

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

**Business Meeting**

*Thursday, July 13, 2023*

**BUSINESS MEETING**

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

The committee met, pursuant to notice, at 10:36 a.m., in Room S-116, the President's Room, Hon. Robert Menendez presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Merkley, Booker, Schatz, Van Hollen, Duckworth, Risch, Rubio, Romney, Ricketts, Paul, Young, 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 a robust agenda both on legislation and nominations and I very much appreciate the work of the ranking member and his staff in crafting this agenda as well as my staff.

I must say that both sides were here till 4:30 in the morning this morning. So I deeply appreciate the incredible work that was done to bring us to a point that we can move forward together on a bipartisan fashion, particularly as it relates to AUKUS.

I expect today's meeting may be longer than usual so I will turn right to legislation and speak briefly only on the State Authorization bill in AUKUS.

I would be remiss, however, if I did not mention that we are marking up multiple other bills and resolutions that reflect the superb work of many Senators on and off the committee.

My support for those items is set out in a longer set of remarks and I would ask for consent to enter them into the record. Without objection, so ordered.

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[The information referred to follows:]

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**PREPARED STATEMENT SUBMITTED BY CHAIRMAN MENENDEZ**

Today, we are considering a robust agenda. I very much appreciate the work of the Ranking Member and his staff in bring this meeting together.

I will turn right to legislation and speak on a few of the items.

*Legislation*

**S. 2043—Department of State Authorization Act of 2023**

I am pleased that we are considering the State Department Authorization Act of 2023, a crucial piece of legislation to provide the State Department with robust authorities and provide the Department with the requisite tools to carry out its mission. I again want to thank Ranking Member Risch for working with me to produce a bipartisan bill that reflects our joint efforts. I am confident that this year's initiative will result in enactment of a State Authorization bill for a third consecutive year.

I would also like to thank members of Committee for their important contributions to this effort. Thanks to your input and the work of Senator Risch and his staff, we have a managers' package that includes more than 40 amendments from 15 members of this Committee, including Senators, Barrasso, Cardin, Coons, Hagerty, Kaine, Merkley, Murphy, Ricketts, Rubio, Schatz, Scott, Shaheen, and Van Hollen. These amendments would strengthen crisis contingency planning, require surveys of why employees leave the Department, increase oversight of special appointments, improve support for foreign service couples serving together, protect employees from cyberattacks, and create new special envoys—among many other priorities.

The amendments put forward make this bill stronger, reflect the wide views and priorities of this Committee, and will help advance Committee prerogatives and give the Department the authorities and resources it needs.

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This effort is an example of this Committee carrying out our critical duty to ensure the Department is well-equipped to advance U.S. foreign policy and further our national security. And it is evidence that we can achieve bipartisan consensus.

I also want to highlight here an important bipartisan effort, with Senators Risch, Kaine, and Shaheen, to implement the AUKUS partnership. This is a monumental step to bolster regional security in the Indo-Pacific, strengthening our already close with two of our most important allies.

**S. 1457—Taiwan Tax Agreement Act**

Second, we will consider the Taiwan Tax Agreement Act, which I spoke about last business meeting and will simply reiterate that I am grateful for the superb collaboration with Senator Risch and his staff, as well as the support from Senator Van Hollen and Senator Romney. This Committee needs to act to move this bill forward quickly.

**S. 847—International Children with Disabilities Protection Act**

I am also pleased that we are considering the International Children with Disabilities Protection Act. This important legislation will support parents with children with disabilities and relevant disabilities rights organizations in their advocacy for the development of laws and policies that promote inclusion and to ensure these children can thrive within their communities.

**S. 1203—Peace Corps Reauthorization Act of 2023**

Next, the Peace Corps Reauthorization Act—a once in a generation bill that implements necessary changes to the Peace Corps as volunteers return to service after being forced to evacuate in March 2020 due to the pandemic.

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I appreciate Ranking Member Risch's partnership on this legislation, and that of our bipartisan cosponsors, which Senators Cardin, Young, Coons, Merkley, and Schatz.

**S. 2006—Safeguarding Tunisian Democracy Act**

The Safeguarding Tunisian Democracy Act, led by Senator Risch, is timely as the country's democratic backsliding is tragic and ominous. The legislation makes clear that the Tunisian government has a choice—continue its slide towards authoritarianism and jeopardize important U.S. support, or respond to the Tunisian people and reform. I am pleased to cosponsor it.

**S. 416—Holding Accountable Russian Mercenaries Act**

The Holding Accountable Russian Mercenaries Act—HARM Act—led by Senators Wicker and Cardin, is in response to the Wagner (VAHG-ner) Group's horrific acts of terror, targeting civilians not only in Ukraine but also in Syria, Libya, and the Central African Republic.

Given the uncertain future of Wagner, I recognize we will continue to assess how to best address Wagner's conduct. However, their past wrongs must be met with severe consequences.

We are also considering several resolutions: I am pleased to see the important work of Senators Merkley and Cardin in their resolutions reaffirming recognition of the Indian state of Arunachal Pradesh [AH-ROO-NA-CHAWL PRAW-DESH] and condemning the military coup in Burma respectively.

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Finally, I am gratified that we are considering my resolution commending the bravery and courage of the women of Iran at a time when the regime continues to show its iron fist against those who dare to speak against it. We must reaffirm our support for the Iranian people and their struggle against a ruthless regime.

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I am pleased that we are considering the State Department Authorization Act of 2023. This is a crucial piece of legislation to provide the State Department with robust authorities and provide the department with the requisite tools to carry out its mission.

Let me thank again Senator Risch for working with me to produce a bipartisan bill that reflects our joint efforts. I am confident that this year's initiative will result in enactment of a State Authorization bill for a third consecutive year. For those who serve on Armed Services this is our NDAA.

I would like to thank members of the committee for their important contributions to this effort. Thanks to the work of Senator Risch and his staff we have a Manager's Package that includes more than 40 amendments from 15 members of this committee, including Senators Barrasso, Cardin, Coons, Hagerty, Kaine, Merkley, Murphy, Ricketts, Rubio, Schatz, Scott, Shaheen, and Van Hollen.

These amendments would strengthen crisis contingency planning, require surveys of why employees leave the department, increase oversight of special appointments, improve support for Foreign Service couples serving together, and protect employees from cyber-attacks, among many other priorities.

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The amendments put forward make this bill stronger, they reflect the wide views and priorities of the committee, and will help advance committee prerogatives and give the department the authorities and resources it needs.

This effort is an example of this committee carrying out our critical duty to ensure that the department is well equipped to advance U.S. foreign policy and further our national security and it is evidence that we can achieve bipartisan consensus.

I also want to take a moment to highlight here a momentous bipartisan effort to implement the AUKUS partnership. I am very pleased that we were able to add to the State Authorization Act a strong AUKUS provision based on the amendment I sponsored with my colleague, Senator Kaine, and drawing from the ranking member's AUKUS amendment as well.

This provision will cement the AUKUS partnership for decades to come. It is a critical step in strengthening U.S. alliances and bolstering deterrence in the Indo-Pacific.

Among other things it authorizes the transfer of nuclear-powered submarines with high nonproliferation standards to ensure the Australian military can become an even greater partner to our own and it streamlines U.S. export controls for the United Kingdom and Australia, guaranteeing our three countries can better cooperate in developing advanced military capabilities.

AUKUS is in our national security interests and I am pleased that members of our committee have come together in a bipartisan fashion to move it forward.

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I look forward to working with all of you who have been involved -- Senator Risch, Senator Kaine, Senator Shaheen, Senator Schatz, and others -- to get the legislation enacted in short order.

Let me briefly -- before I turn to Senator Risch, let me just go through three housekeeping notes before we begin.

First, the Appropriations Committee is also having a markup this morning and there is significant overlap between our two committees.

I understand that some members will need to leave to vote in that markup around 11:15. I urge our colleagues who are on the Appropriations Committee to return as quickly as possible to get through this full agenda.

For everyone who is not on Appropriations I would ask you to stay so that we have enough members to continue to debate and vote on amendments and we will try to move through the agenda as expeditiously as possible regardless of the back and forth.

Second, for the State Authorization bill in particular I want to note my commitment to ensuring that product coming out of this markup is as thoroughly bipartisan as the bill I dropped with Senator Risch.

That is the only way we can be confident the bill will pass the Senate and ultimately become law and the stakes are too high for the committee and the State Department to add any uncertainty to our task.

As a result, I will consider moving to table any amendment that does not have that type of bipartisan support.

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Finally, I want to ensure that all members have an opportunity on amendments to the State Authorization bill, and as I have done in the past, I will go down the line based on seniority alternating between the majority and the minority and giving each member an opportunity to call up one amendment per turn.

Given the number of potential amendments, I would ask everyone to strive to limit remarks to just a few minutes -- I have a timer but I hope not to have to emphasize on that -- so that we can proceed expeditiously.

And with that, let me turn to the ranking member, Senator Risch, for his remarks.

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

**Senator Risch:** Well, Mr. Chairman, thank you much. I would like to start with the State Authorization bill. I am happy to have several priorities included in this year's package including improving wait times for passport applications for Americans seeking to travel abroad and visas for foreigners hoping to visit and stimulate economic growth in the United States.

The legislation also presses the department to get Foreign Service officers into some of the most challenging posts while overseas while promoting family togetherness for those serving.

Combining those -- these efforts will improve the experience of Americans and their engagements with the State Department as well as their overseas travel.

I would like to join the chairman in commending the committee and everyone, staff and everyone who worked on this to reach a bipartisan agreement.



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The national media loves to jump up and down with joy when we have partisan fights. They are going to be deeply disappointed that we are working together on a bipartisan basis to do this and will probably not include this in the any newscasts.

On the Taiwan Tax Agreement Act, this agreement is another important step forward strengthening our economic relationship with Taiwan. Our trade policy in Asia is nonexistent and is causing some U.S. allies to question our desire to grow economic opportunity in the Pacific.

This bill will allow the administration to start negotiating an agreement that would encourage increased investment between the U.S. and Taiwan by eliminating duplicative tax structures.

Also, and perhaps most importantly, this agreement has the potential to encourage other nations to increase their economic relations with Taiwan.

On the Safeguarding Tunisian Democracy Act over the past couple of years we all know Tunisia's president has taken several drastic actions that would undermine Tunisia's democratic institutions and consolidated power in the executive.

The legislation will limit State Department funding to Tunisia until Presidency Saied ends the state of emergency and provides real economic incentives and meaningful democratic reforms.

Tunisia is an important partner but it needs to change course or risk further degradation of our relationships.

On the HARM Act, Wagner's activities on behalf of the Kremlin continue to destabilize entire governments, gut natural resources in vulnerable countries, and commit war crimes in Ukraine, Syria, and Libya.

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Russian malign influence is bigger than Wagner. We must carefully go after the people that run Wagner but this legislation is just a start.

The Peace Corps Act is an important step in enacting long overdue reforms that will improve the safety and security of our Peace Corps volunteers. It includes important measures such as reauthorization of the Sexual Assault Advisory Council, mandated security briefings, improve whistleblower protections, and a new authority to suspend Peace Corps volunteers without pay in the event of misbehavior.

On Senate Con. Res. 2 earlier this year the Iranian people bravely protested the regime's brutality, demonstrated their desire for a more peaceful and free Iran.

This resolution recognizes their efforts and encourages the administration to do more towards ending the regime's systematic persecution of women and to hold human rights violators in Iran accountable.

