this and I am proposing two amendments.

Senator Murphy and I, along with Senator Tillis, visited Bosnia the last week in April. I have been there a number of times over the last 12 years and I can tell you, I left—and I think Chris and Tom shared this—feeling more worried about what is happening there than any other time I have been there.

I think it is—has the potential to have real difficulty. Russia is, clearly, continuing to meddle in the Republic of Srpska, and so what these two amendments would do is address what we heard when we were there.

One, it would change the findings around Milorad Dodik, who is the Serbian president in Bosnia who has been creating so many challenges. The other one would address concerns we heard about the posture—the force posture and NATO and what will happen if Russia does not vote to authorize that this fall.

I think it is really important for us to continue to pay attention to what is happening in the Western Balkans. This is the country that right now, I believe, has the biggest challenges and, hopefully, we can support this because I know they are paying attention to what we are doing here and they know if we are watching what happens there.

I hope people will support this.

The CHAIRMAN. Thank you. Any other Members seeking recognition on any of the items of the agenda?

I will just echo, first of all, my thanks to Senator Shaheen and Murphy for their engagement in the Balkans—incredibly important.

This is the region of the world that has created the impetus of two world wars so we, certainly, are concerned that we can create peace and stability, and for sometimes when people—colleagues—ask me what do these resolutions matter, your observation that they pay attention of what we are saying is incredibly important.

Without anyone else seeking recognition, I will ask, without objection, that we consider en bloc the entire agenda for today, which includes seven nominations, seven resolutions, including incorporation of Shaheen first degrees one and two to S.Res. 529 on Bosnia.

We have the whole list that is before you. I do not think I need to read through them. And if there is no one seeking recognition I will move that we approve the agenda en bloc.

Is there a motion to that effect?

Senator BOOKER. So moved.

The CHAIRMAN. So moved. And seconded?

Senator SHAHEEN. Second.

The CHAIRMAN. All those in favor will say aye.

All those opposed?

The ayes have it and the agenda is agreed to en bloc.

The nominations are approved favorably to the Senate as are the resolutions, and whatever Members the Ranking Member advises us wants to vote no on some of these items we are happy recognize that.

Senator RISCH. Thank you, Mr. Chairman.

On Milstein, I think I am going to ask that every Republican be—

[Interruption.]

The CHAIRMAN. That was not me.

[Laughter.]

The CHAIRMAN. I was not talking to you. Okay.

[Laughter.]

The CHAIRMAN. Okay.

Senator RISCH. This is—it is very distracting. I am going to ask on Milstein that everyone be recorded as a “no” on the Republican side.

Senator Romney, did you want to be an aye on that one?

Senator ROMNEY. I am fine where we are.

Senator RISCH. I am sorry?

Senator ROMNEY. I voted aye on all of them.

Senator RISCH. Okay. That is good. All right. But the other—the others of us would like to be recorded as a “no.”

The CHAIRMAN. Those shall be so recorded.

Senator RISCH. On Leventhal, I have a number of requests to be recorded as “no.” That would be Rubio, Johnson, Paul, Barrasso, Cruz, and—excuse me, and Hagerty.

Can you leave it open till later today so we can record before—

The CHAIRMAN. Okay. We will do—

Senator RISCH. Is that agreeable? Okay.

The CHAIRMAN. Happy to accommodate them.

Senator RISCH. That is what we have.

The CHAIRMAN. Okay.

Senator Portman?

Senator PORTMAN. I do not know if anybody else wanted to wait till the end but I just want to thank you and Senator Risch for moving Ambassador Brink to the floor and urge that we take her name up as soon as possible on the floor.

As you know, they opened the embassy in Kyiv today after many of us have been urging them to do that for a few weeks. Over two dozen countries have already done it before us and it is critical we get her there.

Thank you for moving her expeditiously through committee and let us know what we can do to help get her on the floor as soon as possible.

The CHAIRMAN. I appreciate those comments. It is my intention—I will have a conversation with the majority leader as well as a conversation with the Republican leader—but to move her by consent unless someone has an objection.

As soon as that moment is ready for the floor to do that at the very first earliest moment—

Senator PORTMAN. I would support that.

The CHAIRMAN [continuing]. That is what I intend to do, and those of you who could speak to Senator McConnell, I am sure he is—having had a visit very recently, he would appreciate, I would assume, making that move as well. This is one we should all be able to agree to let go.

Seeing no other—oh, yes, I am sorry. I forgot about the technical.

I ask unanimous consent that the staff be permitted to make technical and conforming amends to all of the items that have been passed, without objection.

With that, this meeting is adjourned.

[Whereupon, at 2:17 p.m., the business meeting was adjourned.]

BUSINESS MEETING

THURSDAY, MAY 26, 2022

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

Summary of Action Taken by the Committee

[No action was taken at this meeting due to the absence of a quorum.]

Meeting Transcript

The committee met, pursuant to notice, at 11:11 a.m., in Room S-116, The Capitol, Hon. Robert Menendez presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Kaine, and Risch.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today, we were supposed to be considering two nominations and two FSO lists. We received a holdover request for all 17 legislative items that were originally on the agenda for today.

We also received a holdover request for Ambassador Elizabeth Richard, the nominee to be Coordinator for Counterterrorism at the Department of State.

And, of course, as I have in the past, I will honor those requests and we will take those items in the June work period.

But let me speak for a moment on the holdover of every legislative item on the agenda. As I was compelled to explain many times last year in relationship to blanket obstruction on nominees, the holdover was never intended to be used in such a comprehensive fashion.

In this committee, it has always been treated as a courtesy—it is not written in the rules—afforded to a Senator who sought additional time to consider a specific matter, not to delay the entire business meeting of the committee.

The rules of this committee require a seven-day advance notice for business meetings unless, of course, the Chairman, in consultation with the Ranking Member, determine there is good cause to proceed with less than seven days.

However, I have ensured that this committee abides by this rule. Every markup this Congress has been noticed seven days in advance. This business meeting should not have been a surprise to

anyone. It has been the subject of informal negotiations between majority and minority staff for weeks and, through those staff, shared with Democratic and Republican offices.

At our business meeting on May the 18th, I informed the committee that we would be holding a legislative markup on May 26th.

So, if we continue to see Members go down this path, I will have a different view about observing this courtesy. I have been incredibly tolerant. But it makes no sense. If somebody had a specific problem with a piece of legislation, they needed more time to figure out whether they wanted to offer amendments or what not, that is fine.

But to take the whole calendar and throw it all out, that is ridiculous, and because we do not have enough people here today as well—

Senator RISCH. Mr. Chair? Mr. Chair?

The CHAIRMAN. If I may finish.

Senator RISCH. I am sorry.

The CHAIRMAN [continuing]. Because we do not have enough people here as well, I am going to hold over the entire rest of the agenda so that nobody else can hold it over the next time, and we will consider it at the next business meeting. But I have had enough.

Senator Risch?

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

Senator RISCH. Mr. Chairman, fair points made. Obviously, as Ranking Member I did not do this and I can tell you that it was not the majority of the minority that did this. I understand the Chairman's frustration and many fair points made. Thank you.

The CHAIRMAN. Senator Kaine, you had something you wanted to—

Senator KAINE. Yeah. I just wanted to let committee Members know the State Department yesterday asked if I would lead a group of Senators to the Summit for the Americas in L.A. on Thursday, June 9, Friday, June 10.

The summit is the 8th, 9th, and 10th and we would leave here after the last vote on Thursday, fly out Thursday, Friday, and then red-eye back Friday night to Andrews.

So, it is last minute. I was asked at the last minute. I would love anybody to go and I will distribute cards. I know we do not have full attendance but I will give everybody cards with that information.

I think it is an important opportunity. The U.S. has not hosted the summit since 1994 in Miami and it would be good to have a good showing.

The President and Vice President will be there. We will arrive in time for a reception that Secretary Blinken is having for foreign ministers who attend.

The CHAIRMAN. Senator Shaheen?

Senator SHAHEEN. Yes, Mr. Chairman. I appreciate your frustration and I know that, as Senator Risch says, that this is not the majority of the minority.

But I am sure I speak for all of us when I say I am really tired to getting jerked around in this body by one or two Senators who

have their own agenda that has nothing to do with foreign policy of this country.

And I do not know if we have the capacity on this committee to change the rules. But I would encourage that we look at that and that we see that there need to be some other safeguards put in so that we cannot have this continue to happen meeting after meeting.

I do not think anybody wants to go out of here and have the press write that we were not willing to pass a resolution recognizing, honoring, and commending the women of Ukraine or expressing the Senate's support for Finland and Sweden's accession to the NATO, or all the other items that are on here.

These are not controversial. These are things that we all ought to be able to support, and I hope for all of you who may be here, staff members who represent those Senators who have this on hold, that you will go back and report to your Senators that we had this conversation.

Because I think we should be done with this now. It is time for us to behave like adults who are responsible for the future of this country and that is not what we are seeing from certain individuals.

The CHAIRMAN. Anyone else?

Senator COONS. Mr. Chairman?

The CHAIRMAN. Senator Coons?

Senator COONS. I served on another committee that has, frankly, ground to a halt due to an inability to make any progress on its meetings, its agenda, and I have to agree with my colleague from New Hampshire. A resolution welcoming the prime minister of Greece to address the joint session of Congress when that has already happened—

Senator SHAHEEN. Embarrassing.

Senator COONS [continuing]. A resolution recognizing the 75th anniversary of UNICEF, these are not—I respect that every member has the right to have an extra week to look at complicated, pressing, authorizing pieces of legislation.

But we have had precious few markups. This committee is at risk of grinding into irrelevance. I think we ought to be able to take a bipartisan three-quarters vote of the committee to proceed with certain issues where we have got one or two holdouts who just do not reflect the overwhelming majority of the committee.

Otherwise, we are going to be at risk, going forward, of being able to get nothing done.

Senator CARDIN. Mr. Chairman?

The CHAIRMAN. Senator Cardin?

Senator CARDIN. Just to underscore what Senator Shaheen and Senator Coons are saying.

Senator Risch, I appreciate your working with us and trying to make sure that this committee's agenda moves forward. I really do. We know that it is not always easy with the pressures that you have within your own caucus—the same thing with Senator Menendez, the pressure he has with his caucus.

But I just really want to underscore the point you both have made. We are now seeing the floor of the United States Senate of Senators holding up the process of moving forward with legislation

in order to get their particular issue considered not by a vote on the floor of the United States Senate but by edict that it is automatically adopted.

That has happened to us now at least twice that we have had to deal with that type of a situation where the Senators were offered a democratic process on the floor of the Senate for the consideration of their legislation. They did not even want that.

So, this is an abuse of the rights of an individual Senator. We know that any one Senator can stop the process of the Senate operating in an orderly way. We know that.

But over the history of the United States Senate we have seen comity where we have been able to work together. I am getting to where Senator Shaheen is, who has expressed her frustration.

We are getting to the point where we need to look at the leadership of the Senate, Democrats and Republicans, to recognize we want to protect the rights—legitimate rights—of the minority, the legitimate rights of the committee, the legitimate rights to have issues considered.

But the abuse of individual Members here has gone beyond the limits and we really need to think about where we are in that regard.

The CHAIRMAN. Anyone else?

[No response.]

The CHAIRMAN. This meeting is adjourned.

[Whereupon, at 11:20 a.m., the business meeting was adjourned.]

BUSINESS MEETING

THURSDAY, JUNE 9, 2022

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

Summary of Action Taken by the Committee

LEGISLATION

- S. 4171, International Trafficking Victims Protection Reauthorization Act of 2022, with an amendment in the nature of a substitute—agreed to by voice vote
- Substitute Amendment—agreed to by voice vote
- S. 1160, FENTANYL Results Act, with an amendment in the nature of a substitute—agreed to by voice vote
- Managers Substitute Amendment—agreed to by voice vote
- S. 3211, Eliminate, Neutralize, and Disrupt Wildlife Trafficking Reauthorization and Improvements Act of 2021, with an amendment in the nature of a substitute—agreed to by voice vote
- Substitute Amendment—agreed to by voice vote
- S. 3861, Somaliland Partnership Act, with an amendment in the nature of a substitute—agreed to by voice vote
- Substitute Amendment—agreed to by voice vote
- S. 3895, United States Commission on International Religious Freedom Reauthorization Act of 2022, with an amendment in the nature of a substitute—agreed to by voice vote
- Substitute Amendment—agreed to by voice vote
- H.R. 4250, War Crimes Rewards Expansion Act—agreed to by voice vote
- H.R. 6089, Stop Iranian Drones Act, with amendments—agreed to by voice vote
- Cruz 1st Degree Amendment #1—agreed to by voice vote (Markey recorded as no)
 - Johnson 1st Degree Amendment #1—not agreed to by roll call vote (9–13)
Yays: Risch, Rubio (proxy), Johnson, Portman, Young (proxy), Barrasso (proxy), Cruz, Rounds, Hagerty (proxy)
Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley (proxy), Booker, Schatz, Van Hollen, Romney, and Paul (proxy)
- H.R. 7276, Ukraine Invasion War Crimes Deterrence and Accountability Act—agreed to by voice vote
- S.Con.Res. 40, A concurrent resolution welcoming the Prime Minister of Greece to the United States for an address to a joint meeting of Congress—agreed to by voice vote
- S.Res. 124, A resolution celebrating the heritage of Romani Americans, with amendments—agreed to by voice vote
- Preamble Amendment—agreed to by voice vote
 - Resolving Clause Amendment—agreed to by voice vote

- S.Res. 394, A resolution recognizing the 25th anniversary of Radio Free Asia and its mission to provide an independent source of news to closed societies in Asia, with amendments—agreed to by voice vote
- Preamble Amendment—agreed to by voice vote
 - Resolving Clause Amendment—agreed to by voice vote
- S.Res. 458, A resolution recognizing the 75th anniversary of the establishment of the United Nations Children’s Fund, with amendments—agreed to by voice vote
- Preamble Amendment—agreed to by voice vote
 - Resolving Clause Amendment—agreed to by voice vote
- S.Res. 540, A resolution supporting the goals of International Women’s Day, with an amendment—agreed to by voice vote
- Preamble Amendment—agreed to by voice vote
- S.Res. 568, A resolution supporting the goals and ideals of “Countering International Parental Child Abduction Month” and expressing the sense of the Senate that Congress should raise awareness of the harm caused by international parental child abduction—agreed to by voice vote
- S.Res. 589, A resolution recognizing, honoring, and commending the women of Ukraine who have contributed to the fight for freedom and the defense of Ukraine, with amendments—agreed to by voice vote
- Preamble Amendment—agreed to by voice vote
 - Resolving Clause Amendment—agreed to by voice vote
- S.Res. 638, A resolution commending the Government and people of the Republic of Moldova for their heroic efforts to support Ukrainian refugees fleeing President Putin’s illegal war against Ukraine, with an amendment—agreed to by voice vote
- Resolving Clause Amendment—agreed to by voice vote
- S.Res. 646, A resolution expressing the Senate’s support for Finland and Sweden’s accession into the North Atlantic Treaty Organization (NATO) and the expedited ratification of accession protocols, with an amendment—agreed to by voice vote
- Managers Preamble Amendment—agreed to by voice vote

NOMINATIONS

- The Honorable Mari Carmen Aponte, of Puerto Rico, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama—agreed to by voice vote (Barrasso recorded as no)
- Ms. Michelle Kwan, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belize—agreed to by voice vote (Rubio recorded as no)
- The Honorable Elizabeth H. Richard, of Virginia, a Career member of the Senior Foreign Service, Class of Career Minister, to be Coordinator for Counterterrorism, with the rank and status of Ambassador-at-Large—agreed to by voice vote (Rubio and Barrasso recorded as no)
- Dr. Francisco O. Mora, of Florida, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador—Held over
- Mr. Michael J. Adler, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Sudan—agreed to by voice vote
- The Honorable Reuben E. Brigety II, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa—Held over
- Ms. Margaret C. Whitman, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya—agreed to by voice vote

The Honorable Michael Battle, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania—agreed to by voice vote

Mr. John T. Godfrey, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of the Sudan—agreed to by voice vote

Mr. Michael C. Gonzales, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia—agreed to by voice vote

FSO LISTS

Roxanna Aguirre, *et al.*, dated November 17, 2021 (PN 1417)—agreed to by voice vote

Barrett David Bumpas, *et al.*, dated February 28, 2022 (PN 1812), as modified—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 9:38 a.m., in Room S-116, Dirksen Senate Office Building, Hon. Robert Menendez presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Johnson, Romney, Portman, Cruz, and Rounds.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today, we are considering a number of nominations, bills, and resolutions. All of the legislative items were on the business meeting agenda scheduled for May 26th. Regretfully, there was a holdover request for every item, which the Chair honored at that time.

As I have said before to Members of the committee and feel compelled to do so again, holdover requests are not and were never intended to be used in such a comprehensive fashion.

These requests have historically been a courtesy to a Senator who sought additional time to consider a specific matter, not to delay the entire business of the committee.

I will just publicly say I am not inclined to observe a holdover of the entire agenda in the future regardless of who asks for it.

Turning to today's agenda, first, to nominations, I am pleased that we are considering eight nominations and two FSO lists. There was a holdover request for two nominees, Frank Mora and Reuben Brigety, which the Chair will honor.

In the interest of time, I am not going to speak on all of them individually, just simply note they are well qualified and should be confirmed quickly.

On Elizabeth Richard, I entered a number of letters of support into the record highlighting her extensive experience as Service Coordinator for Counterterrorism.

Without objection, I would like to submit one more letter for the record from General Joseph Votel, former commander of CENTCOM.

[The information referred to is located at the end of this transcript.]

The CHAIRMAN. I will reiterate what we all know. It is a disservice to our national security if we do not fulfill our duty and confirm qualified individuals to represent the United States on the global stage. I urge all of our colleagues to support these nominations today and work towards their swift confirmation. We also have votes on eight bills and nine resolutions. I will highlight just a few.

S. 4171, first, the International Trafficking Victims Protection and Reauthorization Act.

We all know that human trafficking remains a horrific reality for millions of women, men, and children around the world. Traffickers seize any opportunity to exploit people in desperate circumstances, particularly victims of war and conflict.

As we speak, thousands of Ukrainian women and children who have fled Putin's brutal invasion are at peril of being preyed upon. There is an urgent need to pass this bill and increase protections for victims of human trafficking and to prevent millions more from falling into the hands of traffickers.

I want to thank the Ranking Member for his work on the bill and am pleased that he is the lead co-sponsor. Without objection, I would also like to add Senator Coons as an original co-sponsor of the bill.

I would like to thank, on S. 1160, Senators Shaheen and Portman for their efforts on the Fentanyl Results Act. As the opioid epidemic continues devastating our communities and taking lives, this bill is an important step in addressing this challenge.

It provides additional tools, strengthens the capacity of our law enforcement agencies, and prioritizes efforts to address the synthetic drug crisis in our country.

S.Res. 568, Supporting the Goals and Ideals of Countering International Parental Abduction Month, is a bipartisan resolution by Senators Feinstein and Tillis, which, I believe, as the author of the 2014 Sean and David Goldman International Child Abduction Prevention and Return Act, supports all efforts to focus the attention on this heartbreaking issue.

Finally, I want to recognize three pieces of legislation related to Ukraine: S.Res. 638, introduced by Senator Shaheen, to honor the immense sacrifices and horrors incurred by the women of Ukraine; H.R. 7276, the Ukraine Invasion War Crimes Deterrence and Accountability Act, which will provide critical information on U.S. efforts to collect evidence and information related to war crimes and other atrocities committed by Russia in Ukraine; and S.Res. 638, a resolution I introduced to commend the people of Moldova for their inspiring efforts to welcome Ukrainian refugees.

Finally, I will reiterate my view that the committee is at its best and most relevant when we are legislating on the important issues of our time and we need to be doing more on the legislative front.

I know there is a significant demand among many of you to do so and I have heard from you. I am aware of 15 or so strong bipartisan bills that are, basically, ready for committee consideration.

The Ranking Member has a list and he is aware of my efforts to get another markup on the books in short order, and I hope we

can do so, so that we can move a lot of very good legislation that is supported in a bipartisan fashion.

With that, let me turn to the Ranking Member for his remarks.

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

Senator RISCH. Thank you, Mr. Chairman. And, first of all, I am glad to see this robust agenda here today and I will continue to work with you and get, hopefully, another robust agenda on legislative items.

I would like to thank the Chairman, Senators Shaheen, Johnson, Cardin, Coons as well as Leader Schumer and Minority Leader McConnell for joining me in introducing Senate Res. 646 expressing our support for Finland and Sweden's accession into NATO.

I expect this committee will take up these protocols in the coming weeks and I strongly urge the Administration to act as quickly as possible.

Today we will also consider Senate Bill 3861, the Somaliland Partnership Act, which requires additional reporting on the assistance provided to Somaliland and assesses the feasibility of establishing a security partnership with that region. I would like to thank Senator Rounds and Senator Van Hollen for joining me in this effort.

And, finally, we have a robust list of appointments that always engender considerable debate. I would like to suggest, and only suggest, that we take up the legislative package first, pass that, then move to the other and do what we do to try to get a vote on the whole package. And if somebody wants to pull one off, we have a debate on one and everybody get the chance to record their votes if that is agreeable with the Chairman. It is just a suggestion.

The CHAIRMAN. Okay.

I appreciate that. Let us start off by—I was going to seek to move the entire agenda en bloc and then, of course, subject to any amendments, comments, or if someone wants a specific roll call vote, and then we will recognize individuals for comments.

So, let me entertain a motion that we consider en bloc the entire agenda that we have noticed for this business meeting—all of the bills, resolutions, nominations, and FSO lists with the exception of Ambassador Brigety and Mr. Mora, who have been asked to be held over.

Is there a motion to that effect?

Senator CARDIN. So moved.

The CHAIRMAN. So moved. Is there a second?

Senator KAINE. Second.

Senator SHAHEEN. Second.

The CHAIRMAN. Second? Okay. A motion has been made to second.

Let me recognize Senator Cardin.

Senator CARDIN. Just so I understand, I know that, for example, in regards to S. 1160 we have an agreed-to amendment, and I want to thank Senators Shaheen and Portman for their work and recognize Senators Hagerty and Cornyn for their incredible amount of work they did in precursor drugs also being included. There was

a lot of work done on that and I really want to congratulate everyone involved with working that out.

Mr. Chairman, am I correct that that amendment is incorporated in your motion or do we have to take it up separately to offer that amendment?

The CHAIRMAN. It is incorporated.

Senator CARDIN. Thank you. I appreciate that.

Let me just say I am very pleased we are passing the Roma resolution. It is the first one this committee has done.

And lastly, I have noted an amendment in regards to the Combating Global Corruption Act to the reauthorization of the Trafficking Victims Act. I am not offering that amendment but it is just my sense that we need action on this.

Senator Young and I introduced this bill, acted on by this committee a year ago. I know we have work to do in the House and the full Senate, and I look forward to working with you to see that bill reach the finish line.

The CHAIRMAN. Thank you.

Any other Members seeking recognition?

Senator SHAHEEN. Yes.

The CHAIRMAN. Senator Shaheen?

Senator SHAHEEN. Thank you.

First, on the Fentanyl Results Act, I had the opportunity yesterday to hear from Anne Milgram, who I am sure the Chairman knows very well. She is the former Attorney General of New Jersey who is now head of the Drug Enforcement Agency, and she was speaking to a group of business people and one of the things she was talking about was the fentanyl challenge that we have in this country.

It is a huge problem in New Hampshire. And she gave an example that I thought was really relevant for our thinking about this drug. She said she tries to gather her nieces, nephews, young people, and she holds in her hand about 12 to 15 grains of salt and she points out to them that those 12 to 15 grains of salt are deadly when it is fentanyl. That is all it takes.

So, this legislation is really important, all the work that was done by everyone involved, and I hope that we will support it and look for other ways we can reduce the trafficking of fentanyl.

I also wanted to speak to S.Res. 540, which is the resolution supporting the goals of International Women's Day, and S.Res. 589, which the Chairman mentioned, around the women of Ukraine.

I think both of these are particularly relevant this year because this has been a really devastating year for women around the world. As we look at Afghanistan and what is happening in Afghanistan, it is women who are bearing the brunt of the Taliban.

It is women and children across the world who are most affected by hunger as we look at the challenges that the world is facing with hunger. And, of course, in Ukraine, it is women and children who have been most affected in terms of being disrupted from their homes and now are facing other challenges around trafficking.

I think these resolutions are really important and they really do make a difference for women around the world and for people in other countries when they see that we have taken action.

I think we should all recognize the importance of what we are doing here today.

Thank you.

The CHAIRMAN. Thank you. Well said.

Any other Members seeking recognition?

Senator Johnson?

Senator JOHNSON. Mr. Chairman, is this the time to offer amendments?

The CHAIRMAN. Yes.

Senator JOHNSON. First of all, I want to thank you for the hearing yesterday. I was not able to attend the hearing but I watched it on WebEx and I thought the testimony of the Gravedigger was—what is the right word—compelling.

I hope you distribute that broadly and I hope more Members here will see it. I hope more Americans do as well.

But I would like to offer an amendment to H.R. 6089, the Stop Iranian Drones Act. My amendment will simply add two new subsections to CAATSA Section 107. The first would deem any agreement by the president of Iran related to Iran's nuclear program a treaty subject to the advice and consent of the Senate.

The second subsection would bar the President from waiving, suspending, or otherwise limiting the application of any existing sanctions on Iran as part of any nuclear agreement with Iran.

I offered an amendment during the JCPOA to our—the legislation we passed through the Senate to deem that agreement a treaty. I think, in hindsight, I hope people would agree with me that, had the Obama administration been forced to submit an agreement to the Senate as a treaty, A, it would have been a more effective agreement, and B, it probably would have been more difficult to withdraw from the agreement and maybe Iran would not be in the place it would be.

I think the Senate has abdicated so much of its responsibility by not insisting on these incredibly important agreements. Again, I looked through the State Department's guidelines on this and it is pretty convoluted in terms of exactly what the rules are whether something is an agreement or a treaty.

But something this momentous, something this important, as these agreements that—trying to keep Iran from becoming a nuclear power, which would be so unbelievably disruptive to world peace—certainly should rise to the level of a treaty and subject to ratification in the sense of advice and consent.

I would urge all my colleagues to support this amendment, which would, again, require any agreement this administration enters into with Iran to become a treaty and be ratified by the Senate.

The CHAIRMAN. Any other Members seeking recognition?

Senator Kaine?

Senator KAINE. Mr. Chair, I want to speak to Senator Johnson's amendment but, more broadly, to other amendments that could be offered on the same bill, 6089.

I worked with many of my colleagues around this table to come up with the INARA review that President Obama did not like. He said he was going to veto it until the votes of the Senate were so overwhelming that he could not.

There was an original intent to do a JCPOA that would not be submitted to Congress for review, but this committee acted in a bipartisan way to require that it be submitted.

I continue to believe that that is the right standard for congressional review, should the Biden administration find a JCPOA that they think is worthy or something they think is worth entering into.

And so, I am going to vote against a number of the amendments. Actually, I think the underlying bill is a good bill. I am going to vote for the bill. But I am going to vote against a number of amendments that I think are, basically, trying to sort of change the standard of congressional review or put obstacles in the way of the Biden administration, which is trying to reach an agreement.

I recognize there is significant difference around the table about whether the Biden administration should even reach an agreement or not, or, if so, what the agreement should contain.

But INARA is still on the books and the Biden administration said they are going to bring any deal they reach back to us under the INARA provision and I think that is the right standard.

I am going to be opposing a number of the amendments. I recognize my colleague, Senator Johnson, has been very consistent about this. He has never changed his position since we had this conversation back in 2015 and I appreciate that consistency.

But I think INARA sets the right standard and so for that reason I am going to oppose a number of the amendments to 6089.

The CHAIRMAN. Any other Members seeking recognition?
Senator Cruz?

Senator CRUZ. I would be curious to ask my friend from Virginia. I know he thinks about these issues hard and carefully.

You are right. INARA had a vote, but it also reversed the presumption. We had a vote. We had a bipartisan majority in the Senate that voted against the Iran deal. But under INARA it still went into effect.

So, the vote, I guess, made us feel good but did not stop the agreement, and I would just be curious—look, I recognize now there is a Democratic president so Democratic Senators are happier with the sorts of agreements he would enter into.

With a Republican president, I suspect you would be less happy with the sorts of agreements he would enter into. I would be curious what the Senator from Virginia thinks the treaty standard should be because under INARA there is not a two-thirds ratification and under the treaty powers if it does not get ratified it does not go into effect.

INARA flips that entirely and says the president can implement it even if, as was the case last time, a bipartisan majority of the Senate opposes.

I know you have thought carefully about it so I would just be interested in your thoughts of when something should not be a treaty and when it is not.

Senator Kaine. As to expand upon a topic that is so challenging, I am not going to give an answer on that question that is going to be satisfactory to anybody, including me.

I think the difference between what is an executive agreement and what is a treaty is really murky when we have had executive

agreements in the international space since George Washington was president that were not submitted under the treaty clause of the Constitution to the Senate for ratification.

It is a complex matter. The way INARA came together was sort of thinking that presidents do have powers to conduct diplomacy, short of treaties, and it is a clear Article 2 power contemplated by the Framers, and that all presidents have carried out. Presidents do a lot of things that do not come back to the Senate for a treaty vote.

The INARA structure, basically, said this—and I would support the structure whether the President was a Democrat or a Republican—that in this particular instance dealing with Iran, if the President proposed to take actions either with respect to executive sanctions that he could impose or sanctions that were imposed pursuant to U.N. rules, the President should have the ability to do that. That is executive.

But as soon as the President touches sanctions packages that are put together by Congress, that a president being able to use a waiver power or something to end run the congressional sanctions, we should not allow that. And we did it, and INARA set up a standard that as soon as the President touches any congressional sanctions that has to come back to Congress.

The question would be, okay, it comes back to Congress and what should the rule be? Should the rule be you need congressional approval or should the rule be you can act unless there is congressional discipline?

And so what INARA did is set up sort of like an—almost like fast track on trade deals. You are guaranteed a vote up or down on what the President is doing and so you get that and you get it in a timely fashion. So, Congress cannot just kind of run out the clock.

A president must submit it and Congress must act. But we felt like the right balance at the time between the Article 1 and 2 powers is if the President touches anything Congress did the President has to submit it to Congress. But the President can then go forward and do it unless there is congressional disapproval.

So, you are right. I do not know there was a flip of the presumption because I am not sure there was a preexisting presumption before we crafted INARA.

But you are right. You read it the right way. A president can act, subject to disapproval, with a guarantee that there will be an up or down vote in a reasonable period of time.

The CHAIRMAN. Senator Cardin?

Senator CARDIN. I just really wanted to reinforce what Senator Kaine is saying.

Let us take it back to when we considered INARA because I was directly involved in this, and there was real division in the Senate at that time as to how we were going to respond to the President negotiating in regards to a nuclear agreement.

And as a result of us coming together with the INARA statute—and by the way, I believe it passed near unanimous. I mean, it was unanimous or one or two votes against it. It was pretty well a consensus bill in the United States Senate.

It required the Administration to work with us, and although we may have differed on the final vote I voted against it. All of us were engaged with the Administration at every step of the way in getting the information.

We had briefings on a regular basis. The agreement was changed as a result of congressional consultation. We got a stronger agreement. It was one in which there was a speed bump in it.

They could not immediately implement it. They had to come to Congress. There was a period of time the Congress had to review it. There were a lot of procedures put into it as an accommodation to a meaningful congressional role in the process.

And as Senator Kaine has pointed out, the Administration has already acknowledged that they are going to have to come back to us under INARA if, in fact, they reach an agreement with Iran to go back into the JCPOA.

So, we are going to have those speed bumps again. We are going to have those consultations again. We are having these consultations now because there is a congressional role.

I understand the frustration on which we would like to do treaties. I do not think this was an appropriate issue for a treaty under any circumstance. But I will point this out.

It is frustrating to many of us that the standard for us trying to get a treaty done in the United States Senate on a substantive issue it is almost impossible to get the two-thirds vote that you need for a treaty, and I would just argue that if we are going to be able to exercise our treaty responsibilities then we are going to also have to have a way in which we can come together with any administration, a Republican or Democratic administration, to give them confidence.

Look at the disability treaty that we could not get ratified, which was, I thought, not controversial at all. We've got to be able to give confidence to any administration that they can go down the treaty path and the Congress will be receptive to working with them to ratify a treaty.

I am sympathetic to what Senator Johnson is trying to do. I do not think this was an appropriate area for a treaty in the first place. But I just wanted to give a little bit of history here. There were close working relations between this committee and the Obama administration.

And you are absolutely right, Senator Kaine, President Obama was very much opposed to this bill from the beginning and several of his advisers urged him not to support it at the end and we still went ahead and we got the—you are right, the vote in the Senate, I think, convinced the President to sign the bill.

I think that background is important. I thank Senator Johnson for his continued concerns on these issues but I am going to oppose your amendment.

The CHAIRMAN. Any other Members seeking recognition on the amendment?

[No response.]

The CHAIRMAN. So, let me close it. I have been consistent throughout the Administration's negotiations with Iran over the last year that any agreement that may be achieved must be subjected to congressional review.

And with respect to a return to the 2015 JCPOA, we already have a framework for such a review, which, basically, is INARA, and we have the Administration's commitment on the record at our hearing that any agreement would be submitted under INARA.

Now, I think it is general knowledge that such an agreement seems to be nowhere in the offing nor does the amendment really pertain to the bill before us today. I would just make two final points.

One is President Trump entered into a series of agreements with Central American countries and Mexico, and we could have insisted that they be treaties but we did not.

So, it is not a question of whether it is a Republican or Democratic president, at the end of the day.

And the only other thing I would say—and my friend has been very consistent, persistent, as he should be on this issue—is that I do not think we can change the constitutional order and just simply declare that something – that we are treating something as a treaty.

That is not the nature of how treaties are brought before the Senate. While in this instance it may be appealing, I do not know that we want to bind in the future – to create the dynamics in which we declare what is a treaty versus the executive branch sending a treaty to Congress, and then the advice and consent process begins.

For all of those reasons I am going to be voting no.

Does the Senator want a voice vote or does he want a recorded vote?

Senator JOHNSON. A recorded vote, please.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. 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. Merkley?

The CHAIRMAN. No by proxy.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator PORTMAN. Aye.

The CLERK. Mr. Paul?

Senator RISCH. No by proxy.

The CLERK. Mr. Young?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The CLERK. Mr. Chairman, the yeas are 9. The nays are 13.

The CHAIRMAN. The amendment is not agreed to.

Any other Members seeking recognition?

Senator COONS. Mr. Chairman?

The CHAIRMAN. Yes.

Senator Coons?

Senator COONS. Could I just speak very briefly about the End Wildlife Trafficking Act, if that is appropriate?

The CHAIRMAN. Yes, of course.

Senator COONS. I just briefly wanted to thank Senator Portman. We have worked well together for some time on this. This is the reauthorization and modernization of legislation Senator Flake and I initially passed in 2016. There is a Presidential Task Force on Wildlife Trafficking, something that helps with combating a serious issue of global security.

The same groups that traffic wildlife products also traffic people, narcotics, weapons. There continues to be robust and troubling demand for wildlife products in China, and it is my hope that this will ultimately be a part of the competitiveness bill currently in conference. We have made it more modern, more relevant, and I hope that my colleagues will support it.

I am also grateful, Mr. Chairman, we have got a robust agenda that includes several resolutions and a bill that I will ask to be joining as a co-sponsor. I mostly wanted to thank my colleague, Senator Portman.

The CHAIRMAN. Thank you. Any other Members seeking recognition?

Senator Portman?

Senator PORTMAN. Just briefly.

Senator Cardin said it well but just to add, we have spent two years on this and thanks to technical assistance from the State Department, from USAID and others, we also worked with the NGOs and have come up with a good bill that not just reauthorizes counsel that expired last October, but also improves in some ways to combat wildlife trafficking and to take away a source of funding for

some of these transnational criminal groups who use the same funding for drugs and trafficking and other purposes.

So, I hope we get it done, and if we do I believe it has a good chance of being passed into law.

[A statement urging bipartisan support for Fentanyl Results Act is located at the end of this transcript.]

Thank you.

The CHAIRMAN. Thank you.

Any other Members seeking recognition?

Senator CRUZ?

Senator CRUZ. Mr. Chairman, I want to call up Cruz First Degree One on the Stop Iranian Drones Act. I think this is a good bill and I agree with the reasoning behind it.

But stopping Iranian drones means not only stopping the weapons but also stopping the people that use the weapons and use the drones to target and kill American citizens.

And what my amendment does is requires a report on Iran's use of armed drones, the weapons that were sanctioned, if they are used to attack United States citizens, and it further provides that if the President finds that an Iranian group has used the drones to attack our citizens then terrorism sanctions must be imposed on the group.

It focuses on the actors who are targeting American citizens and ensures that sanctions follow when you use armed drones to go after American citizens, and I would urge adoption of the amendment.

The CHAIRMAN. Any other Member seeking recognition?

[No response.]

The CHAIRMAN. Would the Senator take a voice vote?

Senator CRUZ. Sure.

The CHAIRMAN. All those in favor, say aye.

All those opposed, say no.

The ayes have it and the amendment is agreed to.

Any other Member seeking recognition?

[No response.]

The CHAIRMAN. With that, the motion has been made and seconded to approve all of the items on the agenda except the two nominations that were held over, as amended.

All those in favor will say—

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Yes?

Senator RISCH. Before we vote, we have an understanding that anyone who wants to be recorded as a no can submit their final vote.

The CHAIRMAN. Yes.

Senator RISCH. Is that correct?

The CHAIRMAN. Yes.

Senator RISCH. Thank you.

The CHAIRMAN. But they should do so before the close of business today.

Senator RISCH. That would be fine.

Senator MURPHY. Mr. Chairman?

The CHAIRMAN. Yes?

Senator MURPHY. Can I just ask Senator Cruz a question about the amendment we just adopted? That went pretty quickly and I just want to clarify one aspect of his amendment.

Your amendment requires a report on individuals and entities that are engaged in attacks and then requires that those individuals and entities, if they are named, be then designated as foreign terrorist organizations.

We currently have no individuals on the Foreign Terrorist Organization list. That makes sense, given that this is a list of foreign terrorist organizations. But am I correct in reading your amendment to say that if an individual is named in that report they would now be registered and designated as a foreign terrorist organization?

Senator CRUZ. That is a good question. Let me read it and—give me a second to answer because it is a good question. So—

Senator MURPHY. I think the answer is yes and I would submit that we should not be in the business of naming individuals as FTOs. I guess I was not expecting this amendment to be added on voice vote. Now that it has, I think we need to seriously consider the precedent that we are setting.

Senator CRUZ. Let me review my notes.

[Pause.]

Senator RISCH. Would not the effect—Mr. Chairman?

The CHAIRMAN. Yes?

Senator RISCH. Would not the effect, if we passed it and that this actually happened, that, in essence, we are adding an additional category to the FTO rule that now we have a foreign terrorist individual because an individual, I guess, you could argue they could be an organization but more likely they are an individual?

I think we may be arguing about how many angels can dance on the head of a pin. The objective is to get somebody on the list that has done this, it seems to me.

Senator CRUZ. And Omri very helpfully pointed out that we actually define a person at the end of the amendment and a person is defined as an entity, and so—

Senator MURPHY. An Iranian person is defined as an entity?

Senator CRUZ. An Iranian person is defined explicitly at the end as an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

Senator MURPHY. I think we might agree that you want to target this towards entities and so I just suggest that we make sure of that as we move forward.

Senator CRUZ. Yeah. So, the amendment specifically defines it as an entity just like a corporation legally is defined as a person. A corporation is considered a person, but this is designed to target against—

Senator KAINE. If I could, Mr. Chair, a follow-up question.

The CHAIRMAN. Senator Kaine?

Senator KAINE. Just to clarify from this exchange, if I understand, Senator Cruz, the definition you just read, we would not be changing American law to only allow individuals from one country—

Senator CRUZ. Correct.

Senator KAINE [continuing]. To be designated as FTOs. The definition of person limits it to organizations so that we are not changing the FTO rule to allow just individuals from one country to be added as individuals. Is that—

Senator MURPHY. Yeah. And as you read it, it sounds as if the report is supposed to list Iranian persons, but you later define it as entity. So, effectively, the report is asking for—

Senator CRUZ. Correct.

Senator MURPHY [continuing]. Organizations to be designated.

Okay. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator MARKEY. Mr. Chairman, can I be recorded—

The CHAIRMAN. Can I just declare the vote, please, before? And I am happy to consider other—

So, the motion has been made and seconded and the—oh, we have not done the final—we have not had a vote on the amendment. I am sorry.

Senator Markey?

Senator MARKEY. Yeah. Could I be recorded no on the Cruz Amendment?

The CHAIRMAN. I am sorry?

Senator MARKEY. Could I be recorded no on the Cruz Amendment, please?

The CHAIRMAN. Yes. Absolutely.

All right. The majority of Members —no. Okay.

We are back to the agenda as a whole.

All those in favor of the agenda as amended will say aye.

All those opposed will say no.

The ayes have it and the agenda is agreed to en bloc.

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

Without objection, so ordered.

With the thanks of the Chair, the committee is adjourned.

[Whereupon, at 10:12 a.m., the hearing was adjourned.]

Additional Material Submitted for the Record

STATEMENT OF SUPPORT FOR THE FENTANYL RESULTS ACT

Submitted by Senator Rob Portman

Thank you, Mr. Chairman, for including this bipartisan legislation in today's business meeting.

Fentanyl continues to devastate communities across the country. According to the Ohio Department of Health in 1999, there were 327 overdose deaths in my home state of Ohio. In 2021, Ohio is set to report more than 5,200. Nationwide, the numbers are just as discouraging. According to the just released data from the Centers for Disease Control and Prevention (CDC), 107,622 drug overdose deaths occurred in the U.S. last year, the largest number ever recorded in a calendar year.

The biggest culprit, by far, is the powerful synthetic opioid fentanyl, a lethal dosage of which is equivalent in size to a few grains of salt. Unfortunately, many don't even know they are taking fentanyl since it's so easy to come by.

Fentanyl seizures at the southern border increased 48 percent in April 2022 compared with April 2021 and increased more than 420 percent from April 2020. I'm proud to partner with Senator Shaheen to move the bipartisan, bicameral Fentanyl Results Act today.

This legislation will strengthen State Department data collection on synthetic drug production while increasing international law enforcement capacity. This important effort will help us save lives and mitigate the devastating effects of deadly synthetic opioids, which have impacted families and communities across Ohio and our country. I urge my colleagues to join us in supporting this important legislation and will continue to do everything I can to stop these deadly substances from destroying lives both in America and around the world.

LETTER IN SUPPORT OF THE CONFIRMATION OF HON. ELIZABETH
RICHARD TO BE COORDINATOR FOR COUNTERTERRORISM

Submitted by Gen. Joseph L. Votel, USA (Ret.)

The Honorable Robert Menendez
Chairman
U.S. Senate Committee on Foreign Relations

The Honorable James Risch
Ranking Member
U.S. Senate Committee on Foreign Relations

Senators:

I am writing after seeing the article suggesting that Ambassador Elizabeth Richard did not execute her duties as our Ambassador to Lebanon in a responsible manner.

I have known and worked closely with AMB Richard for nearly 15 years. I consider her to be among the very finest Diplomats our Nation has produced. Any suggestion that she was irresponsible regarding security flies in the face of every experience I have had with her. We worked together, not only in Lebanon, but also when she the Deputy Chief of Mission in Yemen — both locations with extraordinary security threats. On every occasion she demonstrated extraordinary skill and expertise in making decisions regarding security postures of US facilities and person. She was an extraordinary collaborator and I never any reason to think otherwise.

Our Nation needs her in position as our Department of State CT Coordinator.

Thank you.

Vr,

Joseph L. Votel
General, US Army (Retired)
Former Commander, US Special Operations Command and US Central Command

BUSINESS MEETING

THURSDAY, JUNE 23, 2022

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

Summary of Action Taken by the Committee

LEGISLATION

- S.Res. 674, A resolution celebrating the 75th anniversary of the Marshall Plan and recognizing the role of the Marshall Plan as the foundation of a transatlantic community committed to the preservation of peace, prosperity, and democracy, without amendments—agreed to by voice vote.
- S.Res. 623, A resolution calling on the Secretary of State to designate the Russian Federation as a state sponsor of terrorism, with amendments—agreed to by voice vote
- Managers Preamble Amendment—agreed to by voice vote
 - Managers Resolving Clause Amendment—agreed to by voice vote
- S.Res. 69, A resolution condemning the use of hunger as a weapon of war and recognizing the effect of conflict on global food security and famine, with amendments—agreed to by voice vote
- Preamble Amendment—agreed to by voice vote
 - Substitute Amendment—agreed to by voice vote
 - Paul First Degree Amendment #1—agreed to by voice vote

NOMINATIONS

- Dr. Francisco O. Mora, of Florida, to be Permanent Representative of the United States of America to the Organization of American States, with the rank of Ambassador—agreed to by roll call vote (12–10)
- Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley (proxy), Booker, Schatz, Van Hollen, and Paul (proxy)
- Nays: Risch, Rubio, Johnson (proxy), Romney (proxy), Portman (proxy), Young (proxy), Barrasso (proxy), Cruz (proxy), Rounds (proxy), Hagerty (proxy)
- The Honorable Reuben E. Brigety II, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa—agreed to by voice vote (Rubio, Johnson, Barrasso, Cruz, Rounds, and Hagerty recorded as no)
- The Honorable Elizabeth Frawley Bagley, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federative Republic of Brazil—not agreed to by roll call vote (11–11)
- Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley (proxy), Booker, Schatz, and Van Hollen
- Nos: Risch, Rubio, Johnson (proxy), Romney (proxy), Portman (proxy), Paul (proxy), Young (proxy), Barrasso (proxy), Cruz (proxy), Rounds (proxy), and Hagerty (proxy)
- Ms. Amanda Bennett, of the District of Columbia, to be Chief Executive Officer of the United States Agency for Global Media—agreed to by voice vote (Rubio, Johnson, Cruz, and Hagerty recorded as no)

Mr. Timmy T. Davis, of Virginia, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Qatar—agreed to by voice vote

Mr. Michael Alan Ratney, of Massachusetts, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia—agreed to by voice vote (Rubio, Johnson, Barrasso, Cruz, and Hagerty recorded as no)

FOREIGN SERVICE LIST

Alyce Camille Richardson, *et al.*, dated April 7, 2022 (PN1949)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 11:12 a.m., in Room S-116, The Capitol, Hon. Robert Menendez presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Booker, Risch, and Rubio.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order. I thank you all for attending.

Today, we are considering six nominations, three resolutions, and one FSO list. And while I am pleased that we are able to convene this meeting, I must note that today's agenda includes only a few resolutions and no business, despite the fact that there are dozens of bipartisan bills and resolutions pending before the committee and which I have sought to mark up.

From Senators Markey and Rubio and their Cambodia Democracy and Human Rights Act to Senators Shaheen and Portman and their work on the Transatlantic Telecommunications Security Act and others, these pieces of legislation reflect good bipartisan work by many Senators on and off the committee on critical issues. There is a demand to legislate, and these efforts should not languish.

To that end, it is my sincere hope that I can work with the Ranking Member to get an agreement to a markup when we return in July that reflects this solid bipartisan work, and that means moving bills, not just resolutions.

Turning to today's agenda, first to nominations, I am pleased that we are considering are six nominees. Regrettably, Dr. Geeta Gupta is not a part of the agenda, despite the fact that she has answered all questions asked by Members of this committee on both sides. Her nomination has been pending for more than 7 months, and it is simply unacceptable to delay her confirmation further.

Turning to the nominees, I am pleased we are considering Amanda Bennett to be the Chief Executive Officer of the U.S. Agency for Global Media. As we are facing increasing challenges related to misinformation and authoritarian crackdowns in the media, it is critical that we have a confirmed nominee to address these issues. I am confident that Ms. Bennett's leadership and over two decades of experience in journalism, including as the Director of Voice of America, uniquely positions her to join USAGM's powerful mission.

Today, we are also considering Ambassador Reuben Brigety to serve as Ambassador to South Africa. Ambassador Brigety has a long and distinguished record in public service and in education. In 2013, he was confirmed by voice vote as Ambassador to the African Union. He is eminently qualified to serve as our Ambassador to South Africa.

In the interest of time, I will not speak about each nominee but will reiterate what we already know. It is in the interest of our national security to have a full team in place in country to advance our national security and foreign policy goals.

On this note, I have provided a list of 20 nominees to the Ranking Member and urge him to clear them for hearings in the first few weeks of the next work period. We need to get nominees confirmed, and our efforts need to reflect the urgency of the situation, an urgency that the Secretary of State raised with both of us when we were addressing the chiefs of mission yesterday.

And I think Senator Risch has indicated so himself that if we can do some [inaudible] both sides to facilitate working with us that maybe we can finally call these nominees up.

Finally, we also have one of three resolutions celebrating the 75th anniversary of the Marshall Plan, S.Res. 674. I am pleased to have introduced that with Senator Risch.

S.Res. 623, calling on the Secretary of State to designate the Russian Federation as a state sponsor of terrorism, legislation sponsored by Senator Graham and Senator Blumenthal.

And S.Res. 669, condemning the use of hunger as a weapon of war, thanks to Senator Merkley and Young for their efforts on this resolution.

With that, let me turn to the Ranking Member for his opening remarks.

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

Senator RISCH. Well, thank you very much, Mr. Chairman.

On the Gupta nomination, I have some follow-up questions for the record for the nominee. I have serious questions regarding her stances on abortion in terms of the U.S. law for any U.S. use of foreign assistance dollars for the performance or promotion of abortion.

These are important issues. I understand that we want to get the markup on them, and I promise I will continue to work diligently to get to that point, but I cannot right now.

On the other pieces that we have, we have tried to work in good faith—and I think we have, and I think you are seeing that also—to get to the place that we are. Two weeks ago, we took up a sizable agenda with a broad bipartisan agenda, and these matters are complex. They are not simple matters, but we continue to work with it.

For example, there is active negotiations going on right now on Senator Coons' democracy bill, Senator Shaheen's transatlantic communications bill. Senator Markey is going to hold me to join that. And we continue to engage on your priorities, which we are now about to introduce your Peace Corps reauthorization bill and continue to work on a really serious matter, and that is the Taiwan

legislation that I know the you are actively engaged with and my staff.

But all of these are, I think, good faith engagements. They are not things that just come in quickly anymore. So, in any event, I want to start by saying that I am glad that we were able to include the resolution you and I offered on S.Res. 674 celebrating the 75th anniversary of the Marshall Plan.

That, more than any other multilateral action, the Marshall Plan helped build the liberal world order we enjoy today. It served as the foundation for the transatlantic community committed to the preservation of peace, prosperity, and democracy in Europe following World War II.

In the last 100-plus days, we have seen the world order again threatened by a dictator obsessed with his territorial legacy, this time by Putin in the Ukraine. And so we engage with our European allies and partners in working to help the citizens of Ukraine feed their families and rebuild their land.

Along those lines, I am also glad to see Senate Res. 669 on the docket, condemning the use of hunger as a weapon of war. We have known for a long time that conflict is a major driver of food insecurity, but it was not until 2008 when we acknowledged and condemned the use of it as a weapon of war.

For years in the past, warring factions in Ethiopia, South Sudan, Syria, and Yemen have nonetheless continued to engage in global destruction of agricultural goods infrastructure and have manipulated markets and imposed security and bureaucratic barriers upon humanitarians, culminating in the deliberate starvation of civilians.

Today, Russia is taking food hostage and waging a campaign of starvation that is affecting the globe. This resolution condemns the deliberate use of hunger as a weapon of war and calls upon the U.S. Government and our partners to respond to the needs in real time and hold perpetrators accountable.

Lastly, I think it is wholly appropriate we consider Senate Res. 623, calling on the Secretary of State to designate the Russian Federation as a state sponsor of terrorism.

From the second Chechen war to Syria to the Donbas region, the Russian Government has and continues to fund violent separatist movements and private military networks of mercenaries like the Wagner Group to promote acts of international terrorism against [inaudible]. It is time the United States Government called Russia what it is, a sponsor of terrorism, with all the legal ramifications that entails. I urge my colleagues to join me in supporting each of these timely and important decisions.

On nominations, I will keep this brief, but I did want to highlight my concerns regarding Elizabeth Bagley, the nominee for the ambassadorship for Brazil. Brazil is an extremely important ally to the United States and in South America and the Western Hemisphere, and we share common values and ideals especially with regard to respect to religious freedoms and democratic ideals.

Unfortunately, Ms. Bagley has made statements in interviews insinuating that Jewish and Cuban Americans' motivations and voting practices are based on major money and radical opposition in

certain instances. For this reason, I plan to vote no on her and ask for a roll call vote on her nomination, please.

For the other nominations, Mr. Chairman, also that the Members of the committee be permitted to submit to the clerk any requests to be recorded no on any item on today's docket. If Members would like to submit a request to be recorded as no to the Clerk, I ask that they submit them in writing in the form of assign letters so that there is a record of the requests.

So, thank you.

The CHAIRMAN. Thank you, Senator Risch.

So let me first, though, without objection, we will now consider en bloc the entire agenda that was noticed for this business meeting—all the resolutions, nominations, and the FSO list.

And so—

Senator RISCH. Mr. Chairman, with one exception. Could we have a roll call on—

The CHAIRMAN. Yes. Yes. Yeah, I am sorry. We will have a roll call—

Senator CARDIN. Mr. Chairman?

The CHAIRMAN. And so I am going to recognize Senators now to comment before we move and then second that en bloc.

So I think Senator Cardin asked for recognition first. Senator Rubio and Senator Shaheen, and then Senator Coons and Senator Murphy and Senator Kaine. We got—we have a hell of a lineup.

[Laughter.]

The CHAIRMAN. Everybody wants to speak.

Okay. Senator Cardin?

Senator CARDIN. Mr. Chairman, in regards to Elizabeth Bagley, the comments that Senator Risch referred to were inaccurate and offensive and gave oxygen to antisemitism and similar types of hate.

I had a chance to talk with her about this and asked her questions for the record. She has apologized for those statements. They did not represent her views then or now.

I know Ambassador Bagley. I know of her public record. I know of her values, and I know about her commitments to public service.

She has indicated very clearly that she believes in full inclusion in American politics by all individuals and communities. Because of this knowledge and because of her public statements distancing and of regret and making it clear it is not her views, I intend to support her nomination.

The CHAIRMAN. Thank you.

Senator Rubio?

Senator RUBIO. I wanted to—there was just two of the nominations I want to comment on, and I actually would ask, Mr. Chairman, if we could also have a roll call vote on Mr. Mora, if that is possible, and I will tell you why.

First of all, he was a very strong advocate and his long goal, borderline, you know, obsessive advocate with the Obama policy on Cuba, which I think now, by most accounts, is recognized as a failure. Even President Biden returned to it.

And then the other that was really concerning is we asked him and gave him multiple opportunities to state an opinion on whether Juan Guaido is the legitimate interim president of Venezuela,

which is the official position of the Administration, and he refused to say that in writing or on the record at any point.

We gave him multiple opportunities to do it, and this is concerning not only the hemisphere, but we have Cuba, Nicaragua, and Venezuela that are obviously, you know, far leftist Latin American regimes. Then Argentina, unfortunately, joined the ranks, which is a troubling indication after the elections in Honduras [inaudible] fell back into that column.

I would say that the president of Mexico was less than cooperative in comments on many of the key issues. We watch with concern now after the elections in Colombia. We pray and hope for the best, but we were concerned about some of the comments made there and our partnership with Colombia, which is, in my view, the most successful that we have in the Western Hemisphere.

And we watch carefully to see what happens in Brazil, and added to all that, we are going to send someone that will not even state that Juan Guaido is the legitimate interim president of Venezuela, which was the official position of this Administration. I find that deeply concerning.

And then, on the South Africa nomination, which I am fine with voting en bloc, this has probably already been stated in other comments that we were all outraged and upset by the rally in Charlottesville. This is an individual who painted President Trump at the time as being the Nazi-in-chief and suggested that those that did not resign were complicit in those policies.