On the AUKUS legislation that we have before us I join the chairman in underscoring the importance of this legislation. I think probably there is not as much understanding in the American public as there needs to be on this.

This is a huge step forward. The chairman and I have discussed this with the Australians directly amongst themselves and with a lot of other people. It is a bold step forward.

It is a big step forward, and I suspect that in decades to come people will look back at this as we have started much like they do look back at NATO today in the European theater.

So with that, I am happy and proud to be part of the effort to get AUKUS moving forward and it is going to take some time but this is a start.

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Thank you, Mr. Chair.

**The Chairman:** Thank you, Senator Risch.

Without objection, we will start now. We will consider S. 1457, the Taiwan Tax Agreement Act of 2023. There is a Manager's Package. Is there a motion to adopt the Manager's Package?

**Senator Kaine:** So moved.

**The Chairman:** So moved. And second?

**Senator Shaheen:** Second.

**The Chairman:** Second. All those in favor will say aye.

All those opposed will say no.

The ayes have it and the Manager's Package is agreed to.

Is there anyone who wishes to offer an amendment on this legislation? Hold on one second.

Senator Paul is recognized.

**Senator Paul:** This is Amendment 1. For years now we have been trying to improve several tax treaties. I support many aspects of these treaties and the goal of these treaties to avoid double taxation is a great benefit. But all these treaties contain specific provisions for information sharing that put Americans' Fourth Amendment rights at risk.

Today we are discussing not a complete treaty as we usually do but rather a bill that will authorize the administration to negotiate an agreement with Taiwan that would function as a tax treaty.

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As the bill indicates, the starting point for this agreement will be the same as the other tax treaties that we have entered. This model tax treaty contains a standard that empowers the contracting governments to exchange personal financial information as is foreseeably relevant to the carrying out the provisions of the treaty.

So the standard is not that you have committed a crime or are accused of committing crime, accused of not paying your taxes. It is just is it relevant to the treaty, which basically is no standard at all as far as I am concerned.

We are familiar with the concept of different legal standards. We are all familiar with the different standards of probable cause versus reasonable suspicion. The relevant standard may be the lowest possible standard and effectively allows the exchange of bulk personal financial information.

The relevant standards says effectively the government can obtain any information it wants about U.S. citizens living abroad.

Arguing that the information is relevant to a tax treaty or any U.S. law is essentially no standard at all. This relevant standard is particularly troubling given the increasing practice of governments exchanging private financial data of their respective citizens automatically and in bulk.

For example, through the Foreign Account Tax Compliance Act, FATCA, a law that we have felt to be unconstitutional for years, my amendment would simply place restrictions on the information our government can request from Taiwan on U.S. citizens.

It requires that when the administration negotiates the agreement with Taiwan that the agreement include a provision to the effect that the U.S. can only accept or

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request only information that is individualized and relevant to an individual investigation.

In other words, they have to at least say we think Mr. Smith is not paying his taxes and we want Mr. Smith's information they cannot just get every American's information that happens to be in whatever country it is without even any semblance of an accusation.

So I think this helps to protect our citizens who live abroad. Both American and democratic groups of Americans living abroad would be in favor of these changes to the treaties.

This is actually simpler than what we have dealt with in the past because we are not actually amending the treaty. We just say when you negotiate this treaty you should include a provision that protects American abroad and I request a roll call vote.

**The Chairman:** Anyone else wishing to speak to Senator Paul's amendment?

If not, I understand and appreciate Senator Paul's consistent concerns about privacy including in the context of tax agreements.

However, the United States has extensive experience with the foreseeably relevant language in the tax agreements and the concerns related to such language have not been borne out in practice.

The foreseeably relevant standard has been extensively defined in internationally accepted guidance to which no country has expressed a dissenting opinion to date.

The Treasury Department has made clear that this language does not allow, quote, "bulk collection of taxpayers information" and it comports with existing provisions in the tax code. Most recently, we did this in the Chile tax treaty.

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Senator Paul offered a similar amendment. It was not accepted and it was overwhelmingly ratified by the Senate. So for all those reasons, I will be voting no on the amendment.

Senator Risch?

**Senator Risch:** Very briefly, I am also going to vote no on it for similar reasons. I certainly sympathize with the overall view of what Senator Paul is attempting to do but this is really a solution looking for a problem and I think that it is going to cause us more difficulty than not.

I do underscore that this is not a treaty, cannot be a treaty because of Taiwan's status. It will be done as an act but in a similar vein. So I am going to vote no on it.

Thank you, Mr. Chair.

**The Chairman:** Any others?

If not, the Senator has 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 Kaine:** No.

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**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:** Ms. Duckworth?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Risch?

**Senator Risch:** No.

**The Clerk:** Mr. Rubio?

**Senator Rubio:** No.

**The Clerk:** Mr. Romney?

**Senator Romney:** Aye.

**The Clerk:** Mr. Ricketts?

**Senator Ricketts:** 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?

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**Senator Cruz:** Aye.

**The Clerk:** Mr. Hagerty?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Scott?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Chairman?

**The Chairman:** No. Clerk will report.

**The Clerk:** Mr. Chairman, the yeas are three. The noes are 18.

**The Chairman:** And the amendment is not agreed to.

Is there a motion to approve S. 1457 as amended?

**Senator Cardin:** So moved.

**The Chairman:** Moved by Senator Cardin. Is there a second?

**Senator Shaheen:** Second.

**The Chairman:** Seconded. Moved and seconded.

The question on the motion to approve S. 1457 as amended.

All those in favor say aye.

All those opposed say no, and the ayes have it. The majority of members present having voted in the affirmative the ayes have it. The legislation is agreed to and is reported favorably to the Senate.

Without objection we will now consider S. 2043, the Department of State Authorization Act of 2023.

So first let me see. Is there a motion to adopt the Manager's Package?

**Senator Cardin:** So moved.



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**The Chairman:** So moved. Is there a second?

**Voice:** Second.

**The Chairman:** Second. The question is on the motion to approve the Manager's Package to S. 2043, the Department of State Authorization bill.

All those in favor say aye.

All those opposed say no.

The majority of members present having voted in the affirmative the ayes have it and the Manager's Package is agreed to.

As I mentioned earlier, if there are amendments I will call on each of you in order of seniority in the committee alternating between majority and minority members.

When called upon please indicate whether you wish to call up one of your amendments. We will do multiple rounds if it is needed and we will begin with Senator Cardin.

**Senator Cardin:** Well, thank you very much, Mr. Chairman.

First, let me thank Senator Risch and yourself for putting together the State Department reauthorization in the Manager's Package.

I thank you for including many of the amendments that I offered including the one with Senator Young dealing with the rating of countries on their anti-corruption practices and legislation coming out of the work of Senator Hagerty and myself in our subcommittee dealing with career promotions for our support service officers based upon their training and improvements in the passport operations that many members

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have brought forward. We appreciate all that, and providing for contingency evacuation planning at our missions.

There are two amendments that with your permission I will call them up together because they are both related to the concerns we have in combating our ability for trafficking in persons.

These amendments are meant to strengthen how we address trafficking around the world and here in the United States. My first amendment authorizes the Diplomatic Security Services to investigate violations of human trafficking.

They are currently allowed to do so but only on cases of where there is apparent fraud in the application, which is a very tough standard. This would strengthen our TIP reports as Diplomatic Security would be more involved with local law enforcement agencies on how they are handling trafficking cases, and since the Diplomatic Security is already posted in 275 U.S. posts around the world this would not create any additional burdens.

In fact, the State Department supports these provisions. You have heard directly from the Bureau of Diplomatic Security that their agents would welcome the broadening of this authority.

And my second amendment amends, I think, a technical issue within the services they provide to victims. They can currently provide services to victims but it does not cover their dependents. Many victims of trafficking have dependents.

Therefore, it is an amendment that would include the dependents as well as the victims for the ability to be able to offer services.

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I would hope that the committee would support these two amendments that strengthen our commitment against trafficking in persons, and with the committee's permission I would offer them en bloc.

**The Chairman:** Let me thank Senator Cardin for offering these important amendments. I accepted both of them at the same time because he is right, they are in common and can move things along. They strengthen the capacity to hold both human traffickers to account, support vulnerable victims of human trafficking, and help us with our Diplomatic Security Service to be more effective. So I intend to support the amendments.

Is there anyone else who wishes to speak?

Senator Risch?

**Senator Risch:** Mr. Chairman, I am going to oppose these amendments, not because I am in favor of trafficking in persons. I am not. But the Diplomatic Security that is done for the State Department is a very narrow focus by that entity.

We already have entities that pursue trafficking in persons and right now the Diplomatic Security mission is understaffed. I really think they are going to have trouble doing all of these things at the same time.

I am certainly not opposed to increasing further efforts in the entities like Homeland Security and the FBI and those that pursue trafficking in persons. But I really do not think this is the right training to do this. So I am going to oppose the amendments.

**Senator Cardin:** Could I just respond very briefly?

**The Chairman:** Senator Cardin?

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**Senator Cardin:** Just to respond very, very briefly to this, they currently can do it in cases of fraud on their -- on the applications for visas and passports. The bureau itself has requested this additional clarification of authority. So they would not do that unless they had the capacity to handle it.

**The Chairman:** Anyone wishing to speak to the amendments?

**Senator Paul:** I just want to clarify. This is Amendment 1 and 2? Cardin 1 and 2?

**The Chairman:** Yes. Is that the right number?

**Senator Cardin:** I have to check to see if they are the right numbers. All the rest of them, this is --

**Senator Risch:** It is Cardin 1 and 2.

**Senator Cardin:** Cardin 1 and 2.

**The Chairman:** Anyone else wishing to speak to the amendments? Would the Senator take a voice vote?

**Senator Cardin:** Yes.

**The Chairman:** All those in favor will say aye.

All those opposed say no.

The ayes have it and the amendments are agreed to. Let me turn to -- Senator Rubio is not here. So let me turn to Senator Romney if he has any amendments.

**Senator Romney:** Can I wait until there are more Republicans here?

[Laughter.]

**The Chairman:** I think they get to vote by proxy.

**Senator Risch:** It is all right. I got the votes. We are still one short.

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**Senator Romney:** I am going to ask my Democrat colleagues to listen carefully to this as opposed to just assuming direction from leadership one side or the other or things that you may have received from your staff.

But I do not -- I think it goes without saying but I am going to say it anyway.

**The Chairman:** Could you speak to which amendment you are calling up?

**Senator Romney:** Yes, it is Romney Amendment No. 1.

**The Chairman:** Okay.

**Senator Romney:** Romney Amendment No. 1.

China, as we all know, has been making strategic investments of, roughly, a trillion dollars doing two basic things.

One is to shore up their economic domination of critical minerals necessary for an electric world, and two is to secure military assets, and we had been asleep at the switch.

We have watched this go on year after year after year and we say, well, we have to build that. We have DFC. But those are focused entirely on development projects that alleviate poverty and do great things for other people without any consideration whatsoever of national security interests of what China is doing, whether a project -- a particular development project might actually help people get out of poverty but also secure vital minerals or counter China in a key way.

And not only do we not even consider those things, in some cases we might invest in a project that really is good for alleviating poverty but it is going to a country that has aligned itself with China, is no longer recognizing Taiwan, is -- and, yet, because it is a good development project we are sending money there.

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So this amendment is very simple. The amendment says that the DFC, in addition to looking at what is an excellent development project to help the poor, is also to look at the national security interests of the United States of America.