But what is more current is now that he had a lot of prestigious institutes, and there is a lot of people [inaudible] where he really was. But he spoke very positively about the potential U.S.-Chinese cooperation in Africa, and then in response to QFRs, a lot of people admitted, okay, we got China wrong back whenever we thought that they were become rich once they got [inaudible] to become more democratic. But he has doubled down on statements that we should be working with China in parts of Africa in the context of all sorts of issues that [inaudible] didn't want.

Even when he committed to raising concerns about Chinese influence with the South African Government, he only said that Huawei was concerning because of their hiring practices. He would not even acknowledge or note that they are a well-known national security and data privacy problem for us.

I do not know why it is so hard to say that. I think South Africa is a key place. So I am going to oppose his nomination, but I do want a roll call on Mr. Mora, if possible.

The CHAIRMAN. The Senator has asked for a roll call. It is his privilege to do so. We will put Mr. Mora to a roll call as well.

Next in line is Senator Shaheen.

Senator SHAHEEN. Mr. Chairman, I would like to speak to the two issues that you raised in your opening comments. But as I—we have been working on a number of bipartisan bills for months. We have been asking for feedback for months, and we have not been getting any response until just right before this business meeting was noticed.

And I think it really undermines the credibility of this committee and the really excellent work that has been done over so many

years when all we produce is resolutions and it takes us months to get ambassadorial nominees out the door.

I mean, if you want to vote against them, I understand that. I think, as Marco said, I understand his rationale on the South African Ambassador. I do not necessarily agree with it, but we are at least voting on him.

And the fact that we are still messing around after 8 months without having an Ambassador to the Office of Global Women's Issues, I think it is just unacceptable. And I am sorry, guys, but if you look at the people who are being held up, they are overwhelmingly women, and that is a problem.

I do not know. I do not know what is going on. But I think it just diminishes the credibility of this committee in a way that we should all be ashamed of.

The CHAIRMAN. Senator Coons?

Senator COONS. Thank you, Mr. Chairman.

I am glad we are proceeding with a number of important resolutions. I appreciate Senator Murphy's work on the resolution about condemning the use of hunger as a weapon of war. Many of us are engaged in trying to make sure that the \$5 billion that was in the Ukraine supplemental is, in fact, properly and appropriately spent, at least by the USAID and in partnership with nonprofits around the world.

I will just briefly agree strongly with Senator Shaheen's concerns. We are just today getting out of this committee a nominee for a country as significant as Brazil, as significant as South Africa.

I understand that I have colleagues who have concerns or disagreements about specific things the nominees have both said or done. I know them both. I think they are both qualified. I think they will serve us well.

But frankly, at a time when the world is on fire, for us to lack an Ambassador, I will say, to India, to Brazil, to South Africa, a number of us, a bipartisan group of us, met with Ambassador Emanuel this morning. The impact he is making—I think Senator Cardin was the host of that breakfast. The impact he is making in Japan is striking.

Is he a Democrat? Yes. Is he a progressive, partisan Democrat? Yes. Is he going to be a remarkably impactful Ambassador? Yes. And at the Chief of Mission conference, I was struck at how many of the career Foreign Service Officers are making a dramatic and positive impact around the world.

We should be confirming nominees to be Ambassadors and to serve in senior positions, whether it is at AID or in State. Without them, we are crippling our Government and our ability to be well represented in the world.

I will specifically speak about the nominee for South Africa, Reuben Brigety, who I have known for years and I think has thoroughly explained the reasons for his one truly striking comment. Not to the satisfaction of all my colleagues, but I would urge my colleagues to get to know him and to support him.

The CHAIRMAN. Senator Murphy?

Senator MURPHY. Thank you, Mr. Chairman.

I would just associate myself with Senator Coons' and Senator Shaheen's remarks. I just wanted to make one quick point on

S.Res. 623, the resolution calling on the Secretary of State to designate the Russian Federation as a state sponsor of terrorism.

I support this resolution. There is no doubt in my mind that Russia is using terrorism as a means to try to drive Zelensky to the negotiating table in order to stop the destruction of civilian areas and civilians themselves.

I would just note that Russia is not the only country that deliberately targets civilians and are doing it at an extraordinary rate, unparalleled in recent history. But I would hope that we would never be inconsistent about our application of this designation to choose that if sovereign nations, whether they are our adversary or our ally, deliberately target civilians that we apply this designation.

I think we also had some disagreements on this committee as to how to properly delineate designations of state sponsors of terrorism versus foreign terror organizations. I think that that also demands a little bit more clarity and consistency from all our work, and I look forward to continuing to explore how we bring that precedent and consistency to the way that we apply these designations.

But I fully support this resolution and look forward to a broader discussion of the report.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Kaine?

Senator KAINE. I just want to say a word about Elizabeth Bagley.

Senator Risch pointed out comments of hers that are offensive, and I was, frankly, very surprised. These were comments that were made in an interview in 1998 when, for an oral history project with the former Ambassador, she was interviewed, and the interview was to be about her experience as an Ambassador. Instead, the interviewer wanted her to opine on all kinds of things about presidential politics and interest groups, and they were offensive comments.

And, frankly, I was really surprised. I have known Elizabeth probably since 2008 or 2009, and when I saw those comments, I thought that does not sound like Elizabeth Bagley to me.

I did go back and look at the interview, and the comments cannot be excused. But what I noticed is if you look at the transcript, she had an interviewer with an agenda that was pushing her, and she sometimes would accept the premise of the interviewer's question. And there are a couple of instances in that excerpt where she pushed back and did not really accept it.

If the interview had happened in 2020 or 2021, I would probably have some real concerns about this. But I think she did a pretty good job before the committee of really eating humble pie and trying to be apologetic, and based on my knowledge of her service as Ambassador to Portugal, it certainly gives her some diplomatic heft.

But [inaudible] would be helpful, and so I am going to vote for her and urge everyone to do the same.

The CHAIRMAN. Senator Markey?

Senator MARKEY. Thank you.

Just following on Senator Kaine and Senator Cardin, Ambassador Bagley is remorseful for her comments. I have known her for 30 years. She is a genuinely compassionate and good person, and I do not really believe those comments reflect who she is.

But they are on the record. But I think, at the same time, she is remorseful for what she said, and my hope is that we will give her support. She was our Ambassador in Portugal. She did an excellent job and gained measurement, and she can bring that experience into Brazil right now.

Kind of like at a key time, we need someone with that experience. So I hope we should be able to support her.

The CHAIRMAN. Thank you.

Any other Members seeking recognition?

I am sorry?

Senator RISCH. Yes. Yes. I am seeking—

[Crosstalk.]

Senator RISCH [continuing]. Look, I do not want to drag this out, but you know, before we break our wrists beating our breasts in righteous indignation, we have some real reservations. When somebody makes remarks like those that were made, I understand they were a long time ago. If this was reversed, you guys would be doing the exact same thing if it was a Republican that had made remarks from a long time ago.

So, look, I appreciate how you feel about this. But we do have a legitimate right to exercise our judgment as United States Senators to vote no on this. And so I feel strongly about that.

Senator Shaheen, we are working—we are working diligently on these. You know, you had a complicated fentanyl bill, you will recall. We worked with you on them, and we marked up just—what was it, 2 weeks ago we marked up the fentanyl bill. And we are going to continue to work on this.

But we all have workloads. We have all—and these are complicated matters on the legislation. I agree we should crank out as much as we can, but it needs to be right and not just kick it out for the sake of being kicked out.

So let us continue to get along here, and we will work in good faith on this. But, again, before we—let us not beat each other up simply because somebody is voting no on this.

Look, I have asked—Meg Whitman is a wonderful woman. Now, she is a Republican, all right? She was recruited to be the Ambassador to Kenya, and I had to crank and crank and crank to get her out of here. I got her on the floor now, and I am not holding her up. But somebody sitting at this table is holding it up, and it is not a Republican.

So the door swings both ways. Let us try to get along. We will continue to work in good faith. We will do the best we can.

Senator SHAHEEN. Well, I just wanted to say I certainly agree with you, Senator Risch. As you already well know, I do not have a problem with that, and I do not have a problem with saying you do not agree with legislation.

But I have a problem with slow walking; that is keeping people from either getting voted in or voted out, and I think that does a disservice to our country. And I think that is what has been going on in a lot of these cases, and I am—like you, I think we ought to

all be able to get along. The bills that I have that are on hold are all bipartisan. But at some point we have to say to people it is in the interest of the country to do this and just get people to at least vote on some of them.

Senator RISCH. And I agree with you. And again, I come back that what is wrong with Meg Whitman? Why is she being slow walked?

Senator SHAHEEN. I do not know, and I am happy to help you try and to get that whole [inaudible]. But I agree. I think she will be a great Ambassador.

Senator RISCH. Well, Senator—
[Crosstalk.]

The CHAIRMAN. Let me—we are going to have to vote. So I would ask for a table on this issue. But, Senator Coons, you wanted to speak, so please do so.

[Crosstalk.]

The CHAIRMAN. Senator Booker?

Senator BOOKER. I am going to say what I wanted before, but go ahead [inaudible].

Senator COONS. Just to finish that point, we have got a potential nominee. I was Chair of the Africa subcommittee. My predecessor, Senator Feingold, had an incredibly talented staff director in Sarah Margon. She was nominated more than a year ago for Democracy, Human Rights, and Labor, DRL at State and, to the best of my knowledge, has never had a vote in front of this committee.

I have a bipartisan bill with Lindsey Graham about modernizing our democracy assistance for the 21st century. If there is a subject area that I would expect us to be able to rule on in a bipartisan way, it is democracy. And those are two of many examples.

I know we are struggling to move. I just hope that we will move bills and nominees like those.

The CHAIRMAN. Let me wrap up here because I see our colleagues are pressed to leave, and we need them to be able to continue a quorum.

Look, I would simply say, number one, no one has a problem with a Member exercising their rights. That is fine. I do not think anybody is questioning that. Secondly, there was a changing case for the nomination.

Secondly, you know, if you wait 7 months and then you have follow-up questions, it really—it really makes you wonder did you have follow-up questions that suddenly came to light, or is it that you are wanting to prolong the time of keeping that nominee off the schedule?

The other thing is when we do not get feedback on legislation, then we cannot get to a common ground that hopefully can lead to a pathway. And sometimes it takes an inordinate amount of time to get feedback on legislation.

On Mr. Mora, I will just say I have asked the record to be checked. This will be important to me, and the record reflects that in response to questions, he said, “I will continue to fully support U.S. policy, which recognizes Guaido.” He was asked if he would continue the U.S. policy that recognizes Guaido as interim president. He said yes. So that is the record with regard to that.

Now, let me finally [inaudible] and then we will vote.

You know, the reality is, is that the Ranking Member has held up a series of people, some of them for a year, that have not even had a chance to have a vote in the committee. And so we all know the preferences here. And so sometimes in order to get other nominees to have their day—just simply for a vote, up or down—that others are held, and that is the reality that we face.

Now, I do not think anybody takes any pleasure—I do not—in holding up a nominee. But when it is the only leverage in order to get to the point where we can have other nominees be considered for a yes or no vote, well, that is the nature of the process.

So we do not—if you do not hold up people, we will not either. It is as simple as that. I think that is a very fair exchange. Give everybody a vote.

With that, I will entertain a motion, except for the two roll call votes, that the rest of the agenda except for Mora and Bagley be approved in bloc. Is there a motion for that?

Senator CARDIN. So moved.

Senator SHAHEEN. Seconded.

The CHAIRMAN. All of those in favor will say yes.

Oh, I am sorry. S.Res. 623, the manager's amendment; S.Res. 669, the preamble resolving clause amendment.

With that, en bloc, those—including those amendments, all those in favor will say aye.

[A chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[A chorus of noes.]

The CHAIRMAN. The ayes have it and that en bloc group is agreed to.

The last two things, a roll call vote on Francisco Mora. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Ms. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RUBIO. No.

The CLERK. Mr. Johnson?
 Senator RISCH. No, by proxy.
 The CLERK. Mr. Romney?
 Senator RISCH. No, by proxy.
 The CLERK. Mr. Portman?
 Senator RISCH. No, by proxy.
 The CLERK. Mr. Paul?
 Senator RISCH. Aye, by proxy.
 The CLERK. Mr. Young?
 Senator RISCH. No, by proxy.
 The CLERK. Mr. Barrasso?
 Senator RISCH. No, by proxy.
 The CLERK. Mr. Cruz?
 Senator RISCH. No, by proxy.
 The CLERK. Mr. Rounds?
 Senator RISCH. No, by proxy.
 The CLERK. Mr. Hagerty?
 Senator RISCH. No, by proxy.
 The CLERK. Mr. Chairman?
 The CHAIRMAN. Aye.
 The CLERK. Mr. Chairman, the yeas are 12; the nays are 10.
 The CHAIRMAN. The nomination is favorably reported to the Senate.
 Now the clerk will call the roll on Elizabeth Frawley Bagley.
 The CLERK. Mr. Cardin?
 Senator CARDIN. Aye.
 The CLERK. Ms. Shaheen?
 Senator SHAHEEN. Aye.
 The CLERK. Mr. Coons?
 Senator COONS. Aye.
 The CLERK. Mr. Murphy?
 Senator MURPHY. Aye.
 The CLERK. Mr. Kaine?
 Senator KAINE. Aye.
 The CLERK. Mr. Markey?
 Senator MARKEY. Aye.
 The CLERK. Mr. Merkley?
 The CHAIRMAN. Aye, by proxy.
 The CLERK. Mr. Booker?
 Senator BOOKER. Aye.
 The CLERK. Mr. Schatz?
 Senator SCHATZ. Aye.
 The CLERK. Mr. Van Hollen?
 Senator VAN HOLLEN. Aye.
 The CLERK. Mr. Risch?
 Senator RISCH. No.
 The CLERK. Mr. Rubio?
 Senator RUBIO. No.
 The CLERK. Mr. Johnson?
 Senator RISCH. No, by proxy.
 The CLERK. Mr. Romney?
 Senator RISCH. No, by proxy.
 The CLERK. Mr. Portman?
 Senator RISCH. No, by proxy.

The CLERK. Mr. Paul?

Senator RISCH. No, by proxy.

The CLERK. Mr. Young?

Senator RISCH. No, by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. No, by proxy.

The CLERK. Mr. Cruz?

Senator RISCH. No, by proxy.

The CLERK. Mr. Rounds?

Senator RISCH. No, by proxy.

The CLERK. Mr. Hagerty?

Senator RISCH. No, by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

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

The CHAIRMAN. The motion is tied, and according to Senate Resolution 27, I will transmit a notice of a tie vote to the Secretary of the Senate, thereby giving either the majority or the minority the authority to make a motion to discharge the nomination.

This completes today's business. I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

I thank the Members. This meeting is adjourned.

[Whereupon, at 11:44 a.m., the hearing was adjourned.]

BUSINESS MEETING

TUESDAY, JULY 19, 2022

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

Summary of Action Taken by the Committee

LEGISLATION

- S. 4428, Taiwan Policy Act of 2022, with an amendment in the nature of a substitute—held over
- S. 4466, Peace Corps Reauthorization Act of 2022—agreed to by voice vote
- Manager’s Substitute Amendment—agreed to by voice vote
- S. 3502, Cambodia Democracy and Human Rights Act of 2021, with an amendment in the nature of a substitute—agreed to by voice vote
- Manager’s Substitute Amendment—agreed to by voice vote
- S. 3317, Democracy in the 21st Century Act, with an amendment in the nature of a substitute—agreed to by voice vote
- Manager’s Substitute Amendment—agreed to by voice vote
- S. 552, Global Learning Loss Assessment Act of 2021, with an amendment in the nature of a substitute—agreed to by voice vote
- Substitute Amendment—agreed to by voice vote
- S. 4320, Secure Embassy Construction and Counterterrorism Act of 2022, with an amendment in the nature of a substitute—agreed to by voice vote
- Manager’s Substitute Amendment—agreed to by voice vote
- S. 4216, North Korea Human Rights Reauthorization Act of 2022—agreed to by voice vote
- Manager’s Substitute Amendment—agreed to by voice vote
- H.R. 4693, Global Malnutrition Prevention and Treatment Act of 2021—agreed to by voice vote
- H.R. 1036, Bassam Barabandi Rewards for Justice Act—agreed to by voice vote
- Substitute Amendment—agreed to by voice vote
- H.R. 6899, Russia and Belarus SDR Exchange Prohibition Act of 2022—agreed to by voice vote
- S. 3589, Western Hemisphere Security Strategy Act of 2022
- Manager’s Substitute Amendment—agreed to by voice vote
 - Cruz 1st Degree Amendment #1—not agreed to by roll call vote (10–12)
Yeas: Risch, Rubio (proxy), Johnson, Romney (proxy), Portman (proxy), Young (proxy), Barrasso (proxy), Cruz, Rounds, Hagerty (proxy)
Nays: Menendez, Cardin (proxy), Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, and Paul (proxy)

TREATIES

Protocols to the North Atlantic Treaty of 1949 on the Accession of the Republic of Finland and the Kingdom of Sweden (Treaty Doc. 117–3)—agreed to by voice vote (Senator Paul recorded as present)

- Resolution of Advice and Consent to Ratification
 - Paul 1st Degree Amendment #2 as modified by Paul—strike the word “hostilities” and insert the word “war”—not agreed to by roll call vote (3–15)

Yeas: Johnson (proxy), Paul, and Cruz

Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Romney, Portman, and Rounds

NOMINATIONS

The Honorable David Pressman, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Hungary—agreed to by voice vote (Rubio, Barrasso, and Cruz recorded as no)

The Honorable Geoffrey R. Pyatt, of California, a Career member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State (Energy Resources)—agreed to by voice vote

The Honorable Robert A. Wood, of New York, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of ambassador, and to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Alternate Representative of the United States of America for Special Political Affairs in the United Nations—agreed to by voice vote

Dr. Geeta Rao Gupta, of Virginia, to be Ambassador at Large for Global Women’s Issues—not agreed to by roll call vote (11–11)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen

Nays: Risch, Rubio (proxy), Johnson (proxy), Romney, Portman (proxy), Paul (proxy), Young (proxy), Barrasso (proxy), Cruz, Rounds, Hagerty (proxy)

Ms. Elizabeth Shortino, of the District of Columbia, to be United States Executive Director of the International Monetary Fund for a term of two years—agreed to by voice vote (Barrasso recorded as no)

Mr. Dean R. Thompson, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Nepal—agreed to by voice vote

The Honorable Robert F. Godec, of Virginia, a Career member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand—held over

Mr. Richard Lee Buangan, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia—agreed to by voice vote

Ms. Marie C. Damour, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Fiji, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kiribati, the Republic of Nauru, the Kingdom of Tonga, and Tuvalu—agreed to by voice vote

FSO LISTS

Sara C. Schuman, received April 7, 2022 (PN 1948)—agreed to by voice vote

Alyce Camille Richardson, *et al.*, received April 7, 2022 (PN 1949)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 2:33 p.m., in S-116, The Capitol, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Johnson, Romney, Portman, Paul, Cruz, and Rounds.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today, we are considering the NATO Accession Protocol to Finland and Sweden, 10 bills, eight nominations, and two FSO lists.

Vladimir Putin's unprovoked assault in Ukraine has not only failed in his efforts to control the Ukrainian people. It has also strengthened the resolve and importance of Transatlantic Alliance, which is rooted in our shared values of democracy, the rule of law, and collective defense against aggressive autocrats. As we continue supporting Ukraine against ongoing Russian aggression, we must strictly welcome both Finland and Sweden into NATO. This is one of the most consequential responsibilities of our committee.

Finland and Sweden are steadfast NATO and U.S. allies with strong militaries and durable democratic institutions. They are ideal candidates for NATO membership, and they will strengthen the alliance in countless ways. The moment we find ourselves in reminds us of the importance of these transatlantic alliances, of responding forcefully to threats to freedom and stability, and of the power of collective defense and security. In advancing these protocols, we are demonstrating to the world that the answer to aggression is not isolation, but deeper engagement with likeminded democracies. I urge all of our colleagues to strongly support these treaties.

On legislation, I will note that there is a holdover request for the Chairman's Taiwan Policy Act of 2022. I don't take it personally, but as a result, we will take up that bill at the next legislative markup on Wednesday, August 3rd. I also plan to mark up the State authorization bill at the August 3rd business meeting.

Today, we will be considering the Peace Corps Reauthorization Act of 2022. In addition to Senator Risch's partnership on this legislation, I appreciate the support of bipartisan co-sponsors, including Senators Cardin, Portman, Shaheen, and Young. Congress has not reauthorized the Peace Corps in more than 20 years. It is essential that we pass this bill to implement needed reforms, including enhancing healthcare, safety, and security of Peace Corps volunteers.

We will also be considering Ranking Member Risch's Secure Embassy Construction and Counterterrorism Act, which acknowledges that security requirements for embassy compounds have, at times, had the unintended effect of inhibiting the ability of our diplomats to effectively interact with their surrounding communities. I applaud Senator Risch for leading this issue. In light of his leadership on the committee in moving forward this embassy security reform

bill, I hope we are marking an end to an era when the security and safety of our diplomats abroad, one of the most critical responsibilities of the State Department, is used as a political tool. Consistent with other bills we have considered recently which fit squarely within the scope of State authorization, I expect this bill to be included and advanced as part of the State authorization bill we will mark up on August 3rd.

I am pleased to join Senator Rubio in introducing the Western Hemisphere Security Strategy Act. As security challenges in the region will have a direct and immediate impact on the United States and our communities, they continue to abound, and it is imperative that we apprise ourselves with the tools at our disposal.

Finally, we are considering several other bills today that reflect the superb work of Members of this committee, including Senators Cardin, Coons, Markey, Kaine, and Rubio. While there are still many bills awaiting markup, this legislative agenda reflects the seriousness and purpose of the committee's role in foreign policy, and I appreciate the work of Ranking Member and staff in making it happen.

Let me close by turning to nominations. I am pleased that we are considering eight nominees, but I will speak only of one of them, Dr. Geeta Gupta, to be ambassador-at-large for global women's issues. We have received a holdover request for Robert Godec to be ambassador to Thailand. The Chair will honor that request.

At a time when women and girls are facing daunting challenges around the world and being denied education and the ability to work in Afghanistan, to fleeing brutal violence and a risk of traffic in Ukraine, we need a Senate-confirmed ambassador. Dr. Gupta brings decades of experience in helping to empower women, improving women's economic security and political participation, and working to end violence against women and girls, and I urge all my colleagues to support her nomination.

Finally, I must mention that we have a backlog of nearly 40 nominees that are pending before this committee. I am pleased that after much hard work, it looks like we will be holding hearings on at least 20 of those 40 before the end of the work period. I appreciate the work by the Ranking Member and many Members of this committee who have agreed to serve as Chair and Ranking Members to make sure that we are fulfilling our duty to confirm nominees to critical posts. The Ranking Member has often said to me he would prefer to see many of these done in subcommittees. I agree, but we need Ranking Members for that, and I want to acknowledge Senator Rounds, Hagerty, and Romney, who have either already played that role or have agreed to play that role, and I would urge other colleagues to consider being a ranking on one of these nominations hearings so that we can move at least through the hearing process to wind them up for a business meeting.

With that, let me turn to Ranking Member Risch for his remarks.

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

Senator RISCH. Well, thank you, Mr. Chairman. I will be brief. I know many of the Members have other committees they have to

attend, and I am glad we can consider such a robust agenda today, especially my Secure Embassy Construction and Counterterrorism Act, which will provide the Department with much-needed updates and flexibility in how and where it designs and builds new facilities, particularly in low-threat environments, and I appreciate the Chairman's kind remarks regarding the bill. These updates will make it easier for our diplomats to get out from behind the desk and their embassy roles to better engage with communities around the world while saving the U.S. taxpayer millions, if not billions, of dollars.

However, the chief item on this agenda today concerns one of the most serious responsibilities we as a committee have: approval of the accession of two new nations into the North Atlantic Treaty Organization. We do a lot of things around here, and they are very difficult. It is really good to do something that feels very natural. When you look at the map and everything about this, this is a natural thing to do. In the face of Russian belligerents, Sweden and Finland have come to the conclusion we, and many other NATO nations, came to over 73 years ago: when the United States and European allies and partners join forces, we can defeat any foe.

Sweden and Finland did not ask for this fight, but now that it is at their back door, they have made the brave choice to not back down, but rather to stand with us against Putin and his cronies. I am 100 percent convinced that Finland and Sweden will be excellent allies, will strengthen NATO politically and militarily, and offer the alliance new capabilities, more specifically the Arctic.

Finland already spends more than 2 percent of its GDP on defense, and Sweden is on track to do so by 2028. Sweden brings a strong defense industry to the alliance, while Finland's huge military reserves and fighting spirit are an example we encourage other NATO members to follow. There is a list, very long, as to why we should do this. Certainly, Finland brings their naval capabilities which are very significant, to NATO, and their naval facilities are outstanding. Sweden brings a strong, strong defense manufacturing industry with them. Both are solid financially. They will make great additions to NATO.

Both nations have long participated in NATO missions in the Balkans, the Middle East, and Afghanistan. In fact, in NATO missions, they came to the fight with less restrictions than other NATO allies. The U.S. military considers them highly effective and highly interoperable with NATO and the United States. They have been guarding NATO's backyard in the high North for decades, and it is time they have a full seat at the table. Also, notably, when you put the two of them together with their air power, it is going to add very significantly to the air power that we have, particularly on the Eastern and Northern lands.

I appreciate the Administration's quick processing of these accession documents. I urge my colleagues to move this resolution without delay. I understand there is a possibility of a couple of amendments to this. Regardless of those amendments, we cannot change the Constitution. The Constitution has very clear provisions as to what we have to do if, indeed, we are attacked or if we are going to commit military resources. I would urge anyone who is going to take anything away from any of these amendments not to think

that this is any way undermining the NATO treaty. There is nothing here that undermines our NATO treaty.

On nominations, I will just briefly say that I will be voting “no” on the Gupta nomination. In publication and public statements, she has ardently advocated for access to abortion as a reproductive right, including abroad. I am concerned this could lead to an expansion of the mission of the Office of Global Women’s Issues on abortion advocacy in violation of U.S. law. I know this is a controversial appointment. On the other hand, I think each of us have our own moral compass on the abortion issue.

Mr. Chairman, I also ask that Members of the committee be permitted to submit to the Clerk any request to be recorded as a “no” on any item on today’s agenda. Thank you, Mr. Chair.

The CHAIRMAN. Thank you. I know there are going to be Members who want to speak to nominations and other things, but because of the importance of this, I would just ask Members’ forbearance so that we could just move on the NATO accession first and then go to the rest of the agenda.

Without objection, we will consider the Resolution of Advice and Consent for the NATO Accession Protocols for Sweden and Finland. Does any Member wish to be heard on the resolution or offer any amendments? Senator Paul.

Senator PAUL. I have been consistently opposed to the expansion of NATO for two main reasons: one, the disproportionate amount of cost that we bear, both the financial costs as well as the cost in terms of lives. The second reason I oppose the expansion of NATO has been the argument that the provocation of expanding NATO up to the rivers of Russia is provocative and could lead to war.

The second argument, I think, has less value since we have seen that Putin can clearly be provoked, even short of admitting Ukraine or Georgia into NATO. I still think it is a bad idea to admit Ukraine or Georgia into NATO and is incredibly provocative. I do believe that there is a possibility that war could have been prevented a year ago. There is no justification for Putin’s invasion, and yet I still think that there is a possibility, had there not been significant agitation of pulling Ukraine into NATO, that war could have been avoided.

I do think that actions have reactions by our adversaries. The deposing of the Russian leader in Ukraine in 2014—and I will argue that was not a bad idea to get rid of the guy—when he was gotten rid of, the Russians did react. So we have to see the world in a realistic way and understand that for our actions, there will be reactions. When he was deposed, the Russians decided to take Crimea. When the Biden administration, I think, provocatively and in an agitated way, continued to put its thumb in the eye of the Russians and say Ukraine will be a member of NATO, as recently as last fall—I think it is hard not to argue that that was part of precipitating reasons for the war.