It is a very simple amendment, and I have been told, wait, we do not get into the DFC until later -- let us have a bill that looks at the DFC and reauthorizes the DFC. I am perfectly comfortable with withdrawing this amendment for a vote today if the chairman and ranking member are willing to say, hey, look, during this Congress we will have a bill to reauthorize the DFC and this will be considered as part of that.

But barring that, and I think the answer is that is barred, that amendment is not going to be forthcoming then I want to have that vote.

And let me tell you, guys, we do not have a vehicle. If there is a key -- a project to secure a key mineral in Africa and we do not have -- we do not have a vehicle to invest in that.

This is it, and we are sending money out to help the poor, which is a wonderful thing. But let us also consider our national security and certainly our energy and climate priority.

So that is my amendment and I would ask for a roll call vote unless the chairman and ranking member would like to make a commitment that we are going to deal with this and reauthorizing the DFC sometime during this Congress.

**The Chairman:** Senator Risch and then Senator Coons.

**Senator Risch:** Well, I find myself in a difficult position having to oppose this, not because of -- and I always hate opposing something on procedural grounds as opposed to the merits.

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Senator Romney is absolutely right on this. I think this whole thing needs an airing as to how we do this. We need a really robust discussion and debate as to how the DFC is functioning and how it is making these investments. I am deeply disappointed in some of the ways that they are doing business.

Unfortunately, we have not had that and it probably should be done first with a hearing and then a markup with proposed legislation.

I would hope we would be able to find ground to do amendments to the way the DFC is doing business. But with all due respect, I just -- I cannot support the single shot at it like this. But I am fully on board with doing some laundry on the DFC.

**The Chairman:** Senator Coons?

**Senator Coons:** Thank you, Mr. Chairman.

Senator Romney, I deeply respect your long experience in finance, in projects, and in structuring finance to advance projects that advance our national security.

I would love to work with you on examining the mix of projects the Development Finance Corporation is currently approving and its mission.

My understanding, and it has been some years since I helped to lead on the Democratic side of the BUILD Act, is that national security concerns, although secondary to development concerns, are part of the core mandate of the DFC and my understanding from a recent meeting with Scott Nathan, the CEO of the DFC, is they are currently investing in projects, particularly in Africa, that advance our access to critical mineral processing and mining.

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I would love to work with you on this. I agree that the DFC is not perfect. I think it needs -- we need to fix the way that equity investments are currently being scored. We could have significantly greater impact if we would simply do that.

It would unlock billions of dollars of potential investment, and the idea that we would be doing development projects that are contrary to our national security interest I would welcome the opportunity to have a robust discussion about that.

So please do not misinterpret my no vote on your amendment today as a lack of enthusiasm for your concern and criticism. I look forward to working with you on this.

**The Chairman:** If I may, then I would be happy to turn back to Senator Romney.

I believe the DFC needs to be more strategic with its approach to project selection and the objective of encouraging if not requiring the DFC to be more strategic is something that I think many on this committee share.

In fact, we have to reauthorize the DFC, hopefully this year. So if Senator Romney would like to work on giving greater attention to the strategic imperatives of DFC projects I would be very happy to join him in those efforts.

However, not on the State Authorization bill, given that we must keep the scope narrow so it remains important to the overall prospects of the bill. I also think there are other appropriate vehicles for efforts like this, whether it be the China bill or the reauthorization of the BUILD Act or addressing the question of how we make the DFC more strategic should be answered.



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So I hope we can work together on a comprehensive and focused approach to making the DFC more strategic in its operations on a bill that is more fit for that purpose. You have my commitment to do that.

But I respect your rights if you insist on offering the amendment and then having a vote.

**Senator Romney:** Thank you. I would note, Senator Coons, if they are already evaluating projects in part based upon national security then my amendment is in no way troublesome to you because it says -- it does not say that that becomes the primary consideration. It is just a consideration for national security.

So it does nothing in that. But it does allow the people at the DFC to explicitly recognize that national security interests, economic interest, global warming, all those things can be part of a consideration. Right now that is not part of their charter.

So I would suggest that this -- if they are already doing it, great. There is no reason not to do it. I would also suggest that sort of a, hey, we ought to look at the DFC and consider how we are going to do it in the future, let us consider that, let me tell you, folks, Rome is burning.

All right. China has been doing this. They put out a trillion dollars and we still do not have a vehicle to make investments that are critical for essential minerals for national security interest, for instance, to invest in a port or in a railroad. It is essential.

So I am -- I do not understand why we -- let us take a year to think about this. It is, like, really?

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Yeah, I am happy to take a full look at the DFC at some point but this is -- DFC is part of the State Department. There are other amendments that I know that are -- that relate to the DFC.

One relates to being able to invest in energy projects that Senator Barrasso is going to propose. This is it -- this is part of this legislation and deserves to be voted upon.

So I am going to call for a vote and if it fails I look forward to taking a second swing at the apple. But, gosh, it is killing me that we are not -- that we are not competing with China in these -- in these regards.

Thank you, Mr. Chairman.

**The Chairman:** I appreciate the Senator's remarks. I would just note the DFC is a separate entity from the State Department. It is not wholly within the State Department and, therefore, technically not necessarily subject to a State Department authorization.

But the Senator has a right for a recorded vote. The clerk will call the roll.

**The Clerk:** Mr. Cardin?

**Senator Cardin:** No.

**The Clerk:** Ms. Shaheen?

**Senator Shaheen:** Aye.

**The Clerk:** Mr. Coons?

**Senator Coons:** No.

**The Clerk:** Mr. Murphy?

**Senator Murphy:** Aye.

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**The Clerk:** Mr. Kaine?

**Senator Kaine:** Aye.

**The Clerk:** Mr. Murphy?

**Senator Murphy:** No.

**The Clerk:** Mr. Booker?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Schatz?

**Senator Schatz:** Aye.

**The Clerk:** Mr. Van Hollen?

**Senator Van Hollen:** No.

**The Clerk:** Ms. Duckworth?

**Senator Duckworth:** Aye.

**The Clerk:** Mr. Risch?

**Senator Risch:** No.

**The Clerk:** Mr. Rubio?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Romney?

**Senator Romney:** Aye.

**The Clerk:** Mr. Ricketts?

**Senator Ricketts:** Aye.

**The Clerk:** Mr. Paul?

**Senator Paul:** Yes.

**The Clerk:** Mr. Young?

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**Senator Young:** Yes.

**The Clerk:** Mr. Barrasso?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Cruz?

**Senator Cruz:** Aye.

**The Clerk:** Mr. Hagerty?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Scott?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Chairman?

**The Chairman:** No.

**The Clerk:** Mr. Chairman --

**The Chairman:** Clerk will report.

**The Clerk:** The yeas are 14. The noes are seven.

**The Chairman:** And the amendment is agreed to.

Next is Senator Shaheen.

**Senator Shaheen:** Thank you, Mr. Chairman, and thank you to you and Senator Risch and to the staffs on both sides of the committee for all of your hard work in putting together today's markup on the State Authorization.

I would like to call up Shaheen First Degree No. 1, which is an amendment that would advance the Global Respect Act and I recognize that there are concerns on the part of the chairman and ranking member about this legislation.

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I would point out that it passed last year with a bipartisan vote out of this committee and was dropped out in the final negotiations.

But this amendment is based on legislation that I reintroduced with Senators Murphy and Merkley. It has strong bipartisan support, as I said, from members of the committee last year.

It would do three things. It would require the executive branch to send Congress a list of foreign persons complicit in inhumane treatment of LGBTI individuals, it would deny or revoke visas to individuals who are placed on this list, and it would require the State Department to designate a senior officer responsible for tracking this violence.

I think it is really important that we make it clear to countries across the world that behavior that intimidates LGBTI individuals is unacceptable. Visa-blocking sanctions sends a strong message to deter these human rights abuses and I would just point out that we saw just last week in the country of Georgia efforts to brutalize and break up a peaceful demonstration in support of LGBTI individuals.

So this continues to be an issue around the world, and as we are looking at the stance we have in this country on human rights this is one that I think is important for us to be strong on.

**The Chairman:** Anyone else wishing to speak to the amendment?

Senator Paul?

**Senator Paul:** I have a question. Is there is a human right to gay marriage?

**Senator Shaheen:** Well, the bill text states that the Global Respect Act would impose sanctions on individuals who are responsible for or complicit in the torture or

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cruel, inhuman, or degrading treatment or punishment for long detention without charges and trial, causing the disappearance of such persons by the abduction and clandestine detention of such persons or other flagrant denial of the right to life, liberty, or the security of such persons. It does not deal with your question about marriage.

**Senator Paul:** It sounds like the last clause could include, perhaps, things like gay marriage.

Again, the problem we have is that about a third of the world -- the Islamic world does not have gay marriage and it does not approve of gay marriage.

**Senator Shaheen:** This does not deal with gay marriage, Rand.

**Senator Paul:** It sounds like -- the final clause sounds like and other rights that might be and it sounds like a catch all to me.

**Senator Shaheen:** Life, liberty, or the security of such persons.

**Senator Paul:** What is that?

**Senator Shaheen:** It is life, liberty, or the security of such persons.

**Senator Paul:** Well, it says rights as well -- rights. And so the question is what

--

**Senator Shaheen:** Right to life, liberty or the security of such persons.

**Senator Paul:** That is the question. That is the question is whether or not marriage is part of the rights you are listing.

**Senator Shaheen:** It does not mention marriage.

**Senator Paul:** No. I mean, the question is is whether or not when you mention rights, other rights, whether those rights will include marriage.

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**Senator Merkley:** I will note, Rand --

**The Chairman:** One moment, folks. I still -- last time I checked I am the Chairman. So we are going to have an orderly debate and we will respect each other and give each other the opportunities to respond.

Senator Paul just had his say. Senator Merkley, then I will go to Senator Cruz.

**Senator Merkley:** I strongly support this legislation and I thank the Senator for bringing it forward, and a statement that we support life, liberty, and personal security, this whole thing is focused around torture, kidnapping, abuse.

Can we not stand all together on those core principles around the world? The special targeting of the LGBTQI community -- I would hope we could and I strongly support this bill. Thank you.

Senator Cruz?

**Senator Cruz:** I was going to say I think Rand is raising a reasonable question and I would note, Senator Shaheen, the words life, liberty, and security are in there and the Supreme Court in Obergefell, the basis for the right to gay marriage, the Supreme Court found was liberty.

So it is not a difficult interpretation to say given that Supreme Court precedent that any nation that does not acknowledge gay marriage is not -- is flagrantly violating the right to liberty. And so I think Rand is right that you are talking about sanctioning every Muslim country on earth. I mean, that --

**Senator Shaheen:** Mr. Chairman?

**The Chairman:** Senator Coons wants to speak and then I will recognize Senator Shaheen.

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**Senator Coons:** I will simply briefly speak in support of this amendment as someone who has met with, counseled, supported individuals who were imprisoned, tortured, fundamentally mistreated simply because of who they love from a dozen countries. I think this is a concern we need to elevate and appreciate the Senator's leadership on this.

**The Chairman:** Senator Paul, and then I will let Senator Shaheen close it out.

**Senator Paul:** It appears the bill is not just sanctioning countries. It would be sanctioning individuals. Is that correct?