Interestingly, as we look at the war, one of the possible outcomes, I think, it is very unlikely that there will be a, you know, complete victory by either side. We are looking at a long stalemate. Even Zelensky has admitted and said, well, perhaps one possibility and a result of this as a way to seek peace would be that Ukraine would be a neutral country. It is easier to look backwards, but I

think it would have been a better discussion, you know, a year ago or two years ago.

We have been saying for 14 years now that they will be—because we are involved, we are mighty, and we can do whatever we want—that Ukraine will be part of NATO. We have been saying it for 14 years, and yet they did not become part of NATO, and perhaps we should have had that discussion. Perhaps we should have thought twice about whether it was a good idea. Does any of this justify the invasion? No, and the invasion has changed my perception of this. So my perception has gone and conclusion has gone from adamantly against expansion to I will vote “present” today.

I do not presently think it is a good idea. I think there still are some advantages to Finland and Sweden being neutral. One of the advantages is when there is a final peace agreement through this agreement that I think it could be leveraged towards a peace agreement. What are things that the West could offer in exchange for some sort of peace agreement? One of the things the West could offer was, well, we have considered this, and Finland and Sweden have decided to remain neutral as opposed to becoming part of NATO.

Now, time will tell. I mean, if there is no war, people will say, well, this is great, NATO prevents war. But there are also things that Ebben said, and I think we are foolish not to at least listen to what our adversaries say. Russia has said, yeah, they will probably accept it. They do not have a whole lot of choice. They are going to accept them being part of NATO, but they have also warned that placing missile systems in Finland will be a red line.

I do not think it is an overstatement to remember that the U.S. putting missiles into Turkey and into Italy during the 1960s was precipitation of Russia putting missiles in Cuba. For every action, there is a reaction. I do not think we should be blind to the dangers or risks of moving forward, particularly if moving forward means putting missile systems into Finland.

With that in mind, I would like to offer an amendment to make absolutely clear that our Constitution supersedes all treaties, and all treaties are subject to our Constitution. I think that it is loosely argued by many that Article V says when we go to war, you know. We now have—we have 30-some odd countries in Europe. Is there a possibility that Montenegro gets attacked by Luxembourg, you know? I mean, does that mean we are automatically at war? No, in our country, we vote on this. The Constitution is very clear that that is how we go to war. But I think so many people have argued so strenuously that Article V is sort of part of our Constitution, they do not understand there is another step.

So I think it is important to add to this treaty that it will require no action on the part of any other country, and it simply reads that Article V of the North Atlantic Treaty does not supersede the constitutional requirement of Congress to declare before the United States engages in a hostility. This simply restates the Constitution, but I think it is important because I think people have been good with the argument that Article V guarantees war, and I think this will be a useful addition to let the world know that at least the United States will still obey the Constitution.

I request a recorded vote.

The CHAIRMAN. The Senator has requested a recorded vote.

Let me respond. First of all, I will not go at length. I have a different view of history than the Senator has about Ukraine and us insisting that it become a part of NATO. Things are different between insisting it become part of NATO and saying it has the possibility of becoming part of NATO if it met all the requirements. I understand Senator Paul's interest in ensuring that approving these protocols would not afford new constitutional authorities. However, this amendment is unnecessary and would set a damaging precedent for other countries.

There is no question that the North Atlantic Treaty and these protocols cannot supersede the Constitution. No treaty can. This is well established and well understood. Not only is this amendment unnecessary, but it would also be harmful. Unlike declarations and conditions, which this committee has included in every NATO protocol reservation to date, the reservations which Senator Paul has proposed here would change the dynamics of this treaty. And so the United States has never ratified NATO protocols with a reservation, and doing so now would be an invitation to other NATO members, like Turkey, to do exactly the same, limiting the scope of their obligations under NATO. For those reasons and others, I will be voting "no" and urge my Members to do so.

Is there anyone else who wishes to be heard on the amendment? Senator Cruz.

Senator CRUZ. Mr. Chairman, I find myself somewhere in between the Chairman and Senator Paul. I agree with Senator Paul that it would be a mistake for Ukraine to be a member of NATO. I think the risks and obligations of military conflict exceed the benefits to the United States for doing so. I am going to vote "yes" on the accession motion today because I think the benefits to the United States of Sweden and Finland joining NATO are far greater than the risk and exposure.

I want to support Senator Paul's amendment. I agree with the spirit of it. I think Congress has been far too reluctant to assert our authority under the Constitution to declare war and far too willing to cede war making to the executive. However, as I read it, I do not think the text of this amendment accurately states the constitutional provision. And in particular, it says, "Nothing in Article V"—"Article V does not supersede the constitutional requirement that Congress declare war before the United States engages in hostilities." "Hostilities" is a broad term. I do not think it is accurate to say the Constitution requires a declaration of war for any hostilities.

For example, the United States took out General Soleimani. I think that was the right decision. I introduced a resolution of the Senate, that a supermajority of Senators from both parties voted for, commending the President for taking out General Soleimani. I do not believe that necessitated a declaration of war. What I would suggest to Senator Paul, and I do not know if he would be amenable to this or not, but I would offer as potentially a friendly amendment changing the word "hostilities" to the word "war." And if we change that to "war," I would vote for this amendment because then I think it is accurate that we must have a declaration of war before we engage in war.

Senator PAUL. That would be fine with me.

Senator CRUZ. Okay. With that amendment, I will vote “yes.”

The CHAIRMAN. The motion has been made to amend the amendment, and with that—okay. Do you make that amendment as your own?

Senator PAUL. Yes.

The CHAIRMAN. Okay. So your amendment is now amended in accordance with Senator Cruz’s recommendation.

Senator KAINE. Mr. Chair?

The CHAIRMAN. Senator Kaine.

Senator KAINE. Mr. Chair, I have a question for you. I want to follow up on your logic in opposing the amendment. My understanding is you do not oppose the principle as stated, but you are objecting because we have never included such language in a treaty. So you said it was sort of unnecessary because it is—I mean, it is a statement with this edit that I think is an unobjectionable statement. It is just in terms of what the constitutional principle is. But I understood your objection is when we have done earlier such treaties, this is not like a resolution. This is treaty language, and when we have done such treaties, we have not included such language. Do I understand that correctly?

The CHAIRMAN. We have not included reservations.

Senator KAINE. Yeah.

The CHAIRMAN. And Senator Paul’s amendment is a reservation to the treaty.

Senator KAINE. Mm-hmm.

The CHAIRMAN. As such, it would change the dynamics, and it would be conveyed to every nation in NATO, and it would permit—open the door for them to change their—

Senator KAINE. For a renegotiation of something.

The CHAIRMAN [continuing]. Reservations.

Senator KAINE. If the language were to not say something about reservation or understanding and just say, you know, that nothing supersedes the—does not use the word “reservation,” “understanding,” “limitation,” whatever, nothing supersedes the constitutional provision as described, does that make it less objectionable to merely state the unnecessary principle but not do a reservation or an understanding?

The CHAIRMAN. Well, my understanding is that when we amend the process of a treaty, we ultimately are changing the nature of it and I do not know how you amend without it ultimately being a reservation and—

Senator KAINE. Mm-hmm, opening it up for other nations to maybe do the same.

The CHAIRMAN. Yeah.

Senator KAINE. Yeah.

The CHAIRMAN. So—

Senator PAUL. Can I respond?

The CHAIRMAN. Can I finish?

Senator PAUL. Sure.

The CHAIRMAN. Thank you. So that is part of the challenge.

Senator KAINE. Mm-hmm.

The CHAIRMAN. Now, you know, and as I said in my comments, there is nothing that can supersede the Constitution.

Senator Kaine. Right. Right.

The CHAIRMAN. Not Article V, not the NATO treaty, nothing else. And so it just complicates something that is so important to decide, and in a timely fashion, that otherwise has no significance because nothing can supersede the Constitution.

Senator Kaine. Right. Right. Okay. Thanks.

The CHAIRMAN. So does that satisfy other Senators? As I understand, the Senator would be satisfied in moving forward with—

Senator Kaine. Yes. I mean, I think it is a statement of the law, but your point is there is nothing that supersedes the Constitution whether we say or not, so it is unnecessary. Right.

The CHAIRMAN. Senator Paul.

Senator Paul. By adopting this, we do not change anything that other countries can or will do. They are welcome to put reservations on at any point in time, so this does not change anything. It may not have been, but it does not change anything that other countries that are allowed to do or might do. The reservation does not have to be approved by any other countries. It does not materially change the treaty. The reservation, if nobody objects to it, becomes part of the body of knowledge surrounding the treaty after a year's time.

There are different categories. There is a declaration you can add that does not have to be ever acknowledged by the other side. A reservation can be acknowledged, and other countries do nothing. I find it hard to believe that other countries are going to object to us following our Constitution. You would think, well, gosh, yeah, this is duplicative. Why do we have to say we are going to obey our Constitution? Well, because in our country, we often have not. I mean, we have gone to war many, many times without a declaration of war. We are involved in wars around the planet without declarations.

So this is an alternative way of discussing a larger issue of whether or not we should declare war when go into hostilities, but it also is important that people are very clear. We read often that Article V means we are going to war, and we are not going to war. We will, frankly, have to have a vote. Is it the likelihood that Congress will support war? Probably so, if NATO is attacked.

But I think knowing that this power resides in Congress and acknowledging that, and voting against it really calls into question—I mean, those who vote against this, it is like, really? Are you worried that we would follow the Constitution? I do not think it is a strong argument to say it is duplicative.

The CHAIRMAN. Let me just say I totally reject that proposition. Because the Senator proffers it does not mean that voting against it is a rejection of the Constitution because I take a higher calling. The Constitution is supreme. You actually create a more limiting function where you have state that in order to do something. The Constitution is supreme. And secondly, there is a consequence. If we make reservations, other countries can say, according to our constitution, we reserve according to our Constitution, and that may very well have a limiting obligation in their Article V obligations.

So either we are committed to Article V, and, yes, we would have to declare war to do that, or not. And when we start to diminish

Article V, the essence of NATO is dramatically diminished. Senator Johnson.

Senator JOHNSON. I am also sympathetic with what Senator Paul would like to do here, and I would just suggest if you would like to get a result, it sounds like if you insist on this being a reservation, it will fail. But if we maybe change it to “declaration” with the change already made in terms of “war” versus “hostilities,” I will certainly support it. Maybe others would as well. Is that something you would be willing to do?

Senator PAUL. Well, that is the question, and we have both. We have both of those amendments filed, and the question is whether or not, on the other side, Senator Kaine and others are willing to vote for a declaration as opposed to a resolution.

The CHAIRMAN. Senator Kaine?

Senator KAINE. I am convinced by the Chair’s argument that we need not make this statement because of the Constitution—

Senator PAUL. Under either “reservation” or “declaration.”

Senator KAINE. I do not think we need to. I mean, I am with you on the principle.

The CHAIRMAN. Senator Romney.

Senator ROMNEY. I am just concerned that at a time when Russia invaded Ukraine, and the world is watching, Ukrainians and our allies are watching, to do or say, anything that sounds like we are going a little wobbly on Article V is a very dangerous thing to do. There may be a time and a place for us to talk about the War Powers and the need to bring conflict before the Senate, but doing so with the accession of Sweden and Finland, and during a time when Russia is at war with Ukraine and obliterating their people, I think this is the wrong time for that kind of message.

The CHAIRMAN. Senator Cruz?

Senator CRUZ. So I think the question of reservations—we enter treaties all the time. Other countries enter treaties all the time. When they make reservations, that is part of the treaty-making power. You are right that on the face of this, this reservation does not alter the underlying terrain. In many ways, it is an implicit reservation of every treaty we sign that it is pursuant to the Constitution. At the same time, I would say it is an implicit reservation of every country that makes a treaty with us that they are going to act pursuant to the Constitution.

So I have no interest in undermining Article V. I am a co-sponsor with Senator Kaine of his legislation to reassert NATO’s role and centrality. I believe in that. I think Article V is significant, but I also think this is relevant here because the American people are hesitant to send our sons and daughters into harm’s way. As they read about the expansion of NATO, the concern some understandably have is, are we undertaking an obligation to engage in active combat with our enemies?

Now look, on the question of Ukraine and Russia, we have gone round and round on this committee on Nord Stream 2, and you know my passions on that issue. I wish we had avoided this conflict, and I think we could have. We did not. I think, as I understand voting on Senator Paul’s amendment, there are many Members of this committee that have expressed a desire for Congress to more vigorously assert its authority over declaration of war.

There are at least as many other Democratic side of the aisle as there are on the Republican side of the aisle. I think in the context, when the American people are concerned about us undertaking treaty obligations that potentially obligates us to engage in war, acknowledging that there is an ongoing limitation does not alter the treaty obligation, but I think is a reasonable assertion of Congress' constitutional authority.

The CHAIRMAN. With that, I think—

Senator SHAHEEN. Well, I just want to echo what Senator Romney has said. You know, Senator Coons and I were with a bipartisan delegation to the NATO Summit in Madrid, and one of the things that we heard from our allies who are NATO members and from those NATO-aspirant states, was the importance of what the U.S. did with respect to not just Ukraine, but on the treaty ratification.

And I think at a time when we are looking at two critical allies to NATO who are not security consumers—they are security providers—they add to our ability in NATO to defend the NATO alliance and our security. And for us to do anything, as Senator Romney says, that calls into question whether we are 100 percent behind this ratification, I think is it not helpful to United States security and NATO security at this time. I think the message we want to send out of this Senate is our overwhelming support for NATO and Sweden and Finland joining NATO, and the message that sends, not just NATO, but to Russia and Putin for his future ambitions, is really important.

So I would hope that we would put as much support behind this ratification as possible and not do anything that calls into question the message that that sends to all of our allies and to our adversaries.

The CHAIRMAN. The Senator has asked for a recorded—

Senator PAUL. Mr. Chairman?

The CHAIRMAN. Senator Portman. I am allowing those who have not had an opportunity to speak.

Senator PORTMAN. Right. Not everybody has spoken, no. Look, I am going to vote “no,” and the reason is very simple. Maybe I am too caught up in the Ukraine situation, but I think NATO is the most successful military alliance in the history of the world, and I think we need them more than ever. I disagree, I think, with the notion that they need us when we need them. I mean, we need allies right now. Russia and China, in particular, but other countries as well—North Korea—are constantly trying to develop alliances to counter our interests all over the world. NATO is it, and the fact that Sweden and Finland have for decades with neutrality, in one case, forever, have decided to come forward and join our alliance, I mean, we should embrace it with open arms.

So I do not disagree with what Senator Paul says about the Constitution, nor what you said, Mr. Chairman. I think that is clear. But I would not want to send any signal right now to our NATO allies that we are anything other than overwhelmingly, enthusiastically supportive of two countries coming in who have enormous military assets, and financial resources, and a commitment to exceed the 2 percent. This is all good, and for us to send any note of ratification discouragement in even having to notify our al-

lies of this reservation, to me, sends the wrong message. So that why I am going to vote—

Senator PAUL. Mr. Chairman?

The CHAIRMAN. Senator Risch.

Senator RISCH. I am going to vote “no” on this. Look, we are arguing about how many angels can dance on the head of a pin here. We cannot change the Constitution with this. The treaty could not change the Constitution with this. The President of the United States and the United States Congress know that you cannot go to war without a declaration. We do not want to be messaging in any way, shape, or form that tells our 29 allies in NATO that, oh, hang a reservation on—about your Constitution. Look, guys, we need to get this done. I think it needs to be clean. Thank you, Madam Chair.

Senator PAUL. Very quickly.

The CHAIRMAN. Last word, yes.

Senator PAUL. Very quickly. It has been mentioned that we should not go wobbly on Article V. I think if you were to ask a Gold Star family whether, you know, being wobbly on Article V is more important than being wobbly on the Constitution, I think most parents would say the Constitution is what their sons and daughters are defending.

The CHAIRMAN. The Senator has asked for a recorded vote.

The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. 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. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy—or excuse me. I have no proxy.

The CLERK. Mr. Johnson?

Senator RISCH. I changed it.

Senator RISCH. No by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator PORTMAN. No.

The CLERK. Mr. Paul?

Senator PAUL. Yes.

The CLERK. Mr. Young?

Senator RISCH. I have no proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. I have no proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

[No response.]

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

Senator RISCH. How did I record Senator Johnson?

VOICE. We said no.

Senator RISCH. It should be an aye by proxy, Mr. Chairman.

The CHAIRMAN. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 3; the nays are 15.

The CHAIRMAN. And the amendment is not agreed to.

Is there a motion to approve the resolution of advice and consent?

Senator COONS. So move.

VOICE. So move.

The CHAIRMAN. So moved. Seconded.

All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the resolution, having been voted in the affirmative, the ayes have it, and the resolution for advice and consent is agreed to.

Senator PAUL. Mr. Chairman, can I be recorded as "present?"

The CHAIRMAN. Senator Paul shall be recorded as a "present."

All right. Thank you for the debate, and we are moving forward now. Without objection, we will consider en bloc the entire remaining of the agenda that was noticed for this business meeting, which are 10 bills, eight nominations, and two FSO lists.

Is there a motion to that effect?

VOICE. So move.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Is there a second?

Senator SHAHEEN. Second.

The CHAIRMAN. Second? Yes.

Senator RISCH. I would ask that Dr. Gupta be a separate roll call.

The CHAIRMAN. Okay.

Senator RISCH. Thank you.

The CHAIRMAN. Ms. Gupta will be withdrawn from that en bloc, and we will have a separate vote.

VOICE. For who?

Senator CARDIN. Mr. Chairman, are the amendments that were included as manager's amendments included in the motion that you made?

The CHAIRMAN. Yes.

Senator CARDIN. With all the manager's—

Senator CRUZ. Mr. Chairman, if we are considering them in en bloc, will we have an opportunity to call up amendments?

The CHAIRMAN. Are there amendments that you—is there a specific piece of legislation?

Senator CRUZ. Yes. Yes.

The CHAIRMAN. So why do we not—which piece of legislation?

Senator CRUZ. It is an amendment on the Western Hemisphere Security Strategy Act.

The CHAIRMAN. Okay. So let us pull the Western Hemisphere Security Strategy Act and the Gupta nomination out. Everything will be en bloc, as amended.

Senator RISCH. And, Mr. Chairman, anyone can be recorded—

The CHAIRMAN. Of course. All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the agenda, except for those two items, is approved.

So now, let me go to the Gupta nomination to be ambassador-at-large for Global Women's Issues. Is there anyone who wishes to speak to it? Senator Shaheen.

Senator SHAHEEN. Mr. Chairman, I am really disappointed with the way this nomination has been discussed, and I want to go back to the Office of Global Women's Issues because that office was set up because of very good data that we have that shows the impact of looking at foreign policy through a gender lens. It is not through a healthcare lens. It is not through a reproductive lens. It is not through an abortion lens. It is through looking at the impact that empowering women around the world has on stable communities, stable families, and stable societies, and that is the mission of the Office of Global Women's Issues.

You know, when Kelly Curry was nominated by President Trump to Chair—to be Ambassador for the Office of Global Women's Issues, I did not ask what her position was on choice, abortion because that was not the mission of this office. And the fact that we have a number of outside groups who have tried to make an issue of abortion and Dr. Gupta's belief that women should make decisions about abortion themselves, is not what this office is about. And the fact that people are looking at her nomination through that lens, I think, is just wrong because the allegations that have been made against her are inaccurate.

There has been an attack that says that she worked to see that abortion was an essential service of the World Health Organization. That is not true. She never even talked about abortion at WHO. That was not her role there, and she did not even discuss it, and there have been several other allegations, and I am happy to go through them one by one, but I assume we do not need to do that. But the fact that this has become an issue with respect

to Dr. Gupta has just undermined the whole role of the Office of Global Women's Issues.

There are other agencies within the Department of State that deal with reproductive health, which deal with the issues that Dr. Gupta has been accused of supporting. She has said she supports the mission of that Office and will stick to that. She does not have another agenda, and the suggestion by number of outside groups that she is being placed there to undermine women's reproductive health is just disinformation that is being spread in a way that undermines the role of that Office. So I am really disappointed to hear our colleagues talking about this as being an issue on which they are going to make a determination.

This is a woman who has her Ph.D., who has spent her whole lifetime to addressing issues that affect women that are going to be dealt with by the Office of Global Women's Issues. And the fact that that now that is being reduced to the fact that she has said in her personal life she supports a woman's right to make her own decisions about her reproductive health, and that people say that that is going to determine whether they are going to support her in this office, I mean, are we going to say that anything that has to do with women and girls breaks down to abortion or not? Geez, I hope not because I do not believe that is the lens through which we ought to be looking at any issues that affect women and girls.

And the fact that so many people here at this table have said that that is the issue on which they are going to make a determination is just not fair to Dr. Gupta, and it is not in keeping with the mission of the Office of Global Women's Issues. So I understand that people are going to vote the way they are going to vote, but I would ask you all to reexamine your position because I think it is just wrong.

The CHAIRMAN. Any other Members seeking recognition?

[No response.]

The CHAIRMAN. If not, do you want a roll call vote?

Senator RISCH. Yes, please.

The CHAIRMAN. Senator Risch has asked for a roll call vote.

The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAIN. Aye.

The CLERK. Mr. Markey?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. No by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator RISCH. No by proxy.

The CLERK. Mr. Paul?

Senator RISCH. No by proxy.

The CLERK. Mr. Young?

Senator RISCH. No by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. No by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator RISCH. No by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The clerk will report.

Senator MARKEY. Mr. Chairman, may I be recorded as “aye” in person?

The CHAIRMAN. Senator Markey will be recorded “aye” in person.

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

The CHAIRMAN. The motion is tied. In accordance with Section 3 of Senate Resolution 27, I will transmit a notice of a tie vote to the Secretary of the Senate, thereby giving either majority or the minority leader the authority to make a motion to discharge the nomination.

Senator COONS. Mr. Chairman?

The CHAIRMAN. Yes.

Senator COONS. Mr. Chairman, if I could just speak briefly. I also strongly support Dr. Gupta’s nomination. And whoever is holding over Ambassador Godec’s nomination, I have worked closely with him for many years and would urge them to reach out to me. I am thrilled that we are advancing two different pieces of legislation today, the Global Malnutrition Act I am leading with Senator Wicker, and the Madeleine Albright Democracy in the 21st Century Act I am leading with Senator Graham.

But I briefly just wanted to thank and recognize an incredible member of my team, Ally Davis, who is leaving us after 6 years and is going from here to the House Foreign Affairs Committee.

[Laughter.]

Senator COONS. A stunning lack of seniority—

Senator RISCH. I thought the rules did not allow that.

[Laughter.]

Senator CRUZ. What did Senator Coons teach his team?

Senator COONS. I know that Chairman Meeks will benefit from her incredible work ethic, values. We first bonded over a shared experience of spending time in South Africa. This bill we are marking up, the Democracy in the 21st Century Act, she has worked on, but she also helped craft the Nita Lowey Middle East Partnership for Peace Act, the Global Fragility Act, and was the outcome determinative leader on the Sudan Claims Resolution Act.

We got a chance to go to Ethiopia on a very difficult mission a year and a half ago, and to go to Sudan where she has been personally very vested and has made an enormous impact. She started in my office as a fellow, became a colleague, and I count her as a friend. She embodies the spirit of Ubuntu and is one of the people I have most cherished in my time in the Senate.

Please join me in a quick round of applause.

[Applause.]

Senator COONS. Thank you.

The CHAIRMAN. Very well—very well put.

Senator BOOKER. Mr. Chairman?

The CHAIRMAN. Yes. I have one more piece of legislation—

Senator BOOKER. Please go ahead.

The CHAIRMAN. Please, please go ahead.

Senator BOOKER. I will do what my senior Senator tells me do. I will be very quick because I am not like Senator Coons. I want to register my outrage, disappointment, and betrayal of my staff who are behind me, Francesco, who is leaving me today.

[Laughter.]

Senator BOOKER. I have abandonment fears, and he is fulfilling them. He came to my office, quickly made me fall in love with him because of his expertise, his knowledge, his dedication, and his above-and-beyond commitment, and then turns around and leaves me. He will be going to Nairobi to work in the State Department there, which hopefully we will see. All of us should be doing codels to that great country. I wish him the best, and he is going to be an extraordinary leader for our State Department. And I am just grateful for his service to us, but I am indeed very, very furious that he has decided to leave me.

The CHAIRMAN. Good luck to you, and thank you for your service to the committee.

[Applause.]

The CHAIRMAN. We have one more vote, if we may. We will call up S. 3589, the Western Hemisphere Security Strategy Act. Are there any amendments to be offered? Senator Cruz.

Senator CRUZ. Mr. Chairman, I would like to call up Cruz First Degree 1 to S. 3589. My amendment would re-impose terrorism sanctions on the Revolutionary Forces of Colombia, on the FARC.

In November, the Administration withdrew the designations of the FARC as a foreign terrorist organization as a specially-designated global terrorist. They also removed the designations of 275 individuals. This decision, I believe, was both ill-advised and reckless. The FARC is responsible for some of the most heinous terrorism in the Western Hemisphere. First and foremost, it was a gift to the Colombian far left. It provided them with momentum going into the most recent election, and it facilitated the ascendancy of Gustavo Petro, a development that I think is deeply harm-

ful to the Western Hemisphere and the interest of the United States. The catastrophic effects on our national security and potentially on the U.S.-Colombian relationship may be felt for decades.

By withdrawing the FARC's group designation, the Administration gave up a key tool through which the United States was keeping terrorists accountable for their role in a half-century armed conflict. The decision was made without consulting, let alone coordinating, with the Colombian Government. A few weeks after the decision was made, Columbia Special Jurisdiction for Peace, tasked with implementing the Peace Accords, issued summons for 47 FARC members for alleged involvement in the trafficking and forced recruitment of children. The list included five individuals delisted by the Administration.

My amendment will begin to repair the damage of that decision by re-designating the FARC as an FTO and as an SDGT. It also designates seven individuals who have been instrumental in boosting the FARC and its terrorism. These are the five who were summoned by the Special Jurisdiction for Peace and two more FARC associates, and I would urge my colleagues to support the amendment.

The CHAIRMAN. In November 2021, the Biden administration removed the umbrella designation over the entity of the FARC, which has renounced violence and is a legitimate political party, and includes rank-and-file former combatants that are complying with the terms of the 2016 Peace Accord, as well as former FARC members who are now serving as members of the Colombian Congress. The Administration made two new targeted FTO designations on the FARC dissident Segunda Marquetalia groups, which have denounced the peaceful transition that the other FARC members have created.

These new designations ensure that our sanctions are targeted against the groups that have refused to lay down their arms and are still involved in terrorist activities in Colombia. Recalibrating our sanctions also ensures that individuals who laid down their arms and are fully complying with the terms of Colombia's Peace Accord are given the chance to be reincorporated into Colombian society.

I firmly believe in the strategic and targeted use of U.S. sanctions. I have offered most of them, including our sanctions against terrorist organizations, but this amendment, I would say, is neither strategic nor targeted. The amendment would also seek to modify the existing FTO statute, which requires the executive branch to review designation every 5 years. This longstanding statutory framework has worked well for Democratic and Republican Administrations alike. Sudden modification should not take place in a piecemeal manner, and for all of these and other reasons, I will be voting "no."

Is there anyone else who wishes to be heard on the amendment?

Senator KAINE. Mr. Chair, briefly.

The CHAIRMAN. Senator Kaine.

Senator KAINE. I am going to vote against the amendment for the same reason. The FARC entered into a peace agreement with the Colombian Government in 2016. The FARC surrendered millions of rounds of ammunition, 8,000 weapons, thousands of land-

mines, grenades, and integrated into the political process and the life of the country. There are dissident elements, who, in 2019, renounced that, but they are a tiny fraction of the FARC membership that signed the peace treaty, turned in their weapons, and have decided to operate within the bounds of civil society in Colombia.

And so I think a re-imposition of the designation on the FARC at this point is not strategic. Instead, we should focus on the smaller group of dissident elements rather than have the broad-brush approach.

Senator CRUZ. Mr. Chairman, if I can respond. The Chairman has suggested that members of the FARC have renounced terrorism and laid down their arms. That may be true of some of them, but it is certainly not true of others. The individuals that are specified in this amendment to give some of the background, understand what the evidence is against them, first is Jose Benito Cabrera Cuevas, a/k/a Fabian Ramirez, who was the FARC's 14th Front Commander until 2004. He has an outstanding red notice from Interpol. He has 32 arrest warrants, 17 detention orders, and two convictions in absentia. He was responsible for all drug-related operations of the FARC's drug trade and was a notorious executioner.

The State Department offered a reward of up to \$2.5 million for information leading to his arrest. He was presumed dead, but then he turned up alive. On December 11th, 2021, so not that long ago, the Special Jurisdiction for Peace issued a summons for him to appear due to credible charges of child trafficking. That is one of the individuals that the Biden administration lifted the designation on.

Another individual, Erasmo Traslavina Benavides, a/k/a, Jimmy Guerrero—I am not sure why they all have names so different from their given names, but they do.

[Laughter.]

Senator CRUZ. He was the FARC's 33rd Front commander, one of the FARC's most violent battalions. There is an outstanding U.S. extradition order against him since 2005 for overseeing FARC's drug trafficking operations aimed at getting drugs into the U.S. He is responsible for several terrorist attacks, the most notable being the bombing of a radio station in 2010. In 2012, Colombia's then defense minister and, today, their current ambassador to the United States announced a \$2 million reward for information leading to his arrest. And on December 11th, 2021, again, the Special Jurisdiction for Peace issued a summons for him to appear before it due to credible charges of child trafficking. Three others that are in a similar situation are Emiro Repero, Guillermo Enrique Torres Cueter, and Rodrigo Granda, all of whom are subject to summons from the Special Jurisdiction of Peace for credible charges of child trafficking.

I believe our terrorism sanctions ought to have teeth. They should have meaning. It was a mistake for the Biden administration to delist people who are clearly terrorists, who are violent criminals, and that mistake had real consequences, not only of encouraging future terrorism, but, in this instance, of driving Colombia in a direction markedly anti-American, markedly anti-cooperation with U.S. drug efforts. And I believe it would be a step of responsibility for Congress, ideally, in a bipartisan manner, to say we

are going to stand against those who engage in drug trafficking, child trafficking, and violent terrorism.

The CHAIRMAN. Let me just close by saying the Senator references six named individuals for targeted sanctions designations under a distinct counterterrorism sanctions and executive order, but his amendment does not limit it to that. His amendment is an overarching rescinding of the totality of the FARC designation, and there is no doubt—I think it is pretty undisputed—that there are a fair number of former FARC members who are complying fully with the law and the peace agreement, and, in fact, several of them are elected members of Congress.

And so the reality is that while you may have some compelling names there, and I might join you in trying to pursue something on those names, your overall amendment is so overarching that it would undermine the ability to say if you do the right thing, if you leave arms smuggling, if you follow the law, and actually get elected to congress, we are going to sanction you anyway. And so for those reasons, I will be voting “no.”

Will the Senator take a voice vote or—

Senator CRUZ. I would ask for a record vote.

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

The CLERK. Mr. Cardin?

The CHAIRMAN. No by proxy.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINÉ. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. Aye.

The CLERK. Mr. Romney?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator RISCH. No by proxy.

The CLERK. Mr. Young?

Senator RISCH. Aye by proxy.
The CLERK. Mr. Barrasso?
Senator RISCH. Aye by proxy.
The CLERK. Mr. Cruz?
Senator CRUZ. Aye.
The CLERK. Mr. Rounds?
Senator ROUNDS. Aye.
The CLERK. Mr. Hagerty?
Senator RISCH. Aye by proxy.
The CLERK. Mr. Chairman?
The CHAIRMAN. No.
The CHAIRMAN. The clerk will report.
The CLERK. Mr. Chairman, the yeas are 10; the nays are 12.
The CHAIRMAN. And the amendment is not agreed to.
Are there any other amendments on this legislation?
[No response.]
The CHAIRMAN. If not, all those in favor of passing the Western Hemisphere Security Strategy Act, S. 3589, will say aye.
[Chorus of ayes.]
The CHAIRMAN. All those opposed, say no.
[No response.]
The CHAIRMAN. The ayes have it, and the legislation is agreed.
This completes the committee's business.
I ask unanimous consent that staff be authorized to make technical and conforming changes.
Without objection, so ordered.
With the thanks of the Chair, the business meeting is adjourned.
[Whereupon, at 3:28 p.m., the committee was adjourned.]

BUSINESS MEETING

WEDNESDAY, AUGUST 3, 2022

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

Summary of Action Taken by the Committee

LEGISLATION

- S. 4428, Taiwan Policy Act of 2022, with an amendment in the nature of a substitute—Postponed due to Senate debate on NATO protocols
- S.4653, Department of State Authorization Act of 2022—Held over
- S.Res. —, Celebrating the United States-Republic of Korea alliance and the dedication of the Wall of Remembrance at the Korean War Veterans Memorial on July 27, 2022, without amendment—agreed to by voice vote (although this resolution was agreed to, it was not referred to the committee in time to be reported)

NOMINATIONS

- The Honorable Robert F. Godec, of Virginia, a Career member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Thailand—agreed to by voice vote (Barrasso and Hagerty recorded as no)
- Dr. Jonathan Henick, of Virginia, a Career member of The Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan—agreed to by voice vote
- Mr. Lesslie Viguerie, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic—agreed to by voice vote
- The Honorable Daniel N. Rosenblum, of Maryland, a Career member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kazakhstan—agreed to by voice vote
- Mr. Joey R. Hood, of New Hampshire, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia—Held over
- The Honorable Puneet Talwar, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco—agreed to by voice vote (Rubio and Hagerty recorded as no)
- Ms. Candace A. Bond, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Trinidad and Tobago—agreed to by voice vote (Rubio recorded as no)
- The Honorable Randy W. Berry, of Colorado, a Career member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and

Plenipotentiary of the United States of America to the Republic of Namibia—agreed to by voice vote (Rubio recorded as no)

Mr. William H. Duncan, of Texas, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of El Salvador—agreed to by voice vote

Mr. Hugo F. Rodriguez, Jr., of Pennsylvania, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua—agreed to by voice vote

Ms. Heide B. Fulton, of West Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay—agreed to by voice vote

Mr. Robert J. Faucher, of Arizona, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname—agreed to by voice vote (Barrasso recorded as no)

Ms. Shefali Razdan Duggal, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands—agreed to by voice vote (Rubio and Barrasso recorded as no)

Ms. Angela Price Aggeler, of the District of Columbia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of North Macedonia—agreed to by voice vote

Ms. Carrin F. Patman, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland—agreed to by voice vote (Rubio recorded as no)

Mr. Gautam A. Rana, of New Jersey, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Slovak Republic—agreed to by voice vote

Mr. Yohannes Abraham, of Virginia, to be Representative of the United States of America to the Association of Southeast Asian Nations, with the Rank and Status of Ambassador Extraordinary And Plenipotentiary—agreed to by voice vote (Rubio and Barrasso recorded as no)

Meeting Transcript

The committee met, pursuant to notice, at 5:30 p.m., in Room S-216, the President's Room, Hon. Robert Menendez presiding.

Present: Senators Menendez [presiding], Cardin, Coons, Murphy, Kaine, Markey, Booker, Schatz, Van Hollen, Risch, Rubio, Romney, Portman, Young, Barrasso, Rounds, and Hagerty.

OPENING STATEMENT OF HON. ROBERT MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The CHAIRMAN. All right.

This meeting of the Senate Foreign Relations Committee will come to order. If I could have everybody's attention we will get through this quickly.

Thanks for everybody's flexibility today. Obviously, what we are doing on the floor is super important and historic. So I know that everybody is going to be thrilled on voting on the protocols.

We have a holdover request from State Auth, which we are honoring, and we will take that up in the Taiwan bill in September.

So I look forward to working with the Ranking Member to make that happen.

Today, we are considering 17 nominations. We received a hold-over request for one of them, Joey Hood for Tunisia. So we will be voting on 16.

These are well qualified nominees. I intend to do it en bloc.
Senator Risch?

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

Senator RISCH. I intend to support them. I would only ask that the record be left open until the close of business tomorrow so the Members can register a no on individuals.

The CHAIRMAN. There will not be any objection to that.

So without objection, we will now consider en bloc all of the nominations noticed for the business meeting except for Joey Hood.

Is there a motion?

Well, first, does anybody want to comment on it?

[No response.]

The CHAIRMAN. If not, is there a motion to move en bloc?

Senator BOOKER. So moved.

The CHAIRMAN. So moved. Is there a second?

Senator KAINE. Second.

Senator PORTMAN. Second.

The CHAIRMAN. Second.

All right. All those in favor will say aye.

All those opposed will say no.

The ayes have it and the nominations are favorably reported to the Senate.

There is also a resolution that the Ranking Member and I have agreed to. It is a bipartisan resolution by Senator Sullivan and Senator Duckworth, which basically celebrates the U.S.-Republic of Korea alliance, the dedication of the Wall of Remembrance.

This is to make the Korean Government a little happier than they were as a result of the commemoration. They paid \$22 million for the wall and they did not get the type of attention from our Government that many think they should have, and so this is honoring that.

Senator RISCH. I move the adoption.

The CHAIRMAN. Move the adoption? I am sorry?

[Laughter.]

The CHAIRMAN. It has been moved. Second it?

VOICE. Second.

The CHAIRMAN. Seconded.

All those in favor say aye.

Opposed, say no.

The resolution is favorably adopted and reported to the Senate, and that completes the committee's business.

Thank you all for attending. All right.

[Whereupon, at 5:33 p.m., the committee was adjourned.]

BUSINESS MEETING

WEDNESDAY, SEPTEMBER 14, 2022

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

Summary of Action Taken by the Committee

LEGISLATION:

S.4428, Taiwan Policy Act of 2022, with amendments—agreed to by roll call vote (17–5)

Yeas: Menendez, Cardin, Shaheen, Coons (proxy), Kaine, Merkley, Booker, Risch, Rubio (proxy), Johnson (proxy), Romney (proxy), Portman (proxy), Young (proxy), Barrasso (proxy), Cruz, Rounds, and Hagerty

Nays: Murphy, Markey, Schatz, Van Hollen, and Paul

• Managers Substitute Amendment—agreed to by voice vote

• Paul 1st Degree Amendment #2—not agreed to by voice vote (Paul recorded as yes)

• Markey 1st Degree Amendment #5—agreed to by roll call vote (12–10)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Paul

Nays: Risch, Rubio (proxy), Johnson (proxy), Romney, Portman (proxy), Young (proxy), Barrasso (proxy), Cruz, Rounds, Haggerty (proxy)

S.4653, Department of State Authorization Act of 2022, with amendments—agreed to by voice vote (Johnson, Barrasso, Paul, and Rounds recorded as no)

• Managers Substitute Amendment—agreed to by voice vote

• Shaheen 1st Degree Modified Amendment #3—agreed to by roll call vote (12–10)

Yeas: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Portman (proxy)

Nays: Risch, Rubio (proxy), Johnson (proxy), Romney, Paul, Young (proxy), Barrasso, Cruz (proxy), Rounds, Haggerty

• Paul 1st Degree Amendment #2—not agreed to by roll call vote (10–12)

Yeas: Risch, Johnson (proxy), Romney, Portman (proxy), Paul, Young (proxy), Barrasso, Cruz, Rounds, Hagerty

Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Rubio (proxy)

• Kaine 1st Degree Amendment #1—agreed to by voice vote (Paul recorded as no)

• Cruz 1st Degree Amendment #3—not agreed to by roll call vote (10–12)

Yeas: Risch, Rubio (proxy), Johnson (proxy), Romney, Portman (proxy), Young (proxy), Barrasso, Cruz, Rounds, Hagerty

Nays: Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Paul

NOMINATIONS:

Mr. Rolfe Michael Schiffer, of New York, to be an Assistant Administrator of the United States Agency for International Development—agreed to by voice vote

Mr. Nathaniel Fick, of Maine, to be Ambassador at Large for Cyberspace and Digital Policy—agreed to by voice vote

The Honorable Patrick Leahy, of Vermont, to be a Representative of the United States of America to the Seventy-seventh Session of the General Assembly of the United Nations—agreed to by voice vote

The Honorable James E. Risch, of Idaho, to be a Representative of the United States of America to the Seventy-seventh Session of the General Assembly of the United Nations—agreed to by voice vote (Risch recorded as present)

FSO LISTS:

Donald R. Alderman, *et al.*, received May 19, 2022 (PN 2170), as modified—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 2:36 p.m., in S-116, The Capitol, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Romney, Paul, Barrasso, Cruz, Rounds, and Hagerty.

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

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order.

Today we are considering two significant pieces of legislation, four nominees, and a Foreign Service List. First, the Taiwan Policy Act. This bill is intended to provide critical tools to respond to China's escalatory actions that threaten Taiwan.

As all Members of this committee are aware, Beijing is seeking to establish a new normal across the Strait. Without concerted pushback, China will continue to engage in coercive, diplomatic, political, military, and economic steps. This legislation will revamp our security assistance and strengthen our deterrence so that we can meet this urgent challenge. A challenge brought on by China's increasing bellicose rhetoric and its coercive actions and threats to "smash to smithereens" Taiwan, as China's defense minister put it earlier this year. The United States does not seek war or increased tensions with Beijing. Just the opposite. But if we hope to have a credible deterrence and maintain cross-Strait stability, we need to be clear-eyed about what we are facing. Yes, we need to be clear-eyed in our response.

Over the past year, our committee has given concerted attention to these issues. We have had public hearings, classified briefings, and a whole host of meetings in between. Particularly in the last several weeks, I appreciate all of the rigorous engagement with Members. I want to thank Senator Risch, and your team for all of your engagement. I want to thank Senator Cardin and your staff, in particular, for your productive approach to finding common ground among Members. I think the manager's package reflects much of that work, and the work of many other Members of the committee on both sides of the aisle.

That said, I recognize that this bill, as with every piece of legislation, is not perfect, and that not every member, myself included, is

getting everything they want. And so I offer my word to all Members of this committee on both sides that I will continue to work with you on any concerns you may have coming out of today's markup. But the only way we can be effective in moving forward our Taiwan policy and deterring China from its aggressive trajectory is by showing a united front. So I hope all of you will support the bill today and continue working with me to ensure that those pieces of the bill that we all strongly support are enacted into law.

We are also considering the State Department authorization bill. Last year's State authorization was the first in nearly 2 decades, and it was a major success. With today's markup, this committee once again is fulfilling our critical duty to make sure the Department has what it needs to carry out America's foreign policy. This bill will help bolster and advance the Department's important diplomatic work around the world and give our personnel additional tools to successfully lead and compete.

Among a few key provisions, this bill will, improve efforts to recruit and retain the best talent possible for cybersecurity, digital, and technology roles; authorize funds for internet freedom programs to help activists and human rights defenders standing up to repressive regimes, providing access to fact-based and unbiased news; further advance diversity, equity, inclusion, and accessibility through paid internships, personnel increases at the Office of Civil Rights, and improve data collection on diversity.

The bill also incorporates a number of priorities from committee Members on both sides of the aisle, including by way of reference; initiatives by Senator Cardin and Hagerty to provide the Department with the tools and reforms needed to conduct diplomacy in the 21st century and training of our personnel; provisions by Ranking Member Risch to improve the Department's process for reviewing security incidents and embassy security and construction requirements, which I hope will put an end to the needless politicization that these issues have played in the past, and many others. So I want to thank each member for their contributions and suggestions to strengthen the Department and support its personnel.

I am pleased that we have negotiated a manager's package that includes more than 25 amendments by both Democrats and Republicans. I would like to take a minute to, again, commend the Ranking Member and his staff for engaging in productive negotiations throughout this process. This has allowed us to produce a bill with solid backing behind it as we move towards Senate passage, but there is a cautionary note. The key to passing State authorization is broad policy initiatives that have been included in the base text or by the manager's package. If we start adding amendments that are country specific or issue specific, it will be a death knell to the State authorization, which is why prior to last year, it took us 20 years before we could pass a bill.

However, I must also note that as we advance this bill to the Senate and potentially an NDAA, as you all know, the clearance process becomes more difficult. It is possible that the provisions we pass today, although we will fight them tooth and nail, could ultimately fall. But regardless of the path forward, by marking up and passing another State authorization bill out of the committee, we

are sending a strong bipartisan message that Congress values and supports the dedicated personnel of the State Department who make sacrifices every day to serve our Nation.

Finally, on nominations. I am pleased that today's agenda includes Michael Schiffer, who has served the committee extraordinarily well in a very bipartisan manner. He is our Asia specialist. I hate to lose him, but he will ably act as an assistant administrator at USAID as well as a highly-qualified nominee to lead the State Department's new Cyber Bureau, Nathaniel Fick. I support both of them. I urge all our colleagues to do the same. We also have the nominations of the Ranking Member and Senator Leahy to serve as representatives to the U.N. General Assembly.

With that, let me turn to Ranking Member Risch for his opening remarks.

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

Senator RISCH. Well, thank you, Mr. Chairman. This is an important agenda that we have today. China has been changing the status quo on Taiwan for years, and its message is clear: free, Democratic Taiwan must come under Chinese communist party authoritarian rule, regardless of what Taiwan wants. We all watched in dismay what happened in Hong Kong. We want to ensure Taiwan has a fighting chance. We must act now. If the status of Taiwan changes, it would have disastrous consequences for the U.S. economy, national security, and the entire Indo-Pacific.

Economically, China's annexation of Taiwan would endanger trillions of dollars, U.S. trade and investment, and put China in control of the primary shipping routes for top U.S. trade and partners. Militarily, China would have a platform on the first island chain and dominate the Western Pacific, enabling it to threaten nearby U.S. territories and the U.S. homeland, and providing full control over the main waterway that connects China to the West. Moreover, the consequences of Japan's security and U.S. credibility are hard to overstate. Many U.S. allies and partners fear Taiwan is just China's first step. China has been taking other aggressive steps for some time, setting up air defense zones that overlap Korea and Japan, intimidating commercial shipping through the South China Sea, and changing regional countries' access to their own waters.

That is why this bill is necessary. I am glad it includes important elements of my Taiwan Deterrence Act. First, a foreign military financing program for Taiwan. This accelerates Taiwan military reform and expands training for the Taiwanese military using realistic scenarios. Second, identifying ways to expedite Taiwan arms sales and establishing a war reserve stockpile for Taiwan, like the one we have with Israel. Finally, working with Taiwan on civilian defense and reserves.

I want to make one thing clear: this bill does not change U.S. policy towards Taiwan. Our One China policy does not take a position on Taiwan sovereignty, but, instead, emphasizes that any resolution of the issues between China and Taiwan must be resolved peacefully and with the free will of both parties. The Taiwan Resolutions Act also makes clear that our assurance to maintain Tai-

wan's defense capability is at the center of our relationship with Taiwan.

We must be proactive on Taiwan now, get ahead of a future crisis, and give Xi Jinping reasons to think twice about invading or coercing Taiwan. The future of U.S. economic and national security in the Indo-Pacific depends on it. I want to underscore what the Chairman said. I could not agree with him more than on this issue, unit is absolutely critical. It will be weighed and measured by the Chinese.

On the State Department authorization, I would like to start by thanking the Chairman and his staff for the energy and effort they put into getting to "yes" on this bill. These types of authorizations are always compromises and never perfect, and no one gets everything they want as was shown by the many years that we went without such an authorization. I am glad to have been able to work with the Chairman on this. That said, I am very pleased to have the Diplomatic Support and Security Act, which I partnered and worked with Senator Murphy on, and my update to the Secure Embassy Construction and Counterterrorism Act, and those be included in the text. And I appreciate the Chairman's remarks in that regard.

These have the potential to make a generational change at the State Department, recalculating the Department's risk balance while saving the taxpayer potentially billions of dollars. Moreover, this bill better hold the Department accountable for providing Congress with the information needed to provide robust oversight. I have been very vocal for the last several years of my displeasure with how the State Department has waived certain privileges and immunities for our diplomats in China in order to kowtow to Beijing's COVID madness. My provisions in this bill will go a long way in making sure that never again will the Department be able to legally, at least, hide the ball from Congress on something as vital to diplomacy as the diplomatic status that keeps our people abroad safe.

For these reasons, I strongly support this bill, even while acknowledging that it isn't perfect. None of us get everything that we want, but we all got enough to get to "yes," and hopefully that leads to more effective diplomacy and a more efficient and secure State Department.

I ask that the Members of the committee be permitted to submit requests to the clerk in writing to be recorded as a "no" on any item on today's agenda. Lastly, I would like to state for the record I am planning to vote for all the nominees on agenda. However, I will not be voting on my own nomination, not because I have questions about the qualifications—

(Laughter.)

Senator RISCH [continuing]. But rather because ethics so dictates. Thank you, Mr. Chairman.

The CHAIRMAN. All right. Well, I will vote for you.

Senator RISCH. Thank you. Somebody call Guinness World Book of Records.

(Laughter.)

The CHAIRMAN. So thank you, Senator Risch. We really appreciate all of your work. So let me start off to consider en bloc all the

nominations and the FSO list noticed for this meeting. There is an FSO list for nominees, including our two colleagues.

Is there a motion to approve these nominations en bloc?

Senator CARDIN. So move.

The CHAIRMAN. So moved. Is there a second?

Senator SHAHEEN. Second.

The CHAIRMAN. It is moved and seconded. Does anyone wish to speak to any of the nominations? Senator Hagerty.

Senator HAGERTY. Mr. Chairman, I would just like to reflect my respect and admiration for Michael Schiffer. I had the benefit of working with him when I served in the executive branch. Very competent professional. Like you, I will miss him on this committee, but I wish him the very best.

The CHAIRMAN. Thank you. Anyone else? Senator Markey.

Senator MARKEY. I would like to speak on behalf of Senator Risch. I think he is well qualified.

(Laughter.)

Senator RISCH. What a wonderful team.

Senator MARKEY.—dedication to developing your expertise.

Senator RISCH. Thank you. I appreciate that.

The CHAIRMAN. I do not think you will see yourself in an ad in Idaho, so—

(Laughter.)

Senator RISCH. Oh, I hope not.

The CHAIRMAN. Very nice.

(Laughter.)

The CHAIRMAN. Anyone else?

(No response.)

The CHAIRMAN. If not, the motion has been made and seconded to vote for the nominations en bloc.

All those in favor, say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed, say no.

[No response.]

The CHAIRMAN. The ayes have it. A majority of Members present, having voted in the affirmative, the ayes have it. The nominations are agreed to.

Senator RISCH. Mr. Chairman, please record me as not voting on my own, but voting “yes” on the other three.

The CHAIRMAN. And Senator Risch shall be recorded as abstaining on his own nomination.

So now we will move first to the State Department Authorization Act of 2022. Without objection, we will consider S. 4653, the Department of State Authorization Act of 2022. First, I would like to entertain a motion to adopt the manager’s package. Is there such a motion?

Senator CARDIN. So move.

The CHAIRMAN. So moved. Seconded?

Senator SHAHEEN. Second.

The CHAIRMAN. Seconded. Does anyone wish to speak on the manager’s package?

[No response.]

The CHAIRMAN. If not, all those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

And the manager's package is agreed to.

Now, if there are amendments on State Auth, just as we did on the USICA, which helped us get through it effectively, I will call on each of you in order of seniority on the committee, alternating between majority and minority Members. When we call upon you, please indicate whether you wish to call up one amendment, and we will do multiple rounds, if necessary. I am going to try to limit it to 5 minutes in order to get through this and to the Taiwan legislation. So with that, Senator Cardin, do you have any amendments?

Senator CARDIN. Well, Mr. Chairman, first, let me thank you for including in the manager's package four amendments that I had noted. I will not go through all four of these, other than the one with Senator Hagerty from our subcommittee that deals with the training. We appreciate this being included in the manager's package, and I have no additional amendments.

The CHAIRMAN. Thank you. Senator Risch?

Senator RISCH. I want to likewise say that I appreciate the work that we did on this. What I wanted is in the manager's package. Obviously, I had to give things up to get there, but I did, and as a result of that, I would accept the manager's package.

The CHAIRMAN. Thank you. Senator Shaheen, do you have any amendments?

Senator SHAHEEN. I do not have any in the manager's package. I have one I would like to call up.

The CHAIRMAN. Yes.

Senator SHAHEEN. But is that—is now the appropriate time?

The CHAIRMAN. Yes, this is the appropriate time.

Senator SHAHEEN. Okay. Actually there are two that I would like to call up and speak to, and one I would withdraw. The first would codify the Office of Global Women's Issues at the Department of State. And, again, I appreciate that this has been a point of contention, but it really should not be because the Office of Global Women's Issues is designed to look at our foreign policy and address half of the world's population—women—and to try and consider the economic well-being of women throughout the world. When the previous Administration was in office, this committee voted for an ambassador to the Office of Global Women's Issues. My recollection is that that was not controversial at all, and so I am hard pressed to understand why we have had so much trouble authorizing this office permanently, particularly given what we know are the challenges that women and children face as the result of COVID worldwide. Women are the most impacted by war in general, and the conflicts that are going on.

And so having this office staffed, and I appreciate that position that our colleagues have had to the nomination of Geeta Gupta and have opposed that, but that is really based, I believe, on misinformation because this office is not about health issues for women. That is dealt with other places in the State Department. This office is about the well-being of women around the world. And one of the things that we know is that when we empower women, not only do

their families do better, but their communities and their countries do better. They are more stable, and so it is good policy to do this.

And, Mr. Chairman, again, I appreciate that this has been an issue that has produced some controversy in the committee, so I am going to withdraw the amendment, but I would certainly hope that in the next Congress, we are able to permanently authorize the Office of Global Women's Issues because I think it is in our country's interest to do that. So I will withdraw the amendment, but I hope that people will consider this issue in the future.

The second amendment that I would like to call up, if I can find my notes here—is the Shaheen modified First Degree amendment number 3, which would advance the Global Respect Act. This amendment is based on legislation that was introduced with four Members of this committee. Senators Portman, Murphy, Markey, and Merkley are all co-sponsors of this legislation, and there is strong bipartisan support from other Members in the Senate. The amendment would do three things. It would, first, require the executive branch to send Congress a list of foreign persons complicit in inhumane treatment of LGBTI individuals. Second, it would deny or revoke visas to individuals placed on this list and require the State Department to designate a senior officer responsible for tracking this violence. And I think it is very important that we make clear to countries around the world that behavior that intimidates LGBTI individuals is unacceptable, and visa blocking sanctions would send a very strong message to deter these human rights abuses. So thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Anyone else wishing to speak on the amendment?

Senator PAUL. I just have a question. Is it a human right for minors to surgically or medically change the appearance of their sex?

Senator SHAHEEN. I understand that there are philosophical differences about this issue. What I am suggesting is that everybody should be treated the same, and that for those countries that do not — that treat people bad that —

Senator PAUL. When I think on things like respect, respect your personal decisions, you would not find any disagreement. But that is why something like when you say something is a human right, it is important to know what they are. That is why we have some of these debates over things human rights because there is, you know, a great deal of difference on whether or not we think, you know, a 12-year-old can make these decisions, or a 14-year-old can make a decision to have their breasts removed or to have their, you know, female genitalia removed, so I do not know.

I mean, if we are unsure whether it is a human right, it clouds the decision about, you know, voting on respecting adults for being whatever they want to be. I am all for that, but I am a little concerned that there are people now advocating, including the head of our HHS is advocating that minors should not have to ask parents for permission. If the parents object, the minor should be allowed to make these life-changing decisions.

Senator SHAHEEN. I do not know what position the Secretary at HHS has taken on this. This legislation does not address that. It addresses our efforts to ensure that all people are treated with respect by the countries in which they live.

Senator PAUL. If it were a sense of the Congress, if you were willing to change it to be a sense of the Congress that we should have respect for all people and that kind of thing, I would be for it. I guess if it is unknown what human rights we are talking about, whether or not a minor has the right to change the appearance of their sex surgically without their parents' permission, whether that is a human right, then, again, you know, I would have to vote "no" on that.

Senator SHAHEEN. But this amendment is not suggesting that, Senator Paul.