**Senator Shaheen:** Correct.

**Senator Paul:** Yeah. And so I guess -- you see, the problem is, I mean, and I referred to the Islamic world. There are other religions that have problems with this. I mean, you could be sanctioning tens of thousands of imams who really do not -- they might preach again -- they probably preach and say things that are very objectionable, sometimes on homosexuality.

But the thing is is that would infringe on liberty. Many of them believe strictly in the appearance of their religion which probably, I would think, would be offensive to many people who believe in the liberty of homosexuals to be free.

And I am not saying I am for any of that. I am just saying that realize that you are talking about sanctioning a third of the world who believes in a religion that does not believe what you are saying.

It is not saying that what you are saying is not admirable and I support being admirable, obviously, with the violence. But there is a question of whether or not you



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want to pass legislation that would allow the sanctioning of everybody that is preaching in Islam that homosexuality is wrong.

**Senator Shaheen:** Mr. Chairman, this is not about sanctioning individuals. It is about visa sanctions. So it would address the visas.

And, in fact, the definition that I read earlier is the exact definition of gross violations of internationally recognized human rights that are currently in the U.S. code and that already undergirds our existing visa sanctions regime.

So I think I should have been clearer that this was about visa sanctions. So it does not really do what I think you and Senator Cruz are concerned about.

**The Chairman:** Senator Risch?

**Senator Risch:** I am going to oppose this for the reasons raised. I think this needs to be a lot clearer. If what Senator Shaheen is saying is correct --

**Senator Shaheen:** It is in the bill.

**Senator Risch:** -- it ought to specifically exclude that.

I agree with the Senator Cruz and Senator Paul. There is a very significant population on this planet that have a different view of this than the United States Supreme Court does including religions right here in the United States. And so I have a real difficulty with this. I am going to oppose this.

**The Chairman:** Let me speak to the amendment and use it as a broader issue.

First of all, I support Senator Shaheen in this effort. I did last year. But I want to make a clear case to everybody. The reason we got a State Authorization bill done is because we narrowly tailored it and the more we deviate from that it is less likely that we will get a State Authorization bill.

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So we can have some Pyrrhic victories where we have an amendment adopted today but then as this bill actually -- as this amendment actually was -- ended up getting stripped in order to make it possible to get a bipartisan addition into NDAA and since it is the Armed Services Committee's leadership position that only bipartisan amendments will get put into their Manager's Package my sense is from what we hear today is that we are not going to get that from the ranking member as we seek to have a final version go into the NDAA.

So I just -- this is not the only amendment that falls in that category. There are several others. So we have to think about do we want a State Authorization bill or do we want to have our particular issues that we care passionately included even if it means that at the end of the day it will not make it to the final version.

I would just urge members to think about that on both sides. This is why I will both support and oppose amendments on both sides in order to achieve that goal.

**Senator Shaheen:** Can I ask for a clarification, Mr. Chairman?

**The Chairman:** Of course.

**Senator Shaheen:** When you say bipartisan amendments does that mean that the bipartisan amendments have to include the support from both the chairman and ranking member or can they be amendments that include bipartisan support from the membership of the committee?

**The Chairman:** In order to get into NDAA it must be the chairman and the ranking member that agree in order to tell the Armed Services Committee leadership that we agree to move forward with that legislation or that amendment.

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It is clear to me, based upon what happened last year where this was passed and then stripped out, in order to make it eligible for NDAA to get the ranking member's approval to have a State Department authorization where this is not the only thing -- there were a couple things that ended up having to get stripped out it will get stripped out, and so that is the reality.

So it is beyond the question of a bipartisan vote of membership. It is a question of what the chair and the ranking member are going to say to the Armed Services Committee, and that is the way it has been. It is nothing new.

**Senator Kaine:** Mr. Chair, I would like to direct a question maybe both to the patron of the amendment and to the Republicans who have raised the concern.

Would there be a drafting amendment that would clarify that just because a country did not legally authorize marriage equality that would not put them within the visa sanction category -- that that by itself would not trigger visa sanctions, and if you could accept that would that enable there to be bipartisan support -- some bipartisan support for the amendment on the Republican side? So I am just curious.

**Senator Shaheen:** I would be fine with that.

**Senator Kaine:** Because you are really focused on imprisonment, torture, and cruelty.

**Senator Shaheen:** Right. Right.

**Senator Kaine:** You are not so much focused on --

**Senator Shaheen:** That is right. This is not about --

**Senator Kaine:** -- every country that does not allow marriage equality would then get into the visa sanction category. Would her willingness to make that

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amendment and clarify it enable the amendment to then gain some bipartisan support on the GOP side?

**Senator Paul:** I can say just from my perspective --

**The Chairman:** Well, I am waiting for those who have been opponents up till now to address the question.

**Senator Paul:** I can say from my perspective if you were talking about violence it is a lot easier. I am not in favor of most of the sanctions we do on everybody around the world. I think we need to mind our own business more. So, in general, I am not really for most of the sanctions we do on everybody.

But if it were only violence the problem is --

**Senator Shaheen:** Visa sanctions, though, Rand.

**Senator Paul:** Let me finish. If you exclude marriage that helps but there are a lot of other things that people preach so that go contrary to liberty and the words that were in the clause.

If you take that clause out and you say just it is towards violence I think you would get better bipartisan support. I am not guaranteeing my support. I am just saying that I think you would do better with it.

You really have to get away from that somebody could possibly be sanctioned, if it -- that it is ambiguous enough that you could possibly be sanctioned for preaching against liberty.

**Senator Shaheen:** Visa sanctions, Rand.

**Senator Paul:** Excuse me?

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**Senator Shaheen:** No, visas. We are not talking about -- we are talking about saying to somebody so they get into the country and get a visa.

**Senator Paul:** Well, sanctioning their -- you are sanctioning their travel. Sanctioning their travel.

But, anyway, that is just my point of view. It would be better if it were just violence and you left out what people think or say about it in their religion.

**The Chairman:** Senator Cruz?

**Senator Cruz:** Well, in response to Senator Kaine's question, look, I have been very vocal condemning laws in other countries that criminalize homosexual conduct, homosexuality and I think it is fundamentally wrong to -- those decisions should be made by consenting adults. I would be willing to work on a much narrower provision that is focused on torture, imprisonment, capital punishment for homosexual conduct.

This is a complicated enough amendment that I would have had lots of concerns about other areas that could be applied. I mean, Rand raised the issue of marriage but you could have all sorts of different policies.

We are debating a lot of issues in the United States about people who are transgendered and children having what is euphemistically called gender-affirming treatment.

I would want to look very carefully at the language and make sure it was not covering something like that. But on the question of violence or criminalizing homosexuality I would be willing to work on something very narrow.

**The Chairman:** Senator Merkley?

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**Senator Merkley:** The heart of this goes -- and page five of the amendment the conduct they are talking about is torture, cruel, inhumane, degrading treatment of punishment, prolonged detention of an individual without charges or trial, causing the disappearance of an individual by the abduction or clandestine detention. All those fit within this category of violence.

I think it is the fourth provision on that page that it is raising these questions about other flagrant denial of rights to life, liberty and security of an individual. You say is there a way to focus on the first three of those. That may solve the challenge.

**The Chairman:** Senator Shaheen, what is your pleasure?

**Senator Shaheen:** If folks tell me that they think that that would address the concerns on the other side -- Senator Risch tells me that that addresses his concerns - - then I am happy to do that.

**Senator Risch:** Well, I want to see the language. There are some of us that have strong feelings on this on both sides. I do not take issue with people who have a different view of things than I do.

But I think the vagueness of it I have a real problem with and I would want to see the language before I would commit to it.

**Senator Kaine:** Are you just proposing to drop the clause?

**Senator Shaheen:** Yeah.

**Senator Kaine:** And that might be smart even for us. Could somebody say the fact that we do not have the Equality Act means we are flagrantly denying individual rights?

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I mean, somebody could look at our laws and say that we are not -- we cannot hold ourselves up as the complete example either. So if you drop that Clause 4 and you just limit it to the first three classes, which are really focused on physical persecution that --

**The Chairman:** I think Senator Cardin has a good suggestion. We are going to be in this markup for a while. Could I suggest that we withdraw it without prejudice for the moment, see if at a staff level we can work out whether that -- the eliminating of that provision satisfies the issue or whatever else? If not, you are free to recall the amendment and without prejudice.

**Senator Shaheen:** Great. Thank you.

**The Chairman:** Yes, Senator Coons?

**Senator Coons:** Mr. Chairman, the Appropriations Committee members have to leave.

**The Chairman:** I know. Last week it was Armed Services. Now it is Approps. I am going to continue to march forward as best as I can.

**Senator Coons:** We will be back. Thank you for accommodating, all.

**Senator Van Hollen:** Mr. Chairman, just on the amendments I just want to make sure that on the State Authorization we will have a chance to offer them when we come back.

**The Chairman:** Of course.

**Senator Van Hollen:** Thank you. Thank you.

**The Chairman:** I am not going to foreclose anybody from their opportunity. So that is withdrawn for the moment without prejudice.

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Let us see. Who is next on the hit parade? Senator Ricketts, let us recognize you. You have no amendments for the moment. Thank you.

Senator Paul?

**Senator Paul:** My amendment -- this is Amendment No. 1 -- actually is good on the heels of the last amendment. It is too bad that most people will not be here.

But, you know, people are concerned and I think rightly so about violence towards homosexuals in other countries.

**The Chairman:** I am sorry. I am sorry. I cannot hear you and can you tell me which amendment you are speaking to and then I am going to move on.

**Senator Paul:** It is Amendment No. 1 and I think it fits well with the debate that we have just been having because the concern has been about violence towards people who are homosexual. I think that that is appropriate to be concerned about it.

But I think we should have the same concern about state-sponsored violence such as the death penalty towards people who are accused of blasphemy, anti-apostasy or interfaith marriage, and my amendment would actually repeal the foreign aid and say you do not give foreign aid to any country that has the death penalty for blasphemy, apostasy, and interfaith marriage.

This was based on the story of Asia Bibi, who was a Christian in Pakistan, went to gather water at the well and was stoned and beaten, and then when the police came she called for help.

When the police came they arrested her because the other women at the well said that she had said something that was anti-Islamic. She said she had said nothing but since she was Christian they did not want her drinking from their water.



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But she was sentenced to death and was on death row for several years until we finally negotiated her entry into the United States.

But if this amendment were actually married with Senator Shaheen's amendment and you could put into there the protection of people being persecuted by religion as well I think then you have a good coalition where you could get something that would be strongly bipartisan.

Mine eliminates the aid and I know no Democrats, probably no Republicans actually, are eliminating foreign aid. But this would eliminate foreign aid but I would be willing to marry it with Senator Shaheen's amendment that would just give them visa penalties if they put people to death for their -- for religious differences.

So I think it would be a good way to trying to bring our side together with your side in agreement and I think if you included this on religious faith -- people were being killed for their religious faith I think you would have a good coalition.

Anyway, I would like a vote on my amendment. My amendment simply would prohibit aid to countries who have the death penalty for blasphemy, apostasy, and interfaith marriage.

**The Chairman:** Anyone else wish to speak to the amendment?

The law that Senator Paul's amendment addresses are profoundly offensive and I join him in condemning it. But the amendment before us is a blunt instrument.

It is incredibly restrictive with no exceptions for U.S. foreign public -- excuse me, U.S. foreign policy priorities or for responding to a humanitarian crisis and such flexibility would be critical given the scope of the restriction and dynamic and unpredictable nature of global events.