Senator PAUL. Well, no, some people do believe you have a human right to make a surgical decision on the appearance of your sex as a minor. I mean, this is a huge debate going on in our country and elsewhere. If we condemn people, we have no condemning them. If you think, well, we are going to condemn people who throw people off of buildings, I am there. That is a terrible thing. I would say I do not want those people visiting our country either, but if it is a conservative Christian nation that says, my goodness, we do not think that minors should be making a decision on removing their genitalia without their parents or against their parents' permission, you know, then that is a completely different thing we are talking about.

Senator SHAHEEN. Well, we are talking about internationally-recognized human rights. So the amendment is not suggesting that—

Senator PAUL. Once again—

VOICE. Let her talk.

Senator SHAHEEN [continuing]. We should make those decisions. We are saying that—I am—I think this amendment is saying that we think it is important as a value for us to speak out for the protection of those people who are being seriously discriminated against and losing their lives in some countries.

The CHAIRMAN. All right. Senator Risch?

Senator RISCH. Mr. Chairman, I am going to vote against this amendment. I know Senator Shaheen is very well-intentioned on this, but I think because of the un-clarity of this issue, as I think Senator Paul's question probably underscored, it draws a lot of controversy. And the biggest problem is there was a House companion of this on a similar nature that passed the House only by a very razor-thin margin. And I do not—I think we need to pass this thing clean as we have—the Chairman and I have negotiated it. So for that reason, I am going to be voting against this amendment.

The CHAIRMAN. Anyone else? Senator Merkley?

Senator MERKLEY. Yeah, Mr. Chairman and Members, as I am reading the act here, it really is focused on attacks on LGBTQI individuals. And it notes that "Thousands of individuals around the world are targeted for harassment, attack, arrest, and murder on the basis of their sexual orientation or gender identity. Those who commit crimes against those individuals do so with impunity. Often they are not held accountable." It is not wandering into the categories justified by my colleague. I think this is really an important value for us to address. I strongly support it, and I thank you, Senator Shaheen.

Senator MARKEY. Would the Senator yield?

Senator MERKLEY. Yes.

Senator MARKEY. I just want to add onto it. The text actually relates to torture, ill treatment, prolonged detention, disappearance, abduction, flagrant denial of rights.

The CHAIRMAN. Anyone else seeking—

Senator MARKEY. And I intend to vote for the amendment.

The CHAIRMAN. Anyone else seeking to be recognized on this subject?

[No response.]

The CHAIRMAN. I will just close it then. First of all, I want to thank my friend from New Hampshire for elevating an important issue. I have read the text of her amendment. I see nothing to suggest giving certain unique rights to under-aged individuals in this regard. It is absolutely not in her amendment. But we do know that LGBT people around the world continue to face discrimination, violence, and bigotry. In nine countries, same sex relations are punishable by death. This amendment would require the Administration to impose sanctions on designated foreign persons responsible for gross violations of human rights against LGBTQ individuals. I think that we could just stand united in making that statement, and I support the amendment.

With that, does the Senator seek a voice vote or a recorded vote?

Senator SHAHEEN. I am happy with a voice vote.

The CHAIRMAN. Okay.

Senator RISCH. I would ask for a recorded vote, please.

The CHAIRMAN. Senator Risch asks for a recorded vote.

The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator Kaine. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. No by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator RISCH. No by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. No.

The CLERK. Mr. Cruz?

Senator RISCH. No by proxy.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator HAGERTY. No.

The CLERK. Mr. Chairman?

The CHAIRMAN. Yes.

The CLERK. Mr. Chairman, the yeas are 12; the nays are 10.

The CHAIRMAN. And the amendment is agreed to.

The next person present, Senator Romney, do you have any amendments to offer?

Senator ROMNEY. I do not.

The CHAIRMAN. Okay. Senator Coons, do you have any amendments you wish to offer?

Senator COONS. No amendments. Thank you for your hard work on this with the Ranking Member. I appreciate the inclusion of a number of important issues in the manager's package.

The CHAIRMAN. Thank you. Senator Paul, you have an amendment you wish to offer?

Senator PAUL. This is Paul First Degree 2. This would amend Title VII and the following: "a prohibition instead of funding certain overseas activities of the Department of State, of the USAID." Most Americans would be horrified if they knew how their tax dollars were being spent overseas. Examples of wasteful spending overseas are practically endless. With our national debt over \$30 trillion, the American people likely find it insulting that the State Department spent \$150,000 to train Kenyan artists and to identify upcoming artists and performers, train them in arts, entrepreneurship, and give them the need to be able to succeed in the industry. The State Department also spent \$30,000 to put up or put on six performances of a play in Dubai addressing a social issue of the grantee's choice. As if those examples were not enough, it may shock taxpayers to or learn that the State Department paid \$200,000 to put together at least 12 virtual book clubs, lasting from 1 to 3 years—that is a long book club—with a minimum of 15 Afghans and 15 Pakistanis they teach.

My amendment prohibits the State Department and USAID from wastefully spending money on foreign classes for artists, performers, theatrical plays, and book clubs. There are plenty of other examples of waste I could point to, but my amendment only targets the most egregious forms of waste that the American people have up to now been forced to pay for. And I would request a recorded vote.

The CHAIRMAN. Thank you. Anyone else wishing to be heard on the amendment?

[No response.]

The CHAIRMAN. If not, the amendment would prohibit the State Department and USAID from funding a slew of important activities, such as clean energy programs, prevention of hazardous waste incineration, critical democracy and public diplomacy programs, for future foreign leaders. I appreciate the Senator's continuing concerns about waste, but the fact is that many of these activities bring value to our foreign policy to the nation where the activities take place. This would cut student exchange programs that allow future leaders to travel to the United States to learn about the importance of democracy, civil society, and good governance. So for those reasons, I will be voting no on the amendment, and I urge my colleagues to do the same. The Senator asked for a recorded vote.

Senator PAUL. One brief follow-up. The amendment only lists three categories: holding classes for arts and performers, staging theatrical plays, and hosting book clubs.

Senator ROUNDS. May I have a point of clarification?

The CHAIRMAN. If you look at page 2 of your amendment, also does so subsidizing a green energy program, subsidizing foreign chambers of commerce. Is that—which amendment is that?

VOICE. It is this one.

The CHAIRMAN. I am sorry. There was another amendment. I am sorry. That is the wrong version. Okay. I still oppose it. I believe that the engagement on these grounds are incredibly important in our foreign policy. Does the Senator want a recorded vote?

Senator PAUL. Please.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. No.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINÉ. No.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. Yes.

The CLERK. Mr. Young?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator HAGERTY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 10, and the noes are 12.

The CHAIRMAN. And the amendment is not agreed to.

Senator Murphy, do you have any amendments?

Senator MURPHY. No amendments.

The CHAIRMAN. Okay. Thank you. Senator Barrasso?

Senator BARRASSO. No.

The CHAIRMAN. Senator Kaine?

Senator KAINE. I do have one. First, I will withdraw Kaine First Degree 2, and I will call up Kaine First Degree 1. This is a bill that we earlier passed in this committee by a 21 to 1 vote. It was Senate Joint Resolution 17, which was the bipartisan bill to prohibit a President from unilaterally withdrawing from NATO. I would like to add to the State Department authorization bill. We don't need to repeat the debate that we had in March on this matter.

The CHAIRMAN. Anyone wishing to be heard on the amendment?

Senator ROUNDS. This is Kaine Number 1?

Senator KAINE. Yes, Kaine First Degree 1 concerning the Senate Joint Res. 17 into the State Department authorization.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch.

Senator RISCH. Would Senator Kaine yield to a question?

Senator KAINE. Yes. Yes.

Senator RISCH. I did not realize this one was going to be on here. Does this have the language in it that clarifies that this language applies only to this treaty—

Senator KAINE. Yes.

Senator RISCH [continuing]. And not to all of them?

Senator KAINE. Part of that discussion was whether we should make this only about NATO withdrawal or withdrawal from any treaty, and it is just limited to a NATO withdrawal.

Senator RISCH. Just limited. Okay. Thank you. Thank you, Mr. Chair.

The CHAIRMAN. Anyone else wishing—yes. Senator Rounds.

Senator ROUNDS. Yeah, just a question for the Senator. If I am reading the correct one, it would require a two-thirds vote to withdraw, but question is, and I am assuming that you thought this all the way through, if this requires a two-thirds vote, that would mirror what is found in the Constitution to—

Senator KAINE. Enter.

Senator ROUNDS [continuing]. Enter into it.

Senator KAINE. Mm-hmm.

Senator ROUNDS. But the reason for the two-thirds vote is because it is by constitutional directive. Would it not be—even if we put within a statute a two-thirds requirement, simply the term “notwithstanding” would be included in any majority vote to withdraw with a majority vote from a treaty that we are talking about.

Senator KAINE. Yes. The bill—actually, it is in the alternative, so the version that we passed in March was the alternative. A President could not withdraw from NATO, which was ratified by two-thirds vote in the Senate, except by and with the advice and consent of the Senate, provided that two-thirds of the Senators present concur, or pursuant to an act of Congress. So a President could not do it on his or her own, but if a President wanted to withdraw from NATO, it would either require two-thirds vote in the Senate to withdraw or two-thirds vote to ratify, or an act of Congress. And it is just to make the point that having—the fact that we got into this with a Senate ratification, a President could not unilaterally withdraw.

The CHAIRMAN. And an act of Congress would obviously be 60—

Senator ROUNDS. Fifty, well.

The CHAIRMAN [continuing]. Well, 51, but 60 if it was subject to a filibuster.

Senator KAINE. And this was a matter, just to refresh from March, the Supreme Court had this case before it in *Goldwater v. Carter*. In the 1970s, President Carter withdrew from the from a Taiwan treaty, actually. Senators Goldwater and others challenged it in the court system, saying you did this unilaterally—do not come to Congress. And the Supreme Court dismissed the case saying it is a political question for the branches to revise among themselves. And in that case, the Court said the fact that Congress expressed no—in no formal way disagreement with the Carter policy, it was said, hey, you guys work it out. So the Supreme Court has said in that case that it is up for the executive and the legislature to work out the question of withdrawal from treaties.

Senator ROUNDS. Thank you.

The CHAIRMAN. Anyone else?

Senator PAUL. Mr. Chair?

The CHAIRMAN. Yes, Senator Paul.

Senator PAUL. I will make this point just briefly because we have this discussion before. The Constitution gave the treaty-making power to the Senate. We are all trained in treaty-making power that was given to the Senate by asking the House. So we pass a bill the House will vote on, the Senate will vote on, all trained in treaty-making power that was given exclusively to the Senate. I think it is unconstitutional and it will fail in court.

The CHAIRMAN. I strongly support Senator Kaine's amendment, passed the committee virtually unanimous. I think it makes eminent sense. Senator—

Senator Kaine. A voice vote is fine.

The CHAIRMAN [continuing]. A voice vote?

All those in favor of the Kaine Amendment will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

Senator Paul. No.

The CHAIRMAN. The ayes have it, and the amendment is agreed to.

Senator Paul. Can I be recorded as "no," please?

The CHAIRMAN. And Senator Paul shall be recorded as a "no."

All right. Did I call upon Senator Barrasso? Do you have any amendments to see if you have any amendments?

Senator Barrasso. Yes.

The CHAIRMAN. I did. Okay. So Senator Cruz is next.

Senator Cruz. I want to call up Cruz 3. This committee is well aware of the back and forth when it has happened concerning the Iran nuclear deal. At the beginning of this year, on February 4th, the Biden administration granted a waiver for international work on seven civil nuclear projects in Iran. At the time, we were told that whatever the wisdom was of those individual projects, the goal was to facilitate reentry into the Iran deal. It was one of many concessions made up front by the Administration that squandered American leverage at the outset with the promise of yet more concessions on the back end.

This Administration seems desperate to return to a deal which I think would substantially undermine the national security of the United States. Even despite a willingness to concede almost anything, they still have yet to be able to reach a deal. And if the Biden administration succeeded, these waivers, I think, would be affirmatively harmful. They legitimize Iran's nuclear program. They allow Iran to keep facilities open that we know they are using to build their way to a nuclear arsenal, all the while under an active investigation from the IAEA. And additionally, they serve as a gift to Putin and the Russian nuclear program. The country that uses these waivers to sell technology to Iran is Russia, and there are tens of billions of dollars at stake that Russia is making because of these waivers given by the Administration.

It finances Putin and creates a massive hole in our Russia sanctions, obviously right in the middle of a critical time with the war in Ukraine. And nevertheless, just last month, the Biden administration yet again renewed these waivers. I think that does not make any sense. My amendment rescinds the waivers, and I urge my colleagues to vote yes.

The CHAIRMAN. Senator Cardin?

Senator Cardin. I am going to oppose Senator Cruz's amendment, and I thank you. We share a concern about Iran. We share a concern about the use of sanctions and the waivers. We do not know whether the Administration is going to react the JCPOA or not, but we do know if they do, it is going to come under INARA. We are going to have a chance to review and a statute that we created for congressional review. That is where this process should be

taken up, and your amendment really modifies the law that we have in place today dealing with the review, prejudging a review before we even get to it. So I would oppose your amendment.

The CHAIRMAN. Any other Members seeking recognition?

[No response.]

Senator CRUZ. So I will say in brief response to Senator Cardin's comments that the waivers are in place. The Administration has put them in place. And so Senator Cardin's suggestion that if there is ultimately a deal, it will come before this body under INARA. I hope that is right, although the Administration has not been unequivocal on that, but I hope that is right. The State Department legal advisers had a theory to avoid INARA. I hope they do not try to go down that road.

But INARA is not the vehicle to review the waiver of the civilian nuclear way because that has already happened. That exists right now with or without a JCPOA. The administration has entered those waivers and just reissued those waivers, and I would point out this is while the Iranian regime is actively and aggressively trying to murder former senior U.S. officials, including the former Secretary of State, including the former national security advisor, including the former assistant secretary of state.

We all heard, in front of our committee, Secretary of State Blinken testified that State is spending \$2 million a month in security to protect former senior officials. And the idea that we would be giving them waivers, facilitating nuclear technology into their country while they continue to actively try to murder senior officials. And I got to say the exchange that Secretary Blinken and I had when I asked is it true that your negotiators asked them would you stop trying to murder senior U.S. officials, and they said, no, we are going to continue trying to murder them and you continued negotiating, I think it is very difficult to justify giving them a multibillion-dollar discretionary waiver. And so this amendment revokes that waiver.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. Briefly. Look, I am going vote for this, and I got to tell you, as much as I would go further than this, to be honest with you. The frustration I have had in dealing with this Iran situation is just—it is one of the strongest frustrations I have had since serving on this committee. On this committee, we all agree to the bottom line and what should happen, but being able to get there, we go through this whiplash politically. And, frankly, I am sure glad the Iranians have not agreed to sign, and I hope that continues.

This should not be under a congressional act, a review or anything else. This is a pure, unadulterated treaty. If this is not a treaty, nothing is a treaty, and it should come here, and it should come for a two-thirds vote. But be that as it may, it is just incredibly frustrating. Thank you, Mr. Chairman.

Senator ROMNEY. Mr. Chairman?

The CHAIRMAN. Senator Romney?

Senator ROMNEY. I would like to also speak in favor of Senator Cruz's amendment. I strongly agree with the points that he has made. I would also note that I do not think this weakens the Presi-

dent's negotiating hand. I think it strengthens his negotiating hand. I think it lets the negotiators understand that the Senate feels very strongly that we should not bend as we have, and that they ought to move if they want to get a deal done. I agree with him. I do not want to get another deal done, but one thing is for sure. We should not be allowing this subsidy going on for Russia and, for that matter, for Iran given the malevolent activities being carried out right now. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Anyone else?

[No response.]

The CHAIRMAN. If not, I will close this debate. I clearly voiced my opposition to the 2015 JCPOA, and I have voiced my serious concerns about re-entering what I understand to be the nature of this agreement. However, this amendment seems to be targeted towards that effort, but it goes further by tying the hands of any administration that might seek a more comprehensive and stronger arms control agreement with Iran. It strips the waiver authority that might make possible nonproliferation benefits of such an agreement, like shipping out Iran's high enriched uranium out of intervention. It also sets a precedent for amending sanctions-related laws, in this case removing the regional and national security waiver, after the fact and through other bills.

So for all those reasons, I am going to vote no, and I would tell my friend that the Administration has publicly made the commitment that should they enter an agreement, it will be submitted to Congress via INARA, and I will hold them to that.

With that, do you seek a recorded vote?

Senator CRUZ. Please.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. No.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. No.

The CLERK. Mr. Coons?

Senator COONS. 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. Merkley?

Senator MERKLEY. No.

The CLERK. Mr. Booker?

Senator BOOKER. No.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. Aye.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Barrasso?

Senator BARRASSO. Aye.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator HAGERTY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 10; the noes are 12.

The CHAIRMAN. And the amendment is not agreed to.

Senator Markey, do you have any amendments, State Department?

Senator MARKEY. I have no amendments. Thanks to staff for their good work, including the language on the critical limited supply chain. I appreciate their work.

The CHAIRMAN. Senator Rounds?

Senator ROUNDS. Thank you, Mr. Chairman. I appreciate the cooperative work being done on Rounds 1 and 2 and it being incorporated already. Rounds 3, I will withdraw at this time as per our agreement.

The CHAIRMAN. Thank you. Senator Merkley?

Senator MERKLEY. I am all good, and thank you for the very collaborative work of your team.

The CHAIRMAN. Thank you. Senator Hagerty?

Senator HAGERTY. I just appreciate the good cooperation between our staffs, Senator Cardin, and very much look forward to seeing this bill pass.

The CHAIRMAN. Senator Booker, any amendments?

Senator BOOKER. I just want to say I am going to withdraw Booker 1, but I do want to thank Senator Cardin and Senator Sanders for working with me on establishing an office to monitor and combat islamophobia, and for its creating of a special envoy for monitoring islamophobia. As we all know, Muslims around the world are facing extraordinary persecution from Myanmar, from Xinjiang. We are a body, I think, in a bipartisan way, which is concerned about religious persecution. We are seeing it in significant ways, and I am hoping that we can work to get this position established.

The CHAIRMAN. Senator Schatz?

Senator SCHATZ. No amendments, thank you, Chairman.

The CHAIRMAN. Senator Van Hollen?

Senator VAN HOLLEN. Mr. Chairman, Ranking Member, first of all, thank you and your staffs for your cooperation on a number of amendments that are already part of the State Department authorization bill in the manager's amendment. I appreciate that. I have an amendment. I want to talk about it. We have an understanding, and I will not ask for a vote on this amendment, but I would like, Mr. Chairman, your good faith efforts going forward on this issue. The amendment is the Visa Waiver Program country requirement. I think everybody around this table knows that we work to try to enter into visa waiver programs with countries to facilitate traffic to the United States and U.S. travel overseas.

At the heart of that relationship is security but also reciprocity, and this amendment is pretty simple if you take a look at it. It just says if you become part of the United States Visa Waiver Program, that country cannot discriminate against American visitors to that country based on race, or ethnicity, or religion, or anything else. They cannot discriminate because you are African American, Hispanic American, or any other kind of American. That is the heart of this, and I think it is very important that as a country we make it very clear that we are all red, white, and blue.

Now, there are a number of countries seeking participation right now. I will tell you this particular language arose because many of us have been hoping and trying and, like, want Israel to become a part of the Visa Waiver Program. But within the last month, the military administration, Israeli Military Administration over at the West Bank has put in force some rules that dramatically restrict visitors to the West Bank. Our Ambassador, Tom Knight, has expressed his concern about it.

That is one issue. The issue is American visitors and whether an American visitor would be discriminated against based on their ethnicity or race. And if you look at them in their current state, it is pretty clear to me that if you are a Palestinian-American, you will have different treatment if you want to travel to the West Bank, than if you are another American who wants to go visit a settlement on the West Bank. That is not reciprocity. That is unequal treatment of American citizens based on their ethnicity.

So I am not going to offer this for a vote, Mr. Chairman. I think it is an important issue. I want more countries, including Israel, to be part of this program, but equal treatment and reciprocity is at the heart of this program, and no American should be treated any differently than any other. I will not pursue the amendment.

The CHAIRMAN. Well, I appreciate the Senator withdrawing at this time, and I also appreciate the sentiment expressed in Senator Van Hollen's amendments. American citizens should not be subject to discriminating entry restrictions on the basis of ethnicity or for any other reason in that regard. Reciprocity means that Americans must enjoy the same ease of entry that we grant any partner nation, so I support his effort to engage the Administration on this and work closely with you and with them to resolve any issues of reciprocity.

Senator VAN HOLLEN. Thank you, Mr. Chair.

Senator MERKLEY. Mr. Chairman?

The CHAIRMAN. Senator Merkley.

Senator MERKLEY. I would just like to applaud the Senator, the view he just expressed, and that Chris Van Hollen has expressed about discrimination against affected classes. We have to stand up for all Americans. We stand up against discrimination at home. We have to stand up against discrimination against American citizens abroad. Thank you.

The CHAIRMAN. Thank you. Now, I have gone around the table once, and I think it might be more propitious to ask, and we will do it by seniority, whether anyone else has an amendment for the State Department authorization.

[No response.]

The CHAIRMAN. If not, then—just to make sure we got the right language here.

The question is on the motion—first, is there a motion to approve S. 4653, as amended?

Senator CARDIN. So move.

The CHAIRMAN. So moved, and seconded?

Senator SHAHEEN. Second.

The CHAIRMAN. All those—is it—do we have an agreement on a voice vote? Okay.

All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the legislation is approved and sent to the Senate. Those who wish to be recorded as a “no”? Senator Barrasso, Senator Paul, Senator Rounds shall be recorded as “noes.” Okay. An important piece of legislation.

Now let us move, and I ask Members to hang in there because I know we are not having any votes on the floor, so hopefully we can keep our quorum. I know there will vigorous debate on some of these things.

Without objection, I would like to consider the substitute amendment for S. 4428, the Taiwan Policy Act, a bill to support the security of Taiwan and its right of self-determination, and for other purposes.

Is there a motion to adopt the manager’s package?

Senator SHAHEEN. So move.

The CHAIRMAN. So moved. Is there a second?

Senator SHAHEEN. Second.

The CHAIRMAN. Second. A motion has been made and seconded.

Is there any debate on the manager’s package?

[No response.]

The CHAIRMAN. If not, all those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it, and the manager’s package is approved.

Again, we will follow the same process for amendments, and we will begin with Senator Cardin if you have any amendments.

Senator CARDIN. Well, Mr. Chairman, first of all, I want to thank you for your openness to work with many of us to look at ways that we could deal with what we thought were legitimate concerns ex-

pressed by the Administration and some concerns that individual Members of this committee had that were, we thought, detracted from the main purpose of this bill to strengthen our resolve with Taiwan against China's potential use of force in regards to Taiwan. And I appreciate the fact that most of the suggestions I made have been incorporated in the manager's package. I am satisfied, and I will be offering no further amendments.

The CHAIRMAN. Thank you. Senator Risch?

Senator RISCH. None, thank you.

The CHAIRMAN. Senator Shaheen?

Senator SHAHEEN. None. Thank you.

The CHAIRMAN. Senator Romney?

Senator ROMNEY. None.

The CHAIRMAN. Okay. Senator Coons?

Senator COONS. Mr. Chairman, I just wanted to commend you for working so closely with a dozen Members to include what would have otherwise been amendments to adopt a manager's package that strengthens and clarifies that while we are continuing to respect the One China policy, we are strengthening and enhancing our engagement with the authorities in Taiwan. And I have no further amendments.

The CHAIRMAN. Thank you. Senator Paul.

Senator PAUL. Paul First Degree 2. While I don't doubt the sincerity of those who wish to deter China, nor do I disagree with the objective of deterring China, I think the fundamental question of whether or not this will deter China or provoke China is a question that we skip over. We often think that if we just tell them what to do and put sanctions on them, then that is what they will do, but often countries react as children, and we see the reverse psychology of a country who says, well, you know, this is China. We think in centuries. We are a 5,000-year-old country, and when you provoke us, are we going to say, well, yeah, you are right, and we are going to quit having controls around Taiwan, and we really just think you are right. The fact is you are right. We are just going to not be [inaudible]. There is a possibility they react in the opposite way.

This is an amendment. None of us knows this, and so I think we should not quickly jump to the conclusion that what we are actually for, even all having the same goal, will actually be the outcome of what comes from this. We do know that we have had the Taiwan Relations Act for 40 years. It is an unusual sort of dance. It is an unusual diplomatic sort of arrangement that we talk about of strategic ambiguity. But we do know this: China has not attacked Taiwan in over 40 years. Hence, the Taiwan Relations Act.

So the question is, is changing the Taiwan Relations Act towards a posture of strategic clarity bringing us further away or closer to the goal of preventing China from invading Taiwan? Will bellicose barbs and admonitions serve to cow the Chinese or merely act as an irritant? For four decades, the philosophy of strategic ambiguity has undergirded our China policy. The U.S. is not obligated to defend Taiwan. However, it maintains the capability to do so and probably will.

According to Doug Bandow at Cato, "Taiwan cannot take U.S. support as a given"—that is, again, part of the ambiguity—"and,

therefore, will not do anything reckless, and that China cannot be sure that America will not send in the cavalry and, therefore, will not take any chances." Strategic ambiguity, therefore, has a deterrent element to dissuade China from military action. The danger of moving to strategic clarity is that U.S. policy loses some element of deterrence. If the U.S. announces strategic clarity prior to establishing the actual capability to deter China, China may be encouraged to take action before the U.S. and Taiwan can defeat them in the future. In effect, moving to strategic clarity could make it more and more likely when war could have been averted.

Peter van Buren, an author and former Foreign Service officer, wrote recently in an article in *The American Conservative*, and he argues that, "The risk of moving to strategic clarity is that we will talk ourselves into a crisis. The blathering about inevitability goes on, mutual demonization increases, and the policy response moves from prevention to war preparation." Amending the Taiwan Relations Act, therefore, threatens to abduct the contest and strategic ambiguity of the past 4 decades. The bill provides Taiwan with arms conducive to deterring acts of aggression by the People Liberation Army maybe, or maybe it just pisses them off, you know? We do not know what the conclusion or what will the reaction be. Are they going to read this and be cowed by our language?

It also directs the Secretary of Defense to review the U.S. strategy to defend Taiwan. It also directs the United States to make available weapons that enable Taiwan to implement a strategy to deny and deter acts of aggression. These changes to current policy may make war more likely, not less, and that is bad news for the United States. According to Niall Ferguson, a senior fellow at the Hoover Institute, "In all recent Pentagon movements on Taiwan, the United States seems [inaudible] to China. China is a country with economic power, a growing military, and has alliances with our own adversaries." This is not a time to radically change long-standing policy that has preserved peace without an appreciation for the dire consequences it may cause. I respectfully urge my colleagues to vote against this legislation.

This particular amendment would strike Section 204, which particularly has to do with the \$6.5 million that, frankly, we have to borrow from China to give to Taiwan. So that what the vote would be is on striking Section 204, and I would request a recorded vote.

The CHAIRMAN. I will call on other Members. Let me just make a few comments on the Paul Amendment, and I appreciate his view. Let me just say if we were creating strategic clarity, this bill would be much different. We would be definitively saying that we would be supporting Taiwan if it were to be attacked by China. We do not say that. The President of the United States, not once, not twice, but 3 times has said that, but this bill does not say that. As a matter of fact, as a rule of construction, specifically in the legislation it says that we do nothing to amend our One China policy or the Taiwan Relations Act in terms of its underlying purposes.

This amendment, however, would remove the most important security assistance tools that this bill would provide with respect to Taiwan, including the Foreign Military Financing Authority, the reserve stockpile, and the FMF loan authorities. These programs are vital for deterrence, and, if necessary, the denial of a Chinese

invasion of Taiwan. Therefore, I will vote against the amendment. I urge my colleagues to do the same. It strikes at the very heart of it. I know that Senator Merkley has asked for recognition first. Senator Merkley?

Senator MERKLEY. Thank you. This issue of strategic clarity, strategic ambiguity, is an important one for us to wrestle with. We have the context of this entire bill, and it is my belief that the conversations that result in the bill, they clearly come down on the side of strategic ambiguity, which is about the issue of whether we would directly engage in a war against China if Taiwan was attacked, but this section of this bill is about strengthening Taiwan's ability to respond. And if we go back to the early stages where we had these three communiques and the six assurances, the key piece of that was that our perspective was it was based on China's commitment to resolve peacefully its relationship with Taiwan.