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Countries that may be impacted in this amendment includes Saudi Arabia, Malaysia, the Maldives, Qatar, the United Arab Emirates, and Yemen, and when it comes to countries that punish interfaith marriage with the death penalty there are none.

So for those reasons, while I join in the concern that Senator Paul is trying to address I would be voting no on this amendment as it is. I would urge colleagues to do the same.

And I do not know if there is anyone else who wishes to speak.

**Senator Risch:** Mr. Chairman, I am also going to oppose the amendment. I am in the same place you are. These kinds of laws are just outrageous and certainly rub us the wrong way.

But we have national security interests in countries that we are doing things in that this would stop and -- well, I will tell you, this would cause a tremendous upheaval.

This is not a minor thing we are talking about. This is this -- this is a major step forward in changing alliances that we have had for sometimes many, many decades.

So I cannot support this. I agree with Senator Paul about the awfulness of some of these things. Unfortunately, the people we deal with as allies many times are not perfect and I think this is just too tough.

**The Chairman:** If there is no one else wishing to speak to the amendment, Senator Paul, do you want a roll call vote?

**Senator Paul:** Please.

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**The Chairman:** The clerk will call the roll.

**The Clerk:** Mr. Cardin?

**Senator Cardin:** No.

**The Clerk:** Ms. Shaheen?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Coons?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Murphy?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Kaine?

**Senator Kaine:** No.

**The Clerk:** Mr. Merkley?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Booker?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Schatz?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Van Hollen?

**The Chairman:** No by proxy.

**The Clerk:** Ms. Duckworth?

**Senator Duckworth:** No.

**The Clerk:** Mr. Risch?

**Senator Risch:** No.

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**The Clerk:** Mr. Rubio?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Romney?

**Senator Romney:** No.

**The Clerk:** Mr. Ricketts?

**Senator Ricketts:** No.

**The Clerk:** Mr. Paul?

**Senator Paul:** Yes.

**The Clerk:** Mr. Young?

**Senator Young:** No.

**The Clerk:** Mr. Barrasso?

**Senator Barrasso:** No.

**The Clerk:** Mr. Cruz?

**Senator Cruz:** No.

**The Clerk:** Mr. Hagerty?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Scott?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Chairman?

**The Chairman:** No. Clerk will report.

**The Clerk:** Mr. Chairman, the yeas are three. The noes are 18.

**The Chairman:** And the amendment is not agreed to.

Next in line is -- who is present is Senator Kaine.

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**Senator Kaine:** I have two amendments, Mr. Chair, and there are differences. Should I just offer them one at a time?

**The Chairman:** Offer one, please.

**Senator Kaine:** Okay. What I would like to do is call up Kaine First Degree No. 2.

This builds upon the language that is in the base bill including the Manager's Package and it deals with FSOs who leave the State Department to take other positions and then want to rejoin the State Department in an FSO capacity.

So the base bill sort of says that they may and this would go further and say that they shall be able to return to FSO status if they apply to return and that they could return at the same level that they left, and there would be two exceptions or limitations to the shall.

The first is there would need to be an ethical review to make sure that what they had done in the interim did not impose any ethical challenges to the return to service, and the second is if they leave as an FSO to take a political appointment they would not be able to rejoin.

But if somebody leaves to come work on the Hill, if somebody leaves to go work for a think tank or for a university they should not be able to rejoin as an FSO at the same level that they left.

So, again, the bill as it is before us now with the Manager's Package has a may and this would be a shall with the two limitations I have described.

**The Chairman:** Anyone wishing to speak to the amendment?

Senator Cardin?

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**Senator Cardin:** Just a question. Why was the prohibition originally put into the practice? Why were they denied the ability to return?

**Senator Kaine:** I am not sure that the -- it was a complete denial. It was just that there was no clear path back, and so this is a way of saying to folks if they leave and you want to come back you can. So I do not -- I think it was probably sign language.

**Senator Cardin:** Does the State Department have an opinion? Does the State Department have an opinion?

**Senator Kaine:** Let me cede to my State Department expert. Does the State Department have a position? They support it.

**The Chairman:** Senator Risch?

**Senator Risch:** Senator Kaine, would you yield to a question?

**Senator Kaine:** Yes.

**Senator Risch:** What is the problem here?

**Senator Kaine:** It is -- well, the problem is recruiting, trying to get people back, and there are people who want to go back who have challenges.

**Senator Risch:** Well, but you say -- if there is a problem in recruiting this should cut the other way because if they want to go back they should be able to go back. I am having trouble grasping the thing here. There is something --

**Senator Kaine:** It makes it easier for somebody if they want to leave to take a position in a university or a think tank or come to the Hill or something like that to know that they can still have the ability to go back rather than we will see if they want me back.

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**Senator Risch:** That would seem to me to cut the other way because if I was looking at the job and saying, well, I can do this and if this does not work I will try something else. I am just -- I am really having trouble getting arms around the thing. I mean, I --

**The Chairman:** I think -- Senator Risch, I think the issue here is also that there are people who are looking at it in that way -- I can go and come back.

There are people who just legitimately go and then at some point in time say, you know what, I would like to come back if there is a possibility.

But under the present system that ability to come back is not there, and so being able to come back. There is no downside for us. It is an upside for the department because if you get somebody with experience, the only thing is that person does not want to come and start as a rookie all over again.

**Senator Risch:** Whose brainchild is this? I suspect -- it does not sound like it is your --

**Senator Kaine:** The State Department.

**Senator Risch:** The State Department?

**Senator Kaine:** Yeah. They said that this would be helpful.

**Senator Cardin:** One additional. Do they have to take the person back?

**Senator Kaine:** Yes, except for the two limitations I described. Yes.

**The Chairman:** Anyone else? Yes, Senator Ricketts?

**Senator Ricketts:** I am sorry. Could I have a clarification again?

**Senator Kaine:** Yes.

**Senator Ricketts:** So the language right now says they may take them back?

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**Senator Kaine:** That is in the base bill. Right.

**Senator Ricketts:** It is the base bill. You want to change that to a shall?

**Senator Kaine:** Shall with two limitations.

**Senator Ricketts:** I am sorry. What were the two limitations again?

**Senator Kaine:** The two limitations is there would have to be an ethics review about what they did during the interim to make sure that they had not done anything that created ethical challenges to rejoin the State Department, and the second is if they take a political post with the executive. If they decide to go from kind of career to politics they do not have the ability to automatically --

**Senator Ricketts:** What if they just were not a good employee and we do not want them back? Would that require the State Department to take them back even if they really were not good at their job in the first place? Maybe they left and that was a good thing.

**Senator Kaine:** Yeah. You would think that if they were not a good employee they would not have been an employee in good standing when they left. They would have --

**Senator Ricketts:** Yeah, but there is a lot of reasons that you do not fire somebody and they leave you are, like, well, that was a good thing they left, right.

So I think a may is better because it allows the State Department flexibility to take someone back.

**Senator Kaine:** So, okay, I am hearing your point. Your point is what if somebody is about to get disciplined and before they get disciplined they quit.

**Senator Ricketts:** And they quit. Yeah.



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**Senator Kaine:** You are right. I am not intending that that person should be able to go back.

**Senator Risch:** Senator Kaine, I will tell you where this is really going to rear its ugly head is I would like to hear the arguments in court when the guy is arguing to come back and the department is saying no, we do not want him back and they are arguing about the language that we have in here. I just -- I got real reservations about this. I really do.

**Senator Kaine:** I would say Senator Ricketts' question about what if somebody is on the verge of being disciplined when they leave and they should not have an automatic right to come back I think that is a good objection. I will withdraw the amendment.

**The Chairman:** The amendment is withdrawn. Thank you, Senator Kaine. I know that there is a vote going on. Let us see if we can get at least one more amendment and in the order of things Senator Young is next if you have an amendment.

**Senator Young:** No.

**The Chairman:** Okay. Thank you. Senator Barrasso is next.

**Senator Barrasso:** Yeah. I only have one amendment. It is Barrasso Amendment No. 1 and it has to do with energy and the U.S. International Development Finance Corporation.

They need to provide financing for energy projects that are suitable to the needs of the developing countries. The administration has announced that the financing can

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fall off of fuel investments and this is a big problem with trying to get people out of poverty.

We have 759 million people living without any electricity and stable affordable, reliable electricity is the best way to help developing countries climb out of poverty.

No modern economy can run on only variable renewable power. Abandoning important energy projects makes poverty worse, slows economic growth, slows job creation.

And you do not have to take my word for it. Listen to some African leaders. The president of Uganda -- he wrote actually an editorial in the Wall Street Journal that solar and wind forces poverty on Africa.

Africa cannot sacrifice its future prosperity for Western climate goals. African manufacturers are going to struggle with attracting investment, therefore, to create jobs without consistent energy sources. Talks about these policies by these lending institutions which the U.S. drives stands to forestall Africa's attempts to rise out of poverty, which requires reliable energy.

This amendment that I have will ensure that the DFC promotes a technology and fuel neutral all of the above energy development strategy for countries that are most in need. Our nation ought to be focused on lifting people out of poverty. If we are serious about helping the U.S. needs to promote an all of the above energy and I ask support for this amendment.

**The Chairman:** Anyone else wishing to speak to the amendment?

The approach outlined in this amendment I respect and appreciate Senator Barrasso's consistent tenacity on the question of energy security.

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This approach, however, outlined in this amendment is problematic and redundant. As written this amendment would promote an all of the above strategy, which implies the use of certain types of fuels, including, for example, heavy fuel oil.

As we know, that use of such fuels is extremely detrimental to the environment and can cause devastating implications to human health.

Further, the DFC has a process that considers all types of energy projects including fossil fuel projects. Thus mandating the promotion of this strategy would be unnecessary and damaging to DFC's efforts to pursue strategic bankable projects with the most significant development outcomes.

For these reasons I will oppose the amendment. I urge my colleagues to do so.

Does the Senator wish a recorded vote?

**Senator Barrasso:** Just to rebut the --

**The Chairman:** Sure.

**Senator Barrasso:** The gross number of projects that can be done through the -  
- for the end of time is eight by the way that this program has been set up.

And I appreciate your comments, Mr. Chairman. I raised this last year and when we had people nominated to positions I raised this and they admit, yeah, eight total project fossil fuel wise worldwide forever.

The president of Senegal explained this. Ending gas financing for Africa would be a fatal blow. He said at the time when African countries are preparing to exploit their significant gas resources the end of funding for the gas sector under the pretext that gas is a fossil fuel is going to bear a fatal cost to our emerging economies.

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The Economist had four articles on this a week or two ago about the fact that we are holding people in poverty. The Economist is not any conservative -- it is a British group.

We are holding people down, holding people in poverty by these purist views on where our reinvestment dollar goes. The development of the energy sector is a fundamental pillar of a country's economic development. So I would ask for a roll call vote.

**The Chairman:** The Senator is entitled to a roll call vote and the clerk will call the roll.

**The Clerk:** Mr. Cardin?

**Senator Cardin:** No.

**The Clerk:** Ms. Shaheen?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Coons?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Murphy?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Kaine?

**Senator Kaine:** No.

**The Clerk:** Mr. Merkley?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Booker?

**The Chairman:** No by proxy.

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**The Clerk:** Mr. Schatz?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Van Hollen?

**The Chairman:** No by proxy.

**The Clerk:** Ms. Duckworth?

**Senator Duckworth:** No.

**The Clerk:** Mr. Risch?

**Senator Risch:** Aye.

**The Clerk:** Mr. Rubio?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Romney?

**Senator Romney:** Aye.

**The Clerk:** Mr. Ricketts?

**Senator Ricketts:** Aye.

**The Clerk:** Mr. Paul?

**Senator Paul:** Aye.

**The Clerk:** Mr. Young?

**Senator Young:** Aye.

**The Clerk:** Mr. Barrasso?

**Senator Barrasso:** Aye.

**The Clerk:** Mr. Cruz?

**Senator Cruz:** Aye.

**The Clerk:** Mr. Hagerty?

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**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Scott?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Chairman?

**The Chairman:** No. Clerk will report.

**The Clerk:** Mr. Chairman, the yeas are 10. The noes are 11.

**The Chairman:** And the amendment is not agreed to.

Next in the -- based on presence -- I am going to hang in there a little bit before this vote which is still hanging in normally takes a long time.

**Senator Cardin:** Do you want to -- we have got an hour and a half more.

**The Chairman:** What is that?

**Senator Cardin:** We got another hour and a half.

**The Chairman:** Hour and a half. Ready to go?

Next Democrat who is available here is Senator Duckworth if she has an amendment.

**Senator Duckworth:** I do not.

**The Chairman:** You do not have an amendment. Thank you.

So then we will turn -- extra points. So then we will return to Senator Cruz.

**Senator Cruz:** Thank you, Mr. Chair.

I would like to call up Cruz First Degree No. 1 revised and this is an amendment that the chairman and I and the ranking member have had extensive discussions about.

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This is an amendment that concerns cross border bridges between the United States and Mexico and there are right now four bridge projects that are attempting to be built, either new bridges or expansion of current bridges to expand commerce with Mexico.

Last year the value of goods traded between the United States and Mexico was \$779 billion and what is happening right now to build a cross border bridge is a different process than any other bridge. If you are building a bridge between Virginia and Maryland you go through the ordinary NEPA process and everything else.

But a cross border bridge has an additional requirement of a presidential permit because it is crossing the border to another country, and the State Department in the last couple of years changed the way this presidential permit occurred.

Previously, the permit had been granted contingent on the completion of a NEPA review. What the State Department began doing is delaying the presidential permit until after all of the NEPA analysis is complete.

The consequence of that is it is delaying these bridge projects by several years and the builders of the bridges are finding financing very difficult to get because of the permitting -- the presidential permit has not been granted. And so this proposal would expedite that process of the presidential permit to build a cross border bridge.

I would say a couple of things on this. Number one, this should be, I think, an easy bipartisan priority. I can tell you the Texas -- the south Texas congressional delegation is completely unified in a bipartisan way and so every south Texas member of Congress has supported this effort including both Vicente Gonzalez and Henry

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Cuellar, both Democrats, along with Monica De La Cruz and Tony Gonzales, both Republicans. So this is an issue that unifies both Republicans and Democrats.

I will point out also for anyone concerned about environmental issues nothing in this amendment limits, constricts the NEPA analysis. These bridges will not be built without the NEPA review.

All it does is say that State does not have to wait on that. The NEPA review still has to happen. I will point out additionally that right now the status quo is objectively terrible for the environment.

If you go down to Laredo -- many of us have been to Laredo -- it is the largest land port in the United States. Massive amount of commerce goes through. You go see Laredo right now and you will see hundreds or even thousands of 18-wheelers sitting there for three, four, or five hours just spewing pollution and carbon into the air and it is not good for the environment to have this massive delay at the bridge.

If you want a cleaner environment expanding the bridge so the trucks can move more expeditiously is better for the environment, better for trade, better for jobs.

I would point out, finally, and in a development that happened late last night both the State Department and the White House have signed off on this amendment now and I think they have conveyed the same to the chairman.

So I would -- I would ask colleagues on both sides of the aisle to support the amendment.

**The Chairman:** Let me just say we have a significantly redrafted amendment here, and I have spoken to Senator Cruz about this amendment and I am happy to work with him on it. I think we are getting to a point that it will be acceptable.



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We just learned earlier today that the administration may be okay with a revised version of the amendment and that is promising for reaching an agreement with Senator Cruz.

But I do not know if I can have members vote on a substantially modified first degree amendment on a sensitive subject with national and international consequences when no member has had an opportunity to review the text.

So I would urge the Senator to withhold with a commitment from me that when we finish the vetting of it if it is as we believe it will be that it will be in line with the administration's agreement that I would certainly work with him to -- and the ranking member to line it up for NDAA.

But if we ask for a vote my proxies right now are noes based on the original amendment, and since no one has had a time to review your modified amendment I do not know that that is where we want to end up at the end of the day.

**Senator Cruz:** Mr. Chairman, what I would say on that the amendment itself is quite brief and it was modified following discussions with your staff and with State just to narrow the scope. And so the original amendment but they asked us to narrow it so we did.

We do have the position of the administration, State, and the White House in writing where they sent us in writing that they approved it. So you can see the email chain if you like.

I can tell you that in terms of the impact on Texas it is exceptionally important and my strong preference would be to have it incorporated in this bill because to try to get it as an amendment to NDAA and SASC my understanding is they require four

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corners sign off from five different committees to get this in, which having been through this process for a long time there are lots of places you could run into a bump on that whereas here if we include it in this bill then the whole bill can get added to NDAA. You would have to think the chances of all those sign offs are not great.

With respect to the proxies, I would be open to a voice vote if that were amenable to the members of the committee. I do think --

**The Chairman:** The voice vote is not the issue, Senator Cruz.

I work really hard to allow members on both sides to know what they are voting on. I am not always happy how they vote. But I work really hard to let people know what they are voting on.

Right now I do not feel that I have that standing, at least on my side of the aisle, with the modified amendment. I want to help you get to yes, understand that.

But I am also not willing to use my good faith with my members to say vote on something that they have not seen. And maybe the structure of your modified amendment meets the administration's okay.

I have to -- we have to check to make sure that what you are doing in language is equal to what they said okay to. That is part of the problem there.

**Senator Cruz:** Can I make a request, perhaps?

**The Chairman:** Sure.

**Senator Cruz:** This markup may go on for some time, I think. The absent members have sat here. Can I ask if people would review it? I am happy to withdraw it for now and perhaps introduce it at the end of the markup.

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**The Chairman:** Sure. If you want to -- if you want to withdraw it without prejudice, and we would ask colleagues to take a look at it to see if they can come to an independent conclusion. I am happy to consider that.

**Senator Cruz:** I would ask the chairman and the members to take a look at it. It is a fairly unusual circumstance where you have got both State and the White House and the NSC in writing saying -- and it is this revised -- the reason we have a revised text was based on discussions with you and your staff and also with State that they all asked us to narrow it. So we revised it in response to those concerns.

**The Chairman:** And all I am saying is we have not had the time to see that the revised text is the embodiment of those discussions. That is what we need to say.

**Senator Cruz:** Okay. We can -- my staff can show you that this was the language that State and the White House is looking at.

**Senator Cardin:** And if I might just raise -- Senator Cruz, I am trying to get the timelines. I see it has to go through an environmental review. But it is also a very short time for the President to make a decision, and the criteria is national -- is the interests of the United States.

So it is a very narrow focus in a very short period of time. So I would just like to be able to --

**Senator Cruz:** Right. The statute requiring the presidential permit is narrowly focused to is there a foreign policy objection and that is why the President is doing the certification. So the presidential certification of that statute does not address environmental issues at all.

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It is NEPA that applies to every bridge, whether it is international or not. That standard applies regardless and so the bridges will not be built unless they clear NEPA review.

**Senator Cardin:** So the 60 days -- the NEPA review has already been done before the 60 days of the president?

**Senator Cruz:** The NEPA review will occur after the President. So the way it used to be done Is the President would grant the permit conditional on the NEPA review being positive. So if you do not go through a NEPA review it does not get built. But the --

**Senator Cardin:** I see. So you are getting 60 days for the President to make a decision. Then it has to go through a NEPA review.

**Senator Cruz:** Exactly. And the challenge -- if you talk to the local officials, the people that are trying to build the bridges is without the presidential permit they are having a hard time getting the financing for the bridges.

So it is delaying the whole thing by years. And so in south Texas, which I would note is a very Democrat part of the state, everyone is unified in saying building these bridges or expanding them is a really good thing.

**Senator Romney:** Mr. Chairman, I would just that it is a little unusual to have the Senator from Texas suggesting ways to reduce carbon emissions and make it easier for Mexican products to get into the United States and I applaud him for that kind of thinking.

[Laughter.]

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**The Chairman:** And we thank you, Senator Romney, for your erudite observation.

So Senator Cruz has withdrawn without prejudice to a later part of the markup. I would urge members' staff to look at the revised amendment and see so that they will be in a position to cast their vote later on.

With that, I think it would be an appropriate moment to take a brief recess, go vote, and I would ask all members to come back.

**Senator Cardin:** You did that because Senator Booker just got here.

[Laughter.]

**The Chairman:** Well, the committee is recessed subject to the call of the chair, which intends to be right after we vote.

[Recess.]

**The Chairman:** The meeting -- the business meeting of the Senate Foreign Relations Committee will reconvene.

When we left we were doing amendments. We are glad to see all of our appropriators back, and the next person in line is Senator Merkley.

**Senator Merkley:** Thank you very much, Mr. Chairman.

And I am calling up Merkley First Degree, and I will withdraw this before we entertain a vote. But the amendment requests or requires an annual report on the development of settlements in the West Bank, and for those of us who have been lifelong champions of Israel, faced by many, many challenges in the region, we have envisioned a -- hopefully setting a foundation for a long and violence free future involving two states.

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The current government of Israel is on a different track than that and I think all of us should be a little concerned about what lies ahead.

In that regard, it makes sense for us to understand how the physical developments on the ground are changing and to have kind of the authority and validity of our own government sharing an assessment of the changes.

So it is in that regard I offer the amendment. It has always been difficult to have the conversation regarding the changing dynamics on the West Bank and I think in this regard this amendment does not express any judgments.

It says that the simple fact should be understood by us as we engage in trying to be the best partners for peace and stability and democracy and human rights.

Thank you.

**The Chairman:** Thank you. The Senator withdraws the amendment.

**Senator Merkley:** I will withdraw it but before I withdraw it I was not sure if anyone else had any comments to share.

**The Chairman:** Anyone else wishes to speak to Senator Merkley's amendment?

Senator Schatz?

**Senator Schatz:** I apologize at the risk of prolonging things.

I just think it is -- I just want to agree with Senator Merkley that this is the place to conduct foreign policy as it relates to Israel and a lot of us who are steadfast supporters of Israel on -- from the far right to the far left and everywhere in between have to acknowledge that the current Israeli Government is allowing things that make peace over the long run more and more difficult to achieve.

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And so there just has to be a space here for us to have this conversation without being accused of being anti-Israel or even anti-Semitic.

And so I support Senator Merkley's amendment. I will not prolong this discussion but we got to have this conversation.

**The Chairman:** Anyone else?

If not, I appreciate Senator Merkley bringing the issue to the -- to the committee and I am sure this will be something that we will continue to be engaged in dialogue and action in the future, and the Senator has withdrawn his amendment.

So now we start anew. Since I am alternating, Senator Risch, do you have any amendments?

**Senator Risch:** No.

**The Chairman:** Senator Ricketts?

**Senator Ricketts:** No.

**The Chairman:** Senator Paul.

**Senator Paul:** Paul Amendment No. 2. This amendment is designed to prevent the State Department from censoring speech that is protected by the First Amendment.