And it was President Reagan who put in the record a secret statement that is no longer secret that said we will continue arm sales unless China makes this commitment to peaceful resolution, and they have not made that commitment. They have done exactly the opposite. And it is my belief that if we leave Taiwan essentially with poor defenses, China is absolutely committed to using their enhanced and growing military capability to assault Taiwan, and that the best strategy is one of enabling Taiwan to defend itself, often referred to as the porcupine policy, makes it really the best vision of deterrence to avoid a non-peaceful, a military war of China against Taiwan in the future. And that is why I support this bill.

The CHAIRMAN. Thank you. Senator Risch?

Senator RISCH. Well, I think we should have it very clear in the record, we are not voting on the strategic ambiguity issue in this bill. That is not there, and, Senator Paul, I went over the things that you have here specifically, but there is nothing in this bill that talks about strategic ambiguity, but what it does do is strip out the dollars and cents that we are sending there. I support that. I am certainly not going to vote for the amendment, but I want the record to be absolutely certain that we are not voting on the issue of strategic ambiguity in this bill. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Senator Schatz.

Senator SCHATZ. Mr. Chairman, thank you, and thanks for your work and your staff's work in improving this bill. I told you unless something dramatically changes during these proceedings, I am likely to vote no, but this is the section I like. Section 204 is the part that prepares Taiwan in the event of a worst-case scenario and provides some measure of deterrence. The parts that give me heartburn are the civil sovereignty and the question of whether or not we are getting anything out of some of these more provocative statutory changes that, in my judgment, may irritate the Chinese and accelerate their preparation for military action. And those, I think, concerns are shared by Members of this committee, even those who may be voting yes, but this is the core of the bill, in my view. This is about preparing Taiwan and deterring China, and so I will definitely oppose this amendment.

The CHAIRMAN. Senator Romney.

Senator ROMNEY. Mr. Chairman, I agree with the sentiments expressed by Senator Paul, and that is, I am very concerned that by having a bill named as it is, the Taiwan Policy Act, we put a spotlight on all this, what America is going to do. I mean, this could be done quietly as part of NDAA, which is the money that is going for Taiwan weaponry. We are doing something that is highly provocative and bellicose. I hope it does not make China say, well, gosh, Taiwan is going to get stronger. Maybe we ought to move now than later. It is not a porcupine now, but these guys are making it a big deal, and they are putting it front and center. They are going to make it a porcupine, so let's move now.

Now, I am not going to support the amendment because I do not want to go down on the record saying I do not want to give additional weapons. I do. I am just very frustrated that we as a committee decided we are going to put a big spotlight: the Taiwan Policy Act. Gosh, this should have been in there quietly, you know, as opposed to putting it in. I think it is really unfortunate, and I hope nothing is provoked by virtue of it, but I think the sentiment that Senator Paul expressed is right. I am going to vote against the amendment because I do want to give them the weapons, but, boy, it is of great concern to me. Thank you, Mr. Chairman.

The CHAIRMAN. Any other Members on this amendment?

[No response.]

The CHAIRMAN. If not, let me close debate on it. First of all, on the question of symbols of sovereignty that have been referred to, I would just say to Members, except for one, everyone voted in support of the same symbols of sovereignty in the Strategic Competition Act, both in committee and on the floor, and that did not generate any response by China. And certainly there was a lot of attention in that bill to challenge China directly as it relates to chips and superconductors.

In relationship to Senator Romney's concern, and I appreciate his concern, I would just say that when the Administration sends us a billion-dollar arm sales for Taiwan, which is public and its transaction as a result of the provisions of law under the arm sales that will be vetted publicly, I think that is the most overt way of suggesting what we are willing to do for Taiwan, and that cannot be done quietly, so that is out there. So I just say that in terms of trying to assuage some people's concerns about some of these elements.

With that, a recorded vote has been asked for by Senator Paul.

Senator PAUL. Actually, if you want to just do it voice and record me as a "no," that is probably quicker. I think it is——

The CHAIRMAN. I am sorry? You are willing to take a voice vote.

Senator PAUL [continuing]. And record me as a "no."

The CHAIRMAN. Okay. Absolutely.

VOICE. "Yes."

The CHAIRMAN. All those in favor of the amendment. All those in favor of the amendment will say aye.

[No response.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The noes have it, and the amendment is not agreed to, and those who wish to be recorded as “aye” can be listed as so, Senator Paul.

All right. Let me then repeat the question. Who else has—we are going to keep going down the line. Senator Murphy, who is next.

Senator MURPHY. Thank you very much, Mr. Chairman. I have a few amendments, none of which I am going call, but let me just state that I think that there is no disagreement on this committee that our Taiwan policy has to change. China’s policy has changed. Their provocations have increased, and we would be fools to sit back. And I think the only disagreement our committee is having is to—what are the changes that are most beneficial to secure Taiwan and to secure the United States’ interest in the region. So I do support deeper defense integration. I support deeper economic integration. I support vigorously pushing back on Chinese’s interference and intimidation. And I think the conversation that we have been having over the last month is whether some of the changes in this bill, relative to the way that we talk about Taiwan, the way that we talk about our defense relationship with Taiwan, has more significant risk to our security, Taiwan’s security versus benefit.

My amendments were relative to the back end of this bill, which is the sanctions provisions. I support sanctions authority. I think we could have written these sanctions a little bit tighter, as I would with all sanctions believe in a sunset. In particular with China, I think it is worthwhile for us to be able, after 5 years or 10 years, to weigh whether or not we want the bulk of our permissive sanctions to be relative to Taiwan policy, or whether we want to adjust those sanctions to try to prevent other malevolent Chinese activity. We all know there is a host of things that we could be leveraging sanctions on Taiwan for.

And so I understand that may not have the votes on the committee, so I will not offer the amendment, but I deeply appreciate the Chairman and the Ranking Member’s engagement over the last 30 days. And I do agree that in the end it is important for us to be united if we are making a significant change in Taiwan policy. I will be voting no today, but I take the Chairman’s offer seriously to continue these negotiations.

I also agree with the Chairman that this is not a reversal of our policy towards Taiwan, but for me, it comes close enough that I think we have to really consider the impact that it will have, not just inside the United States, but outside of the United States, and not just on China, but also on how our allies perceive it. But I think we have made a lot of progress in addressing concerns of this committee in preparation for this markup up, and I look forward to continuing that discussion. Thank you, Mr. Chairman.

The CHAIRMAN. Well, let me just respond to Senator Murphy. First of all, I appreciate your withdrawing at this point, and my offer is real in terms of continuing to work with you and others. I just want to make a comment about the sanctions title. I understand you are not offering them. We have refined the sanctions title, and we sought to address various aspects, for example modifying the sanctions trigger.

Now, I know executive branches always express concerns about mandatory sanctions. I have been dealing this with Republican and Democratic administrations. They would prefer us to go away and only send a check when the time comes when they need to spend something. However, incredible flexibility is already baked into the sanctions provision in the legislation. It affords discretion to access whether relevant conduct is significant. That is pretty broad. The sanction title also includes some of the broadest waiver authorities possible. The waivers are not time limited, and the waiver authority in Section 806 is based on an assessment that waving sanctions is in the national interest, not in the national security interest, which is a much more difficult and higher standard.

I think the inclusion of these broad and definite waiver support even more discretion. Having said that, we can always calibrate better, and I look forward to working with the Senator to try to get to that calibration that can bring us closer together at the end of the day.

Is there anyone else on the Republican side who seeks to offer an amendment?

[No response.]

The CHAIRMAN. If not, I understand Senator Markey has amendments.

Senator MARKEY. I have an amendment at the desk, Number 5, Mr. Chairman. We need to find ways to avoid miscalculation in the Taiwan Strait and call attention to small miscommunication to send ultimately to the brink. It is why I am offering an amendment based on the Taiwan ASSURE Act. The amendment would, one, urge the United States and the PRC to prioritize the use of a military crisis hotline; two, authorize \$2 million annually to support existing Track 1.5 and Track 2 dialogues, which are important for increasing strategic awareness amongst all parties in avoidance of conflict; and three, authorize \$6 million annually, which would double U.S. support for the multilateral Global Cooperation and Training Framework, which provides a platform for Taiwan to share its expertise to global partners on many issues.

Each of these important steps would help lower the risk or frustrate miscalculation and really, importantly, frustrate stability. We have to support our friend and also simultaneously prevent inadvertent conflict, and embracing stability measures is a key component in establishing that kind of situation. We are talking here about the most important trip wire in the world, and it is very important for us to be funding the kinds of communication necessary to avoid anything that would happen by us. So thank you, Mr. Chairman.

The CHAIRMAN. Anyone else wishing to speak to the amendment? Senator Risch?

Senator RISCH. I am going to oppose this. First of all, the \$3 million that we got for the GCTF Program, which I am very supportive of, is sufficient to operate this program. The other programs that have been canceled were canceled because they have been dismal failures. The Chinese just would not send people of any rank to do anything, and they never did anything. So I am going to oppose the amendment.

The CHAIRMAN. Let me then close the debate. I want to commend Senator Markey for offering the amendment to increase cross-state confidence-building measures and for funding the Global Cooperation and Training Framework. This amendment, I believe, is beneficial by signaling that the United States is not the aggressor here. We believe that we need to deepen confidence-building measures to ensure stability. As I stated before, the United States remains committed to the peaceful resolution of cross-Strait issues.

Further, the authorization of appropriations for the GCTF will provide training, technical assistance to Third Country participants, which will support Taiwan around the world by demonstrating the value of its participation on the global stage. I think this increased authorization complements the provisions already included in the bill that seek to promote Taiwan's place on the world stage, and, therefore, I will vote in favor of the amendment.

With that, does the Senator wish a voice or a recorded vote?

Senator MARKEY. I would—I would request a voice vote, of course, and—

The CHAIRMAN. Okay.

Senator RISCH. I request a—

The CHAIRMAN. Senator Risch wants a recorded vote. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. Aye.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. Aye.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. Aye.

The CLERK. Mr. Risch?

Senator RISCH. No.

The CLERK. Mr. Rubio?

Senator RISCH. No by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. No by proxy.

The CLERK. Mr. Romney?

Senator ROMNEY. No.

The CLERK. Mr. Portman?

Senator RISCH. No by proxy.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Young?

Senator RISCH. No by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. No by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. No.

The CLERK. Mr. Rounds?

Senator ROUNDS. No.

The CLERK. Mr. Hagerty?

Senator RISCH. No by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye. The clerk will report.

The CLERK. Mr. Chairman, the yeas are 12; the noes are 10.

The CHAIRMAN. And the amendment is agreed to. Is there any other Member on either side seeking to offer amendments? Yes, Senator Van Hollen.

Senator VAN HOLLEN. Thank you, Mr. Chairman. First of all, I appreciate the conversation around the table. This is obviously a big, important issue for our country and the people of Taiwan, and I want to join others in thanking you, Mr. Chairman, and your team for working through these issues. And I join with those who have said that we want to make sure that Taiwan has a greater capacity to defend itself, so I am strongly in favor those provisions of the bill, including the foreign military financing.

I do have an amendment. I am not sure I am not going to offer it anymore. I am in favor of those provisions, but as I told you, Mr. Chairman, and I think the Administration shares my concern about this, while I support the authorization for funding, I do think it is a mistake to list the amounts of military assistance, specifically up to \$2 billion a year. Taiwan, first of all, is a wealthy country. They are right now engaged in purchasing a whole lot of weapons. But my bigger fear is that when you put a number like this out, obviously the incentive here, the purpose is to encourage the ambition on the Senate Appropriations Committee. But I think all of us who are serving on that committee know that it is a very tight budget, and my concern is we do not meet one of these guidelines, then the message we send is, you know, we promise to do this, but did not deliver, and I think it backfires, frankly, on our overall effort. So I will come back to that in a minute and see whether there is any kind of agreement on that, but I think authorizing the amount would be the way to go rather than specifying specific amounts. And that relates just to the direct assistance, not to financing mechanisms.

On the sanctions, I thank you for what you and your team have done on tightening up 802, which are tough sanctions. I am a big believer that we have a tough trigger and things that do not go off easily. There is not a whole lot of discretion, right? If China takes an island, boom—they will know that these sanctions will hit, and they will be punishing. And so I do not support a lot of, you know, discretion, and wiggling, and allowing the Executive to wiggle out of that. So I appreciate—because I think that is the only way you have a deterrent effect. I think it has been proven that sanctions after the fact do not change a lot of behavior, but tough sanctions

signaled properly in advance that are hard to wiggle out of, are the way to go. So thank you for citing 802.

I do not like the additional sanctions. I think those triggers would go off today. I think a lot of those conditions could be met today, and then you have a President that is going to be waiving them, and I do not know what message that sends either, so I do not like sanctions provision. I do share the concerns expressed about the civil society, and I know we had some of them in the USICA bill. Some have been added here as well, I think, with the Taipei office, and there was an effort, you know, to take those out, but those are—those are back in.

And I do think if you are trying to measure this as to the objective of maintaining the One China policy, which if you were looking at this from the other side, perspective, you would definitely say this is a change in signaling, that we are in favor of Taiwan's unilateral independence and sovereignty. I know that is not the intent. We have a saving clause. In my view, Mr. Chairman and Mr. Ranking Member, it is a little bit like saying, you know, we are going to make all these changes, and then we have the saving clause, well, we did not mean it, because the reality is, in my view, we make some material changes that if—certainly if I was on the other side of this, I would be arguing that is a change in United States policy.

So these are tough calls. On balance, you know, my view is I would like to work with you and the Ranking Member to pursue the parts that I think are most important to give material support to Taiwan, make it a porcupine, do everything we can in that regard, but take actions where I think there is—are primarily symbolic without any measurable benefit, as I say, all pain and no gain, pain in terms of the potential response; unnecessary because they do not really further Taiwan's self-defense.

So on balance, I look forward to working with you, Mr. Chairman. I raise this amendment, but if there is not an appetite for this amendment, there is no point in pursuing it. But I do think it is an important distinction between saying—promising certain amounts of money and our ability to achieve this money, so that is all.

The CHAIRMAN. Let me respond to some of the Senator's concerns, and I appreciate his thoughtfulness in this regard. First of all, just a clarification: the Taiwan Office is not back in. The Senate confirmation of the U.S. Representative to the Taiwan Office is gone. And the Taiwan Office is a sense of Congress, it is not a premise, so it a different reality.

I would say that the rule of construction is not just a throwaway. The reason we have a specific rule of construction is to do exactly that, to say that the construct of the bill is such that we—this is the underlying opposition, and so I would differ with you that it is a giveaway. With reference to—I acknowledge that there is a numbers issue here with the foreign military financing appropriations funding, but I do not agree with deleting the dollar figures. We tirelessly negotiated it with the Appropriations Committee.

When this bill was originally drafted, we started at a \$2 billion request and came down to \$250 million. The appropriations ladder was constructed precisely to try to mitigate the risk of authorizing

numbers that we might not be able to appropriate, but I would just say that we also have a responsibility for authorizing it. We are going to let—and I have great deal of respect to the Appropriations Committee, but if we are going to start going down the road that the Appropriations Committee will decide to spend without authorizations, then let me get off of this committee and go on the Appropriations Committee because this is the fundamental nature of what we do, authorizing, and I think we have done it in a very thoughtful way. With Ukraine on track to receive an additional \$13 billion, I do not see why we would not be able to work with appropriators to find \$250 million for a supplemental for Taiwan. So as always, this is a question of the dial and how you dial it, and I appreciate that there are differences in that regard.

Senator Coons, who is the Chairman of the subcommittee.

Senator COONS. Mr. Chairman, if I might, I just wanted to convey my appreciation to Senator Van Hollen for his raising the concern. And somewhere between such sums and a potentially much higher amount, I think we have struck a reasonable balance. I look forward to continuing to work with you. You would be welcome on the Appropriations Committee at any time. There are more—

The CHAIRMAN. Does it come with the seniority I have or no?

[Laughter.]

The CHAIRMAN. I do not think so—

Senator COONS. We can negotiate.

The CHAIRMAN. Go ahead.

[Laughter.]

Senator COONS. But, you know, Senator Van Hollen raises an excellent point, which was not so much whether or not this is a worthy expenditure, but whether within the subcommittee's allocation, where \$2 billion would make it one of the top FMF accounts in the world, really second only to Israel, whether or not there is room. I mean, this is a subcommittee that is already carrying record amounts for humanitarian relief, for hunger, for climate resiliency, for Ukraine, for a lot of other things, and we are struggling to meet the commitments made. So I do think he makes an excellent point. Two hundred and fifty million is something that is feasible. Two billion will require years of work together to achieve that goal, and he makes an excellent point that should we set this authorization and then never deliver, we are at risk of barking louder than our bite. I look forward to working with you and appreciate that at the outset, your recognition was that many of us got much of what we wanted but not everything, and I think this is a delicate dance to make sure that the FMF, to actually strengthen Taiwan's capabilities, is delivered. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Kaine?

Senator KAINE. Mr. Chairman, I want to thank you for working with those of us who have concerns about this bill. I would have been a "no" vote had we done it in July on the text that was before us at the first markup. And as I have watched it move, I am going to be a "yes" vote today, but I was also prepared to vote for some of the amendments, even those that we might not have liked, and this was one of them.

I worry a little bit about on this amendment, the specificity of numbers goes to the point that, frankly, Senator Paul and Senator

Romney were making, how much we want to just put it out in big letters. And I think “such sums as may be necessary” would be a better way to do this than list the numbers. So if you are asking would you get any votes if you offered it, you would get mine, but I do think the bill has moved in a really good direction. Whether or not the amendment were to pass or not, my intention is to vote for it.

The CHAIRMAN. Is there any other Member seeking—yes, Senator Merkley.

Senator MERKLEY. Yeah. Thank you, Mr. Chairman. The discussion has been, in part, whether this is a significant change in our policy, and I want to frame it a little bit differently. In 2011, Majority Leader Reid organized a bipartisan trip of 10 Senators with China, and at that moment, under the previous general secretary, there was a lightning of pressure in China: more freedom of religion, more encouragement for individuals to express concerns about labor violations, more concern concerned about environmental issues, more freedom for reporters, more freedom in almost every frame.

The following year, after that trip, Xi became General Secretary, and over the last 10 years, he has exhibited a dramatic change in Chinese policy towards the world. That has included building islands in the South China Sea. That has included putting on claims that did not exist before. It has involved an incredibly aggressive strategy of destroying the rights of people in Hong Kong in violation of a longstanding agreement with Britain that was to exist for 50 years. It has included an aggressive build out of military capability. And in terms of suppression of communication and freedom, we have seen dramatic, dramatic changes inside China.

So today, I see us as restating our support that any decision on how Taiwan and the mainland unify under the One China policy must be done peacefully. That has been our position, and we are continuing to take that position. And we were very clear in the three communiques and the six assurances that we would continue to do that; that is, to provide the arm sales, that—and China has not said, hey, we now pledge ourselves to peaceful resolution. In fact, everything has been quite the opposite.

I think if we do not kind of crank up our support for Taiwan, there will be a military offensive. There is a broader understanding that China is fully prepared for it. An amphibious attack is a difficult undertaking, but they can prepare, and if Taiwan sits by, we will see, like we saw in Hong Kong with the crushing of a democratic entity. And I support One China, but I support the peaceful framework within which we established that, and I think it is incredibly important for us to help Taiwan deter so that there will not be such a military confrontation in the future.

And so I support this bill, and I really did have many objections to feeling like we were going out of strategic ambiguity, and we have adjusted those things in piece after piece after piece, and I really appreciate the Chairman for doing so. I also really want to emphasize the value of including the China censorship bill that we previously included in a previous bill. It is a bill that Senator Rubio and I put forward. It was backed by Senator Cornyn and Senator Warren, so you have a broad perspective there.

But just earlier today, I came from an interparliamentary group that was looking at China strategy of transnational repression across democracies across the world, and heard story after story after story, including what they do in the United States, to essentially pressure companies and pressure individuals, including threats of action within those democracies and threats against families back home, and threats of economic retaliation against companies. And I think having this group monitor and compile that type of information is important in our understanding of change in strategy, and thank you for including that legislation.

The CHAIRMAN. Thank you for your comments. I share them, and I think at this point, there are no other amendments—I am sorry. Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman. Mr. Chairman, I voted for the Taiwan Relations Act in 1979 as a young congressman, and that legislation, along with the three U.S.-China joint communiques and the six assurances, are the backbone of the U.S. One China policy and our policy of strategic end game. And together, they have maintained the peace across the Taiwan Strait for 43 years. Of course it is true the Government of China has ramped up its rhetoric and military activities towards Taiwan, and I agree with many of my colleagues—PRC's behavior is extremely troubling and must be met with resolve to support our Taiwan partners and protecting the status quo. The best way to do that is by demonstrably strengthening Taiwan's ability to defend itself, bolstering deterrence, and reassuring our partners and allies in the region.

Last month, I led a congressional delegation to Taiwan, even as China raged in the aftermath of Speaker Pelosi's trip. I went because, as the Chairman of East Asia Subcommittee, I felt it was important to show my support for Taiwan and to hear directly from Taiwan authorities on what they need to shore up their defenses. First and foremost, we have to remember that it is the people living on Taiwan that are facing the daily realities of increased Chinese aggression and will be the ones primarily targeted in reaction to changes in the United States' policies.

Taiwan has bravely withstood the Chinese Government's ramped-up military threats while operating with incredible restraint. During our meetings in Taipei, the message to us was clear: maintain the status quo and strengthen Taiwan's defenses and economic relationships around the world. What we should not be doing is responding to the PRC's aggression and brinkmanship in kind. The world should know that the Chinese Government is attempting to unilaterally change the status quo, not Taiwan and not United States.

I think there are many pieces of this bill that are extremely important to the long-term self-defense and stability of Taiwan, including provisions improving Taiwan's defensive capabilities and strengthening our cooperation. The bill demonstrates Congress' support for greater trade relations, people-to-people and regional ties, which are important to Taiwan's ability to maintain space in the international community and share its expertise with the world. I am pleased that the legislation includes my and Senator Rubio's Taiwan Fellowship Act, which will increase the bonds of

friendship and close relationship between the United States and Taiwan. But there are other pieces in this bill that I fear undermine the United States' longstanding One China policy and upend strategic ambiguity, while making, in my view, unnecessary changes to the Taiwan Relations Act, threatening to destabilize the status quo with little tangible benefit for Taiwan.

So I appreciate the Chairman's willingness to hear my concerns and concerns of other Members of this committee about the potential impact of the significant changes to U.S. policy in this bill, and I welcome the changes included in the manager's amendment that I believe are improvements, and I thank the Chairman for that, including some that I offered. However, I still have serious concerns about some of the language in this bill, and I fear it will heighten tensions and ramp up the cycle of conflict.

There remains of the current manager's package provisions that I believe undermine the U.S. One China policy and strategic ambiguity, and it would tie the Administration's hands when it comes to sanctions. This will be seen as a change in policy by the Chinese Government. We should be focused on deterring China from unilaterally changing the status quo of Taiwan using military force. We should make sure Taiwan is in the strongest position possible to defend itself, and we should make sure that our allies and partners in the region and around the world know that we are committed to Taiwan self-defense and doing everything we can to avoid a conflict over Taiwan.

What we should not do is take action to put Taiwan at increased risk with little reward. We should put Xi Jinping's own behavior in the spotlight, not distract from it by revising the U.S. One China policy or our policy of strategic ambiguity. The world saw the temper tantrum that Xi Jinping threw when Speaker Pelosi led her congressional delegation. Taiwan acted with incredible restraint in response. If we take the steps of targeted actions designed to support and strengthen Taiwan while keeping in line with our longstanding policies, I believe we will reveal the Chinese Government's true intentions, strengthen regional and global support for Taiwan, and allow Taiwan time to build its self-defense capabilities: to give them the time to build it.

We have a moral responsibility to stand up to authoritarianism and military aggression. We also have a moral responsibility to do everything we can to avoid a situation that could draw two nuclear armed countries into a conflict. Diplomacy must remain central to our Taiwan policy. While I cannot support this legislation, Mr. Chairman, in its current form, I appreciate your willingness to work with us, and I want to continue to do so before this legislation reaches the floor of the United States Senate. And I thank you, again, for allowing me to make the recommendations for the changes that have already been included and for the continuing discussion. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Booker?

Senator BOOKER. Yeah, very briefly. First of all, in 1979, I voted for more chocolate milk and dessert.

[Laughter.]

Senator BOOKER. But I just want to say to you, Mr. Chairman, thank you for working with my office, as well as a number of oth-

ers, for a lot of legitimate concerns. This bill has moved a lot, and I will be supporting it. I want to thank you for including an amendment that I had about food aid, which is very important, I think, and very strategic as well. I want to also thank you for your commitment to work on issues of calibration as well as entertain other constructive input before we move this even beyond the committee.

I agree with Senator King. There were some amendments that I thought were going to be offered that I was very much willing to support because I thought they would help to make the bill better. I also want to say, and I know you have already—your office has been doing this considerably, is working with the Administration. I know asserting our independence as the first branch of government is very important, from war powers to sanctions, in the past, but this is one of those cases where I think we can continue to try to work with them to get this to a place where we can be on one accord with our Taiwan policy. So I will vote for this now, but I am looking forward to continuing to work with Members in this body and with the Chairman.

The CHAIRMAN. Anyone else seeking recognition? Senator Hagerty.

Senator HAGERTY. Very briefly. Chairman Menendez and Ranking Member Risch, I want to thank you. I certainly support this committee's work to strengthen security assistance with Taiwan. I just want to highlight beyond the security assistance, the economic implications and what a fall of Taiwan would mean. The world depends on Taiwan for semiconductor manufacturing right now, and I want to thank everybody here for proactively helping Taiwan defend itself so we can preserve that capacity now.

But also, I just want to remind this committee that all of us supported legislation that I have worked on this past year to dramatically improve the permitting timeline process for semiconductor manufacturing here in America so that we will now have the opportunity to increase our capacity here as well, and those two things combined, I think, will make us far stronger as a Nation over time. And I want to thank Senators King and Senator Portman for working with me on this legislation, and I want to thank all of you all for supporting it.

The CHAIRMAN. Thank you. I appreciate everybody's comments and input. They are very constructive. I just want to make some final remarks. I, too, visited to Taiwan, and I spoke to President Tsai, I spoke to the foreign minister, I met and spoke to the defense minister, and what I heard from them is that they supported the bill. They did not have reservations. They did not express them. I certainly would have listened to that. So I just want to say that the entity in question who was the subject of all of our interest and concern actually was supportive.

I appreciate that for 43 years the Taiwan Relations Act has been the mainstay of our policy, but then again, China has never acted as it has acted now in those 43 years. And while one might describe restraint as to what they did in response to Speaker Pelosi's trip, closing the ports by surrounding Taiwan with military ships that did not allow shipping of international passengers to enter Taiwan is, I think, generous to say that it is restraint. And the final point is that this is all a question of calibration, but at some

point, as we wait to show that China is the aggressor, at what point does the line cross where they snuff out Taiwan's ability to exist as they have snuffed out Hong Kong's? I think we waited too long on Hong Kong.

But I appreciate all these sentiments. I am going to continue to work. And, look, there is one pragmatic thing here for all of us. Nothing will pass to the Senate floor that does not actually have the support of the Administration because our way to do that is NDAA. And I am sure that the leaders of the NDA are not going to allow legislation in that doesn't agree with the Administration. But we have a very strong opportunity to set the precipice about what our policy should be, and send a very strong message in a bipartisan way here, and then to continue to work to refine it.

With that, I think there has been a robust debate. Is there a motion to approve S. 4428?

Senator CARDIN. So move.

Senator RISCH. Second.

The CHAIRMAN. So moved and seconded. The clerk will call the roll.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

The CHAIRMAN. Aye by proxy.

The CLERK. Mr. Murphy?

Senator MURPHY. No.

The CLERK. Mr. Kaine?

Senator KAINE. Aye.

The CLERK. Mr. Markey?

Senator MARKEY. No.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator BOOKER. Aye.

The CLERK. Mr. Schatz?