Over the past several years the U.S. Government has taken upon itself the task of protecting Americans from misinformation and disinformation.

These are statements and messages that the government in its self-appointed role as arbiter of truth decides are false and then have what the government judges are harmful effects.

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So, for example, our government has judged that certain opinions about COVID vaccines or masks or natural immunity are misinformation and to be prevented from speech. To suppress this misinformation elements of our government put pressure on tech companies like Facebook and Twitter to remove or downplay posts, which in many cases these companies happily do.

In addition, the FBI has actually paid big tech removed constitutionally protected speech. Just by labeling speech misinformation or disinformation does not mean that it is not protected by the First Amendment.

Because this is such an obvious blatant violation of the Constitution the government often masks its role by funding nonprofit organizations whose purpose is to identify so-called misinformation and disinformation and feed their analysis to tech companies to take action.

The State Department, who is authorizing legislation we are debating today, is no exception to this practice. The principal player at stake is the Global Engagement Center -- GEC.

As the journalist Matt Taibbi in his Twitter Files has documented the GEC regularly engages with Twitter executives to remove or suppress its accounts to be -- accounts that it says are purveying foreign disinformation.

While the GEC's alleged focus is only speech for foreigners the Twitter Files show that Americans are often caught up with the net. Why does the GEC get to decide what the American people read and do not read?



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The GEC also provides grants to organizations that do similar things. In one particular notable example the GEC has funded the Global Disinformation Index -- GDI.

GDI maintains an exclusion list of sites that in GDI's judgment post disinformation. The purpose of this list is to help advertisers know which outlets to avoid and inclusion on the list can do great damage, especially to smaller outlets, and yet the GDI black list includes as mainstream publications as the New York Post and the Washington Examiner.

It is outrageous that the U.S. Government would fund such censorship. My amendment addresses this problem in a couple of ways.

First, it would prohibit State Department employees from engaging with platforms with the goal of removing or suppressing constitutionally protected speech, blacklisting accounts or labeling speech as misinformation or disinformation.

Second, it would require the recipient of any State Department grant to certify that it will not designate any creator of news regardless of medium as a source of misinformation or disinformation, and I would ask for a recorded vote.

**The Chairman:** Anyone wish to speak to the amendment?

Free speech in a democracy is essential. However, what this amendment does is take away our ability to engage on weaponized information that aim to divide societies, turn citizens against each other, and encourage hatred of the United States abroad.

We have seen Russian disinformation sources spread lies about U.S. soldiers raping young women. We have seen Russian sources claim U.S. bio labs were

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experimenting with COVID on Ukrainian citizens. Allies and partners all over the world are facing this very real threat.

Let me be clear. This is the type of amendment that our adversaries -- Russia, China, Iran -- would love to see pass because it would tie our hands and give them free rein to manipulate our society as we work to collaborate with partners and allies as they see fit.

It would be an equivalent of failing to arm our military with the arms and ammunition needed to defend our homeland.

Let us be clear about another point. Social media firms only take down or block accounts when they find their user terms have been violated, not when they receive requests from outsiders, including the government.

What we should be doing is developing and bolstering our capacity to resist and respond to malign information operations by flagging disinformation, informing the public, coordinating with governments, the private sector and others working to defend it. It is for all of these and other reasons that I will oppose the amendment.

Anyone else who wishes -- I will get back to you.

Anyone else who wishes to speak to it?

Senator Paul?

**Senator Paul:** It is important to note that FBI actually paid Twitter to take down information. This is not just say, oh, why do you guys not do this. Twitter said, well, it is a lot of work -- will you pay us. The FBI paid Twitter to take down information.

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There is a court case right now ongoing where there has been a preliminary injunction, *Missouri v. Biden*. In that there is a whole list of the different threats -- antitrust threats if you do not take this down, we will take away your Section 230 if it does not come down -- this will go the highest levels of the White House if you do not listen to us. There is a whole written trail of threats from government on this.

The problem with labeling misinformation is this. So, for example, in 2016 it was said that Trump was colluding with the Russians. Where did this information come from?

Well, it came from the Steele dossier, which actually came from the Clinton campaign which actually came from the Russians. So what we call Russian disinformation and Russia manipulating the 2016 election turned out that they were actually manipulating the election by making allegations that Trump was disinformation -- Trump was engaged with the Russians, which was itself disinformation.

If you look at the Hunter Biden laptop what you find is before the election you had 55 former security analysts or intelligence folks sending and writing up that absolutely this is misinformation and that it is not true and it was not his -- it was not his laptop, that this is the creation of Russian misinformation. Well, it turns out it is the complete opposite. The Russian disinformation was that it was disinformation.

All I am saying is this is complicated. We all have different feelings on what it is. But to allow the government to define what is disinformation or misinformation runs afoul of the First Amendment.

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The left -- the Democratic Party was once a great bastion of the First Amendment. Many on the left were great defenders throughout the 1960s of civil rights and those were abused by the FBI and the civil rights movement, of those who were abused in the protests to the Vietnam War.

The Church Commission was a marvelous example of the Democrat Party protecting speech, trying to regulate and limit the intrusion of our intelligence agencies into constitutionally protected activity.

I do not understand why we cannot still have some bipartisanship in saying that the government should not be flagging American information. The government should not be removing American opinions, and this is something I hope we will have more openness to discussion over time.

But I would like a recorded vote.

**Senator Murphy:** Mr. Chairman?

**The Chairman:** Senator Murphy?

**Senator Murphy:** Mr. Chairman, this is just a massive conflation of two totally separate issues. The GEC, which has been a product of bipartisan cooperation for -- over the course of the last decade is focused on foreign propaganda and foreign misinformation.

We are tracking Chinese misinformation, we are tracking Russian misinformation, not in the United States but in their spheres of influence. That is what the GEC does, and to conflate Hunter Biden's laptop and Hillary Clinton emails with the GEC, it is a massive gift to our adversaries if we just decide to stand down on the question of fighting foreign-based propaganda.

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An enormous part of Russia's effort inside Ukraine is trying to manipulate information inside that country. All of our efforts to try to build alliances in Asia are compromised by the way in which China builds misinformation campaigns against the United States.

The GEC is focused on those fights outside of the United States, fighting back against those efforts. I think there probably is a legitimate conversation to be had about domestic misinformation and what is labeled as propaganda and what is not inside the United States. But that is not what the GEC does. The GEC is operating outside of the United States.

**The Chairman:** I have given you 10 minutes, Senator. This will be the final one.

**Senator Paul:** Okay. The GEC subcontracts to something called the Global Misinformation Index. In that, thought, they list domestic publications -- the New York Post and the Washington Examiner -- as areas of speech that should be limited and those are areas that they talk to Twitter about about protecting the American public from the New York Post.

That is a clear violation of First Amendment and we have to do something about it. I think this does extend. There is an analogy for FISA in the sense that FISA collects data on all worldwide phone calls -- yeah, we are only going after foreigners.

But then we look at the FISA database and it includes thousands and thousands of Americans who have their information gathered without a warrant. So it is inadvertent and maybe the goals of the GEC are looking at foreign propaganda but I

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think what ends up happening is the extension is now into constitutionally protected speech and I think the court ultimately is going to find a real problem with this.

**The Chairman:** You have asked for a recorded vote. Is that correct?

**Senator Paul:** Yes.

**The Chairman:** 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. Merkley?

**Senator Merkley:** No.

**The Clerk:** Mr. Booker?

**Senator Booker:** No.

**The Clerk:** Mr. Schatz?

**Senator Schatz:** No.

**The Clerk:** Mr. Van Hollen?

**The Chairman:** No by proxy.

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**The Clerk:** Ms. Duckworth?

**Senator Duckworth:** No.

**The Clerk:** Mr. Risch?

**Senator Risch:** No.

**The Clerk:** Mr. Rubio?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Romney?

**Senator Romney:** No.

**The Clerk:** Mr. Ricketts?

**Senator Ricketts:** 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 Cruz:** Aye.

**The Clerk:** Mr. Hagerty?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Scott?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Chairman?

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**The Chairman:** No. And clerk will report.

**The Clerk:** Mr. Chairman, the yeas are five. The noes are 16.

**The Chairman:** And the amendment is not agreed to.

The next person in line is Senator Booker if he has any amendments.

**Senator Booker:** No.

**The Chairman:** No. Then I will turn to -- Senator Schatz, do you have any amendments?

**Senator Schatz:** Two things.

First, I will just -- I am not going to offer and withdraw but just to point out that I had an amendment on global press freedom. I think Senators Romney and Young have been working in this space -- Senator Kaine, others.

This is a key foreign policy priority. We were not able to get my provision or any others in the base text. Mine was to establish an ambassador-at-large for global press freedom.

But we have got to figure out a way to kind of merge these efforts and work together on a bipartisan basis. This is not something that cuts along partisan lines.

We ought to be able to do this and I am hopeful that we will be able to do that. I will not ask for a recorded vote on my -- on that amendment.

But I would like to offer the second degree amendment and call up Schatz Second Degree Amendment No. 4.

This amendment was cleared by DOD and it may be -- and in staff level conversations with the Pacific Fleet no concerns were raised.



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It simply allows for the funds accrued in the newly established AUKUS submarine and security activities account to development and increase submarine industrial base workforce by investing in specialized labor at U.S. shipyards and to upgrade facilities and infrastructure at shipyard where submarines are maintained.

The purpose is to explicitly state in the text that the health and development of the submarine industrial base workforce is important and we just want to make that explicit in the underlying language.

I do not think this is controversial and I would be amenable to a voice vote if the chair wishes.

**The Chairman:** Is there anyone who wishes to speak to the amendment?

If not, since the Senator asked for a voice vote, all those in favor will say aye.

All those opposed will say no.

**Senator Risch:** No. I want to be recorded as no, Mr. Chairman.

**The Chairman:** Senator Risch will be recorded as no.

The ayes have it and the amendment is agreed to.

Next is we will go back down the line. Do you want to -- do you feel lucky again, Senator Romney?

**Senator Romney:** No.

[Laughter.]

**The Chairman:** Okay.

**Senator Romney:** There are a lot of things I could say but I am not going to.

**The Chairman:** Okay. Senator -- oh, I am sorry. The last person I called was Senator Paul.

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**Senator Paul:** No. No. I was just going to --

Senator Ricketts, you have no amendments as I understand it.

**Senator Ricketts:** No.

**The Chairman:** Then I have had Senator Paul. I think that I -- you just had an amendment, right?

**Senator Paul:** I just had one.

**The Chairman:** Let me call -- go back to Senator Cruz.

**Senator Cruz:** So I am not going to call up an amendment but I do want to take a minute since a lot of the room was not here when the last amendment came up to explain an amendment that I hope to call up before the end of this markup, which is an amendment that addresses cross border bridges, bridges between the United States and Mexico.

There are four bridge projects that are either constructing new bridges or expanding existing bridges. This is an amendment that I hope and believe should be bipartisan. As I discussed, the Texas congressional delegation in south Texas, every Democrat every Republican, supports this effort to build these bridges.

The administration -- both the State Department White House have signed off on it. We have revised language that all of your staff has and I am hearing gestures that I think Senator Kaine and Senator Coons are giving me thumbs up that they are at least yeses.

So I would just ask for the Senators who were not in the room if your staff can look at the language because I am hoping we can get agreement to include this in the bill before the end of the markup.