Senator SCHATZ. No.

The CLERK. Mr. Van Hollen?

Senator VAN HOLLEN. No.

The CLERK. Mr. Risch?

Senator RISCH. Aye.

The CLERK. Mr. Rubio?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Johnson?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Romney?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Portman?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Paul?

Senator PAUL. No.

The CLERK. Mr. Young?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Barrasso?

Senator RISCH. Aye by proxy.

The CLERK. Mr. Cruz?

Senator CRUZ. Aye.

The CLERK. Mr. Rounds?

Senator ROUNDS. Aye.

The CLERK. Mr. Hagerty?

Senator HAGERTY. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The clerk will report.

The CLERK. Mr. Chairman, the yeas are 17; the noes are 5.

The CHAIRMAN. And the legislation is agreed to.

With that, this completes the committee business.

I ask unanimous consent that the staff be authorized to make technical and conforming changes.

Without objection.

Let me again thank the Ranking Member and his staff for their work, and let me thank all the Members' inputs. A lot of important work done today. And with that, this meeting is adjourned.

[Whereupon, at 4:17 p.m., the committee was adjourned.]

BUSINESS MEETING

WEDNESDAY, DECEMBER 7, 2022

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

Summary of Action Taken by the Committee

LEGISLATION

- S. 3386, End Tuberculosis Now Act of 2021, with an amendment in the nature of a substitute—agreed to by voice vote
- Managers Substitute Amendment—agreed to by voice vote
- S. 4824, North Korea Policy Oversight Act of 2022—held over
- S.Res. 713, A resolution recognizing Russian actions in Ukraine as a genocide, with amendments—agreed to by voice vote
- Managers Preamble Amendment—agreed to by voice vote
 - Managers Resolving Clause Amendment—agreed to by voice vote
- S. 4064, International Nuclear Energy Act of 2022, with an amendment in the nature of a substitute—agreed to by voice vote (Markey, Johnson, and Barrasso recorded as no)
- Managers Substitute Amendment—agreed to by voice vote
- S. 4509, Black Sea Security Act of 2022, with an amendment in the nature of a substitute—agreed to by voice vote (Johnson and Barrasso recorded as no)
- Managers Substitute Amendment—agreed to by voice vote
- S. 4996, Syria Detainee and Displaced Persons Act, with an amendment in the nature of a substitute—agreed to by voice vote (Johnson and Barrasso recorded as no)
- Managers Substitute Amendment—agreed to by voice vote
- H.R. 7240, READ Act Reauthorization Act of 2022 without an amendment—agreed to by voice vote
- S. 4955, Ukraine Human Rights Policy Act of 2022, with an amendment in the nature of a substitute—agreed to by voice vote
- Managers Substitute Amendment—agreed to by voice vote
- S.Con.Res. 47, A concurrent resolution commending the bravery, courage, and resolve of the women and men of Iran demonstrating in more than 80 cities and risking their safety to speak out against the Iranian regime’s human rights abuses, with an amendment—agreed to by voice vote
- Managers Resolving Clause Amendment—agreed to by voice vote
- S.Res. 472, A resolution reaffirming the partnership between the United States and the Dominican Republic and advancing opportunities to deepen diplomatic, economic, and security cooperation between the two nations, with an amendment in the nature of a substitute—agreed to by voice vote (Johnson and Barrasso recorded as no)
- Managers Substitute Resolving Clause Amendment—agreed to by voice vote

- S.Res. 730, A resolution remembering the 30th anniversary of the bombing of the Embassy of Israel in Buenos Aires on March 17, 1992, the 28th anniversary of the bombing of the Argentine-Israeli Mutual Association building in Buenos Aires on July 18, 1994, and recommitting to efforts to uphold justice for the victims of the attacks, with an amendment—agreed to by voice vote
- Managers Resolving Clause Amendment—agreed to by voice vote
- S.Con.Res. 16, A concurrent resolution commemorating the 30th anniversary of Operation Provide Comfort, with amendments—agreed to by voice vote
- Preamble Amendment—agreed to by voice vote
 - Resolving Clause Amendment—agreed to by voice vote
- S.Res. 322, A resolution reaffirming the alliance between the United States and Bulgaria, congratulating Bulgaria on its July 11, 2021 parliamentary elections, and calling for continued progress in Bulgaria towards combating corruption, respecting the freedom of press, and protecting minority rights, with amendments—agreed to by voice vote
- Revised Preamble Amendment—agreed to by voice vote
 - Managers Resolving Clause Amendment—agreed to by voice vote
 - Title Amendment—agreed to by voice vote
- S.Res. 650, A resolution recognizing May 28 as “World Hunger Day,” that the 90th anniversary of the Ukrainian Famine of 1932–1933, known as the Holodomor, should serve as a reinder of repressive Soviet policies against the people of Ukraine, and the Vladimir Putin’s illegal war against Ukraine has diminished Ukraine’s agricultural output and threatens to exacerbate the problems of global hunger on World Hunger Day, with amendments—agreed to by voice vote
- Managers Preamble Amendment—agreed to by voice vote
 - Resolving Clause Amendment—agreed to by voice vote
 - Title Amendment—agreed to by voice vote

NOMINATIONS

- Mr. Joey R. Hood, of New Hampshire, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia—agreed to by voice vote (Johnson and Barrasso recorded as no)
- The Honorable Lucy Tamlyn, of Rhode Island, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of the Congo—agreed to by voice vote (Johnson, Barrasso, and Rubio recorded as no)
- Ms. Jessica Davis Ba, of District of Columbia, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cote d’Ivoire—agreed to by voice vote (Johnson, Barrasso, and Rubio recorded as no)
- Ms. Rachna Sachdeva Korhonen, of New Jersey, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mali—agreed to by voice vote (Johnson, Barrasso, and Rubio recorded as no)
- Ms. Cynthia Dyer, of Virginia, to be Director of the Office to Monitor and Combat Trafficking, with the rank of Ambassador at Large—agreed to by voice vote
- The Honorable Julie D. Fisher, of Tennessee, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus—agreed to by voice vote
- Mr. L. Felice Gorordo, of Florida, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years—agreed to by voice vote (Johnson, Barrasso, and Rubio recorded as no)
- Mr. Henry V. Jardine, of Virginia, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and

to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles—agreed to by voice vote

Ms. Kathleen Kavalec, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania—agreed to by voice vote

Mr. George P. Kent, of Massachusetts, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Estonia—agreed to by voice vote (Johnson and Cruz recorded as no)

Ms. Kristina A. Kvien, of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Armenia—agreed to by voice vote

The Honorable Kenneth Merten, of Virginia, a Career member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria—agreed to by voice vote

Mr. Manuel P. Micaller, Jr., of California, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan—agreed to by voice vote

Mr. Christopher T. Robinson, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia—agreed to by voice vote

Mr. Bijan Sabet, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czech Republic—agreed to by voice vote (Johnson, Barrasso, and Rubio recorded as no)

The Honorable Stephanie Sanders Sullivan, of Maryland, a Career member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the African Union, with the rank and status of Ambassador Extraordinary and Plenipotentiary—agreed to by voice vote (Johnson, Barrasso, and Rubio recorded as no)

The Honorable Lynne M. Tracy, of Ohio, a Career member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Russian Federation—agreed to by voice vote

Mr. Richard Weiner, of the District of Columbia, to be United States Director of the European Bank for Reconstruction and Development—agreed to by voice vote (Johnson, Barrasso, and Rubio recorded as no)

Ms. Carol Spahn, of Maryland, to be Director of the Peace Corps—agreed to by voice vote

FSO LIST

Gary P. Anthony, *et al.*, dated November 15, 2022 (PN 2775)—agreed to by voice vote

Ryan Giralt Bedford, dated May 19, 2022 (PN 2169)—agreed to by voice vote

Meeting Transcript

The committee met, pursuant to notice, at 10:05 a.m., in Room S-116, The Capitol Building, Hon. Robert Menendez, Chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Markey, Booker, Schatz, Van Hollen, Risch, Romney, Portman, Young, and Barrasso.

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

The CHAIRMAN. This business meeting of the Senate Foreign Relations Committee will come to order. I know there are many Members who have different demands, so I want as much as possible at least to move this part along. Today, we are considering 19 nominations, 2 FSO list, 6 bills, and 7 resolutions.

We have received a holdover request for S. 4824, the North Korea Policy Oversight Act, which the Chair will honor. Since this is the final legislative business meeting of the year, and the last for Senator Portman, whom I will speak more about in a moment, I want to thank everyone for their hard work over this session, especially the Ranking Member and his staff for their work on the legislative items we are taking up today, as well as the nominations that we are taking up, which are critically important.

Our committee is at its best and most relevant when we are legislating on the important issues of our time, and I am proud to say that is exactly what we have done during this Congress, taking up dozens of critical bills.

Our productivity is truly a testament to the strong bipartisan work of many Members of this committee. Turning to today's agenda, first, the nominations. I am pleased that we are considering 19 nominations and 2 FSO list.

In the interest of time, I will not speak about the nominees individually, but simply note they are well-qualified and should be confirmed quickly. I urge all of my colleagues to support these nominations today and work towards a swift confirmation. We will also vote on six bills and seven resolutions.

I will just highlight a few. S. 3386, the End Tuberculosis Now Act. TB is preventable, treatable, and yet 10 million people are infected with TB every year. Around 1.4 million people die from this disease. Most are in developing countries. Many of them are children.

The End TB Act, which I introduced with Senator Young, will make preventing, diagnosing, and treating TB around the world a priority for U.S. foreign assistance, and it will ensure that this assistance is carried out with the best possible practice, with innovative technologies, and a strong Congressional oversight.

S.Con.Res. 47, the commending Iranian protesters' bravery, is a resolution commending the bravery of the women and men who have been protesting in Iran for the last few months following the death of Mahsa Amini. We have all watched the brutal tactics of the Iranian regime and its security forces.

We all know the long, sordid record of Iran's human rights violations and the pointedly misogynist practices that form a pillar of the revolution—[technical problems]—ideology. We have also seen the courage of the women and men of Iran in the face of these violent crackdowns, internet shutdowns, widespread detentions, and death sentences issued against protesters.

Their persistence to continue their collective acts of civil disobedience, their bravery on display every day for the last 90 days is nothing short of inspirational. This resolution, which I introduced with Senator Blackburn and a number of Members of this committee, and which was marked up in the House yesterday, is a

humble attempt to acknowledge the courage of the Iranian protesters.

We are going to do everything we can to support them, and I urge all of our colleagues to support it. Finally, there are several Ukraine related items on the agenda. These include a resolution condemning Russia's heinous acts against the Ukrainian people as genocide, calling for accountability for war crimes, a bill to give Congress more information on human rights abuses in Ukraine, and a resolution acknowledging the brutal famine in 1932 in Ukraine as a genocide.

As Russian bombs continue to fall, as Putin is directing his aim not just at civilians but Ukrainians' electricity and water supply, this committee remains steadfast, resolved, and in solidarity with Ukrainians as they confront a winter without heat, separated from loved ones and fighting for their lives.

I commend Senators Risch, Young, Kaine, and their co-sponsors for these important items. With that, let me turn to the distinguished Ranking Member for his remarks.

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

Senator RISCH. Well, thank you, Mr. Chairman. I likewise will be very—first of all, this is a robust calendar, and thank you, Chairman, for working so closely to get this done. And I think we usually fail to recognize the contributions of staff, and these things do not happen without the work of staff.

So I want to congratulate staff on both sides and recognize their efforts in this regard. Let me talk briefly about S.Res. 713. This is my own resolution recognizing Russian actions in Ukraine as a genocide.

I would like to thank in particular Senator Cardin, who joined me as a co-sponsor on this, as well as Senator Shaheen and Portman, and others not on our committee for working with me on this important resolution. We should not act in haste to quickly label something as genocide. But the scope and scale of Russia's atrocities is so systemic, any other description is lacking.

Putin has made it incredibly clear in his actions and his words that his goal is to erase the Ukrainian people's identity. I have seen firsthand his brutality in Irpin and the Kyiv region. The key to determining genocide is the intent to destroy in whole or in part, a national, ethnic, racial, or religious group. That is a quote from 18 U.S.C. 1091. And this is precisely what Putin is attempting to do in Ukraine.

I urge my colleagues to support S.Res. 713 so we can continue to support the Ukrainian people in their fight for survival. Also on the agenda today is S. 4064, the International Nuclear Energy Act.

My bill with Senator Manchin is designed to promote engagement with ally and partner nations to develop a civil nuclear export strategy and offset China and Russia's growing influence on international nuclear energy development. We are at a critical point in the fight for energy security.

Whether the goal is to reduce energy dependence on Russia or support clean energy innovation, more and more countries are looking towards nuclear energy for their future energy security.

Exporting new and advanced technologies like small modular and micro reactors, which are developed in my State, in Idaho at the Idaho National Lab, helps our partners meet their energy needs and is a strategic imperative in great power competition with Russia and China, both of whom aim to export nuclear technology to meet their own political ends.

When nuclear technology is exported, the relationship is not temporary, but one spanning decades. This is the opportunity to make sure long standing relationship is with us instead of our adversaries. This bill promotes U.S. interagency coordination and prioritization of civil nuclear exports, provides new tools for U.S. agencies to improve and fund civil nuclear projects in partner countries.

I urge my colleagues to support this legislation. I am also glad we are able to move forward on a number of career nominees who have been waiting to get these important posts. In particular, I am glad we are able to move our nominee to be Ambassador to Russia.

As we all know, this will be an extremely challenging post, from ensuring the process and the care of Americans illegally detained in Russia, to the daily challenges of maintaining effective embassy operations under strenuous conditions.

I appreciated the transparency and open dialog that the former Ambassador Sullivan had with this committee, and we have high hopes for the same from Ms. Tracy, if confirmed. I plan to support her and all the nominees that are before us today. I would be remiss if I did not recognize Senator Portman on his last business meeting here.

Rob, you have been a great friend, a supporter, and I cannot tell you how much I have enjoyed collaborating with you. You always bring calmness to the situation regardless. Thanks for your solid work, and I know that whatever path you take, and your wife, I know that both of you will enjoy it and do a really good job at it.

So, thank you. Thank you for your service here. Thank you on behalf of the committee. So with that, Mr. Chairman, I would ask that the Members be—have the ability to register a no vote if in block. Thank you.

The CHAIRMAN. I and others will have several things to say about Senator Portman. And so, and we look forward to that opportunity.

Without objection, we will now consider in block, several nominations and three FSO list. They were all listed in the committee's notice. Is there a motion to approve these nominations in block?

Senator SHAHEEN. So moved.

The CHAIRMAN. So moved.

Senator RISCH. Second.

The CHAIRMAN. Now seconded. Anyone who wishes to speak to any of these nominations? If not, all those in favor, will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it and all of the nominations are approved and sent to the Senate for its consideration.

Senator BARRASSO. Mr. Chair, I would like to submit a list of those for which I would like to incorporate as a “no”.

The CHAIRMAN. And that will be done. If you would do it before the end of the day, I would appreciate it. But we will honor that.

Next, without objection, we will now consider in block six bills and seven resolutions as noted for this business meeting, including substitute and manager's amendments minus the legislation that was held over.

All of the legislation in the agenda was listed in the notice, and so I would entertain a motion that these items be considered in block. Is there a motion to that effect?

Senator CARDIN. So moved.

The CHAIRMAN. So moved. Is there a second?

Senator RISCH. Second.

The CHAIRMAN. Moved and seconded. Is there anyone who wishes to speak to any of these pieces of legislation? If not—yes, I am sorry. Senator Markey.

Senator MARKEY. Thank you very much. Yes, I would like to speak to the legislation that is focused on export of nuclear power plants from the United States as a specific target of this legislation.

The stated goal of the International Nuclear Energy Act is to help allies and partner nations counter China and Russia's growing influence on international nuclear energy development.

It is important to help our allies around the world, but to single out an individual technology that is not greenhouse gas emitting and not to have a plan to help those countries with all non-greenhouse gas emitting technologies I think is a mistake. I will give you the numbers.

Last year, in the world, 95 percent of all new electricity generation capacity that came online last year was renewable. Can I say that again? Last year on the planet, 95 percent of all new electrical generation capacity was renewable.

And according to the International Energy Agency, it is going to be 95 percent every year, '23, '24, '25, 2026, across the whole planet. I will give you another number. Last year, across the planet, 235,000 new megawatts of renewable energy capacity was installed last year.

And the International Energy Agency says it will go over 300,000 new megawatts every year for the next three years. Now, let's contrast that with total new nuclear power last year, 7,000. So, in other words, 235,000 new megawatts of wind, solar, geothermal across the planet, and only 7,000 in nuclear.

Just in terms of the focus of this legislation, in terms of what we should be promoting—and by the way, the largest exporter is China in terms of the renewable technologies. If we are going to focus upon what it is that these countries are purchasing, we should be focused upon the technologies that have already won in the marketplace of the planet.

So just last year, 43 times more wind and solar were deployed on the planet than nuclear. And if you just come here to the United States, it has been a failure in the marketplace, notwithstanding \$12 billion, Federal loan guarantee, Federal taxpayers money, \$12 billion.

The Vogel nuclear power plants in Georgia, which only promised to deploy 2,400 megawatts of nuclear, have so far been in construc-

tion for 13 years, and the total cost is \$30 billion to produce 2,400 megawatts. So, from my perspective, and as we look at this legislation, it should be broad. It should focus on the kinds of technologies that are winning in the marketplace.

Obviously, those are the kinds of technologies that people are looking for, and we have to get in this race. So to the extent to which we are focusing upon non-greenhouse gas emitting technologies, we are focusing upon technologies that China is marketing around the world, this bill should in fact make it clear that it is all non-greenhouse gas emitting technologies.

And there are also nonproliferation questions. And I thank you, Mr. Chairman, I thank your staff because they you were good in including new language.

And I thanked you over the last day, which is a requirement to countries receiving advanced nuclear reactors, have an additional protocol with the IAEA in the process of negotiating, which I think is very important in dealing with the issues of nonproliferation.

Because we know nuclear—civilian nuclear power was the route that Iraq was taking to a nuclear bomb, that Pakistan and India took to a nuclear bomb, that North Korea took to a nuclear bomb, that Iran took to a nuclear bomb.

So a strong protocol is obviously very important if we are going to be moving in this direction. So my bottom line on this—

The CHAIRMAN. If the Senator wishes to summarize, I would appreciate it before we lose quorum—

Senator MARKEY [continuing]. No—yes—my bottom line on this is that we should be advancing all non-greenhouse gas emitting technologies. To single out one, I think, does not deal with the reality of how the global marketplace has now completely moved to renewables in pretty much every country, and that that would have been a better focus for the bill. But I yield back. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Is there any other Member who wants to comment on this legislation? I would be happy to stay as long as anybody wants for the record. If not, Senator—

Senator COONS. I think we will lose the quorum if you do that.

The CHAIRMAN. Yes. Can we hold a vote on the pending legislation? And then I will entertain whatever remarks any Member wishes to have. Is that acceptable just so that we can move—I know that you want to raise an issue—

Senator COONS. I can be extremely brief.

The CHAIRMAN. Okay.

Senator COONS. My comment is in regard to what is not on this list today, and that is the Mekong Delta bill that Senator Sullivan and I put forward. Five ASEAN countries are very concerned about China's impact on the Mekong Delta. I had a chance to speak with the Chair and the Ranking Member yesterday.

And so, thank you very much to both of you. I am disappointed it is not here, but I will just make sure I have an understanding with the Ranking Member that our teams will work together to look at this and try to resolve any concerns and put this back forward at the start of next year.

The CHAIRMAN. Well, I strongly support the Senator's legislation. I have asked for it to be on the agenda. Unfortunately, we have not

gotten concurrence, and I hope that we can find a way to work forward to achieve the goal of having your legislation up for a vote.

Senator SHAHEEN. Mr. Chairman, can I get a clarification? I did not understand, Senator Markey, are you offering an amendment to the S. 4064—

Senator MARKEY. I am not. I think the votes are not there. So, I am going to vote no on final passage. I realize the votes are not there, but I just wanted to raise the concerns, which we should all have.

Senator VAN HOLLEN. Mr. Chairman, just 15 seconds max on this issue. First of all, I want to thank you and your team for incorporating the nonproliferation amendment that is in there. May want to work with you on an ongoing basis to address what is called the gold standard.

As you know, the UAE agreement met gold standard criteria. And criteria that are in the amendment are a big step forward but do not get us completely there. This is a good debate to be had.

And so, I am going to support the amendment, and I want to thank you for your support of the other amendments.

The CHAIRMAN. I would ask for a motion to approve the legislation or resolutions in block. Is there such a motion?

Senator RISCH. So moved.

The CHAIRMAN. Is there a second?

Senator SHAHEEN. Second.

The CHAIRMAN. Moved and seconded. All those in favor, will say aye.

[Chorus of ayes.]

The CHAIRMAN. All those opposed, will say no.

[No response.]

The CHAIRMAN. The ayes have it. And a majority of Members present having voted in the affirmative, the items are agreed to, is sent to the Senate for its full consideration. Senator Markey.

Senator MARKEY. Thank you, Mr. Chairman. And I would like to be recorded “no” on the International Nuclear Energy Act.

The CHAIRMAN. Senator Markey will be recorded as “no”. Thank you, Senator Coons, for hanging in there.

Senator BARRASSO. Mr. Chairman, I have a list that I will submit as well for the record.

The CHAIRMAN. Senator Barrasso’s list will be accepted as well. This completes the committee’s business. Before we end, first of all, I ask unanimous consent that staff be authorized to make technical and conforming changes. And without objection, that is so ordered.

Two more things—well I cannot say both of them are joyful. One is joyful, one is, in my perspective, not so joyful. Today is our clerk’s birthday, John Dutton’s birthday. So John, thank you so much for all the great work you do. Congratulations. Happy birthday.

[Applause.]

The CHAIRMAN. And I would like to close, and I know others will have some words they would like to choose as well, with a word about Senator Portman, who has served this committee since 2017.

From his fervent defense of Ukrainians, I know of no one who has been more fervent in his defense of Ukrainians in the face of Putin’s aggression and brutality, to his unwavering support for the

state of Israel and our relationship with Israel, to his commitment to combating the North Korean regime, Senator Portman is the embodiment of an American public servant whose values and ideals have shone through at every turn.

Rob, it has been an honor and a privilege to serve with you, alongside with you each and every day, to most recently travel with you and Jane, where we got to know each other even better.

And certainly we wish you all the best in the future. We have a resolution by the entire Senate Foreign Relations committee expressing our admiration and appreciation of you and your work. Your absence is going to be felt here, at hearings, at business meeting, on the Senate floor.

I hope you are going to miss working with us as much as we are going to miss not having you with us. And we certainly want to extend our most sincere, best wishes to you, to Jane, who is here with us today, for a great future ahead. Thank you.

[Applause.]

The CHAIRMAN. Senator Cardin has asked to be recognized.

Senator CARDIN. Mr. Chairman, this is a bittersweet moment. Senator Portman, Congressman Portman and I have been together on many issues for many, many years.

Rob is a very serious legislator and wants to get things done. He takes on some of the most challenging issues. He got me engaged in working the nuts and bolts of the IRS. Who else would be interested in that type of an issue?

[Laughter.]

Senator CARDIN. But it was with such passion that he got engaged in that issue because he recognized that we have to make sure our agencies work. I have been with Rob on tax issues, pension issues, on health care issues.

Today, we are talking about foreign policy. I was with Rob in Kyiv and saw the passion he had for the people of Ukraine. We observed an election together. I have been with him in the Middle East, have been with him in the South America.

He is an incredible legislator who wants to do what is right for our country and has reached across party lines in order to get things done.

But the real hero in this story is Jane for putting up with all of this. So, Jane, congratulations on everything that you were able to sacrifice so that we could have—

[Applause.]

Senator CARDIN. You know, Rob cannot hold a job for very long anyway. He has gone from one job to the other, so he might be returning in a different capacity. You never know. But anyway, Rob, we wish you the best and thank you so much for your service to our country.

The CHAIRMAN. Any other Members wish to—Senator Risch has already expressed his admiration. Senator Shaheen.

Senator SHAHEEN. Well, I have to, as the only woman on this committee, I have to weigh in here because I think both Ben and the Chairman have talked about your interest in policy and your trips to Ukraine and other parts of the world.

And I have appreciated that, appreciated your commitment to the Ukrainian people and to supporting this war effort. But you

have also been there on human rights issues that I think have made the difference in a number of hearings, and for women and girls.

And so I very much appreciate that and thank you, and join, I know all of my colleagues, in saying how much we will miss you.

Senator ROMNEY. I cannot resist. Can I say something?

[Laughter.]

The CHAIRMAN. But only if it is nice.

[Laughter.]

Senator ROMNEY. I just have to note that with all these glowing things, that he is a real pain in the rear.

[Laughter.]

Senator ROMNEY. He—in my debate prep in 2012, he represented the opposition, which was President Obama. He prepared every night. We came and he beat me up in every one of these debates.

[Laughter.]

Senator ROMNEY. I could not stand the man, but I did decide that if I became President, he was going to be my Chief of Staff. So you guys—you guys really missed out by not having him in that role.

He is a great friend and has been a tireless advocate for one thing after the other. When we were dealing with the infrastructure bill, and Rufus began to negotiate that, there were, I do not know, ten different subcommittees that were established. And he was wise enough to say we had to have one person that oversees all of them and gets involved in every single one.

And he took that role. I thought it was impossible for any one person to do. He took that role, was personally involved in every one of these subcommittees to make sure the process proceeded to a final conclusion.

He is a remarkably dedicated and devoted person to the country and the things he believes in. Jane, you can do with him as you want. I am happy that you are here to see this recognition, but a great friend and a great legislator and a great American.

Senator VAN HOLLEN. Mr. Chairman, if I could just very briefly. I first got to know Rob well on what is now called the not so super committee. But Rob is an important part of what made that a special effort, and it was the one super thing about it, was getting to work more with you, Rob, back then and continue to work on other issues. So thank you for all your efforts to try to move our country forward.

The CHAIRMAN. Senator Portman.

Senator PORTMAN. Mr. Chairman, let me just say briefly, thank you for not introducing this resolution while the rest of my colleagues are here so that they could object to it.

[Laughter.]

Senator PORTMAN. And it has been great. You know, the history of my involvement with this committee is that I did not want to be on it. I actually asked our leadership to put me on the Armed Services committee and I was already on the Finance. And they said, you know, you are already on a super eight committee. No way. But we could use somebody on Foreign Relations.

I said, okay, I guess I will do it. Corker in particular was twisting my arm. This turned out to be my favorite committee. And I

guess in part because of the topics and America's role in the world is something that we all are passionate about.

But partly it is the leadership. I served under Chairman Corker, Chairman Risch, and now you, Chairman Menendez. And all three of you have given me responsibility, empowered people. You have listened and been respectful.

And that makes it a pretty special committee. So today, I mean can you believe we just by unanimous consent ended up approving a couple of dozen ambassadors and a lot of important resolutions, including one from Senator Risch that I worked with him on, on the Ukraine genocide.

As discussed, that is passion of all of ours, and know that I will miss having this platform to be able to discuss my involvement. So to you, Mr. Chairman, thank you very much for the way you have handled this committee. Chairman—former Chairman Risch, Ranking Members, thank you.

And to both of you, thank you for your friendship. I am particularly pleased that Jane Portman got to hear some of these fictitious comments.

And to admit the truth is that playing the role of President Obama was easy because I had all my notes in front of me, and I was able to, you know, go right to some of these tough issues. But as some of you say in that first debate, he was more equipped to the task.

So anyway, it has been great serving with all of you. I will miss this committee a lot. And I thank you for giving me the honor of serving with you.

[Applause.]

The CHAIRMAN. On behalf of Senator Risch and I, and the whole committee, we have a resolution. And I am not going to read it all, but I do—we do want to present it to you.

There are few signatures, just because Members just did not arrive today in time, that we will get. I am sure it will be unanimous. I would note that the whole Democratic side is filled out already.

[Laughter.]

[Pause.]

The CHAIRMAN. With that recognition, the work of the committee is finished, and this business meeting is adjourned.

[Whereupon, at 10:33 a.m., the meeting was adjourned.]