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**The Chairman:** Well, at some point they will tell the chairman how they are going to vote on it, too.

Next is -- Senator Cardin, do you have --

**Senator Cardin:** No.

**The Chairman:** Senator Shaheen?

**Senator Shaheen:** Thank you, Mr. Chairman. Again, I have another issue that I know has concerns from the minority but I think it is important to talk about it because I would like to call up Shaheen First Degree No. 2, which is an amendment to codify the Office of Global Women's Issues.

I know you remember that I asked for the inclusion of this amendment in last year's State Authorization as well and I am very happy that after 18 months we finally now have an Ambassador for Global Women's Issues, Dr. Geeta Rao Gupta. She was finally confirmed.

And I call it up again because I think it is important for us to try and correct what still continues to be misinformation about the Office of Global Women's Issues. That office deals with half of the world's population.

It should not be subjected to partisan politics, I do not think, because what it is about is trying to promote the economic empowerment of women around the world. It is not about health care.

It is not about abortion. It is not about reproductive rights. That is not dealt with in the Office of Global Women's Issues despite all of the misinformation to try and suggest that.

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I think it is really important to codify this office because of what we know about empowering women around the world. What we know is that women give back more to their families, more to their communities, more to their countries when they are empowered and that countries are more stable when women are empowered in those countries.

And what this office does is to try and address the position of women around the world in ways that I think are really important for our foreign policy.

This is not a Democratic or Republican issue. We saw during the Trump administration there was an Ambassador for Global Women's Issues who was approved by this committee who went through the Senate, and so I would hope that we could codify this and make sure that this continues to be part of our foreign policy because it is in our national security interest to address the status of women around the world.

**The Chairman:** Anyone else wishing to speak to the amendment?

How do you wish to proceed?

**Senator Shaheen:** I would like a vote, Mr. Chairman.

**The Chairman:** A recorded vote?

**Senator Shaheen:** Yes, please.

**The Chairman:** The clerk will call the roll.

**The Clerk:** Mr. Cardin?

**Senator Cardin:** Aye.

**The Clerk:** Ms. Shaheen?

**Senator Shaheen:** Aye.

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**The Clerk:** Mr. Coons?

**Senator Coons:** Aye

**The Clerk:** Mr. Murphy?

**Senator Murphy:** Aye

**The Clerk:** Mr. Kaine?

**Senator Kaine:** Aye.

**The Clerk:** Mr. Merkley?

**Senator Merkley:** Aye.

**The Clerk:** Mr. Booker?

**Senator Booker:** Aye.

**The Clerk:** Mr. Schatz?

**Senator Schatz:** Aye.

**The Clerk:** Mr. Van Hollen?

**The Chairman:** Aye by proxy.

**The Clerk:** Ms. Duckworth?

**Senator Duckworth:** Aye.

**The Clerk:** Mr. Risch?

**Senator Risch:** No.

**The Clerk:** Mr. Rubio?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Romney?

**Senator Romney:** No.

**The Clerk:** Mr. Ricketts?

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**Senator Ricketts:** 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. Hagerty?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Scott?

**Senator Risch:** No. by proxy.

**The Clerk:** Mr. Chairman?

**The Chairman:** This is an example of where we are going to have challenges to get this into the NDAA. I will vote yes. But I may -- I advise my colleague that I may very well have to move to strip it out if I can get agreement from the Republicans to get it into NDAA.

Yes?

**The Clerk:** Mr. Chairman, the yeas are 11. The noes are 10.

**The Chairman:** And the amendment is agreed to.

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Let us see. Senator Van Hollen, you made it just in time. Timing is everything in life. I am sorry, if you would withhold a moment. I am sorry. I should alternate. I do not know if anybody else has any amendments on this side left.

Senator Paul?

**Senator Paul:** This is Amendment No. 5. This amendment would make foreign aid contingent on corruption. Many in Congress have argued that -- in fact, some members of this committee have traveled to different countries and threatened foreign aid if there was not better behavior and less corruption.

Probably the most prominent example was by Senator Biden in 2014 -- or vice president. Yeah, still a Senator at the time, going to -- no, vice president at the time going to Ukraine and threatening their aid if there was not what he perceived to be an improvement in corruption.

There are different groups that look at corruption. There is the Transparency International Corruption Index. And what this bill would do and say if you score lower than the bottom 50 percent of the Transparency International Corruption Index, meaning one of the more corrupt countries, that you would not be eligible for foreign aid. Currently, Ukraine has ranked 116th out of 180 countries in the transparency index.

According to the index 23 percent of public service users reported paying a bribe in the past 12 months. Embezzlement of public funds is commonplace. As we saw on January 2023 a little after U.S. funds had started to flow into Ukrainian coffers Ukrainian officials were caught selling goods at inflated prices to the Ukrainian government.

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Ukraine has struggled in the past to gain IMF funding due to corruption concerns including a case more than \$5 billion disappearing from a Ukrainian bank tied to a Zelensky ally.

So I think it would be a good idea. We do not really have the money anyway. We borrow all this money from other countries to send it to other countries -- when we are sending money around the world if we make it contingent on behavior.

And so I would ask for a recorded vote on my amendment, which would prohibit foreign aid to the bottom 50 percent of the Transparency Index for Corruption.

**Senator Risch:** Mr. Chairman?

**The Chairman:** Senator Risch?

**Senator Risch:** Would Senator Paul respond to an inquiry?

**Senator Paul:** Sure.

**Senator Risch:** As I understand this, you want to cut off the aid to Ukraine that ends the Ukrainian war. Is that what this does?

**Senator Paul:** No, this is for corruption in general. I have made the point of pointing out some of the corruption because Ukraine has been famous for it.

But this would not be just for Ukraine. It would be for --

**Senator Risch:** Well, I understand that. But it would include Ukraine.

**Senator Paul:** Yes.

**Senator Risch:** All right. So -- all right. Thank you.

**The Chairman:** Senator Cardin?



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**Senator Cardin:** Let me thank Senator Paul for his concerns on corruption. I agree with you on it being a major national security interest of the United States to deal with anti-corruption policies including the use of our foreign aid.

This committee has taken a major step forward in the State Department Authorization with the legislation that has been put into this bill that was sponsored by Senator Young and myself that will start this process moving in a much more sophisticated way than the amendment offered by Senator Paul.

Senator Paul's amendment would have adverse consequences, as Senator Risch has pointed out. I oppose the amendment but I thank him for his interest and I hope he would work with us to strengthen the provisions that are already in this bill.

**The Chairman:** Anyone else wishing to speak to the amendment?

Senator Coons?

**Senator Coons:** Just briefly, I would like to thank and commend Senator Cardin for his long leadership advancing transparency in combating corruption. This is a meat cleaver when a scalpel would be more appropriate.

It would cut off foreign assistance to dozens and dozens of countries where U.S. foreign aid is helping combat corruption and so I will be voting against it.

**The Chairman:** Senator, did you ask for a recorded vote?

**Senator Paul:** Please.

**The Chairman:** The clerk will call the roll.

**The Clerk:** Mr. Cardin?

**Senator Cardin:** No.

**The Clerk:** Ms. Shaheen?

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**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. 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:** Ms. Duckworth?

**The Chairman:** No by proxy.

**The Clerk:** Mr. Risch?

**Senator Risch:** No.

**The Clerk:** Mr. Rubio?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Romney?

**Senator Romney:** No.

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**The Clerk:** Mr. Ricketts?

**Senator Ricketts:** 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 Cruz:** No.

**The Clerk:** Mr. Hagerty?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Scott?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Chairman?

**The Chairman:** No. Clerk will report.

**The Clerk:** Mr. Chairman, the yeas are one. The noes are 20.

**The Chairman:** And the amendment is not agreed to.

Now Senator Van Hollen is recognized.

**Senator Van Hollen:** Thank you. Thank you, Mr. Chairman.

My amendment relates to the U.S. Visa Waiver Program. I think everybody here is aware of the fact that we have established -- we have established Visa Waiver Programs with countries that meet the conditions of the program and when we enter

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into an agreement -- the visa waiver agreement with those countries it allows their citizens to come to the United States for 90 days visa free.

One of the conditions is reciprocity, that a country that we enter into a Visa Waiver Program agreement with treats U.S. citizens with reciprocity and that means making sure that all American citizens are treated equally. The saying is blue is blue. You have a blue American passport you are treated as an American and no American is treated better or worse than any other American.

And what this amendment -- what it says is that if you are going to be a country participating in the Visa Waiver Program you have to abide by the blue is blue requirement, that you cannot discriminate against Americans seeking to enter your country based on religion, based on race, based on ethnicity.

It is pretty straightforward, and I have heard that there are some concerns about this amendment. I would just ask my colleagues which Americans with blue passports are they -- that you would not want to be allowed to enter a country when other Americans do.

Do you want a country that is part of the Visa Waiver Program to be able to exclude Black Americans? Jewish Americans? Hispanic Americans? Any other kind of Americans? Arab Americans?

Now, this issue has come to the fore because Israel is seeking admission to the Visa Waiver Program. It is something I support so long as Israel meets the conditions of blue is blue.

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And there was a letter sent by many members of this committee, including eight Republican members of the committee, to Secretary Blinken and Mayorkas that also says pretty much the same thing, as far as I can determine.

It says -- and Israel recognizes that they have got work to do in this area -- it says we recognize that there are still outstanding issues that must be addressed before Israel's participation in the program can be finalized and we urge both sides to continue working to addressing these issues including the reciprocal treatment of U.S. citizens to ensure Israel's compliance with all program requirements before September 30, 2023.

This amendment, of course, would deal with this case but it also has a general applicability. I mean, this just says as part of reciprocity you cannot discriminate against Americans traveling to your country based on religion, race, or ethnicity.

Now, of course, any country can choose to do whatever they want on their entry programs. But if they want to be part of the Visa Waiver Program, which is a privilege, then they have got to make sure that they abide by the blue is blue principle and I hope we would all support this and make sure every American is treated fairly when they are traveling overseas to a country that we have included in the Visa Waiver Program.

**The Chairman:** Any other member seeking to speak to the amendment?

**Senator Merkley:** Mr. Chairman?

**The Chairman:** Senator Merkley?

**Senator Merkley:** I just strongly echo the core principle here. It is a very, very brief amendment but the key words are saying that in this program a country cannot

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discriminate against a United States citizen on the basis of the citizen's race, religion, ethnicity, national origin, or membership in any protected class recognized by U.S. law.

It is making sure that blue is blue. The principle of all the waiver -- the Visa Waiver Programs and it absolutely should be a principle in which we all stand for the fair treatment of all Americans.

**The Chairman:** Any other members seeking recognition?

Senator Coons?

**Senator Coons:** Perhaps I misunderstand the underlying facts. There is a slight difference but to me an important one between this amendment, which prohibits State from nominating a country for the Visa Waiver Program, and what I was reassured was strong reciprocity requirements to be included in the Visa Waiver Program.

Is there a process concern about this amendment blocking State from nominating a country rather than concluding the agreement?

**Senator Van Hollen:** No. The way this works, and we have had extensive briefings on this, it turns out that the ultimate decision maker is the Department of Homeland Security but they only will consider an application when the Department of State -- the Secretary of State has determined that it meets the requirements, especially in the area of reciprocity which is an area that the State Department has jurisdiction over.

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**Senator Coons:** Are you concerned the State Department will nominate a country without their having satisfied the underlying reciprocity requirements of the program?

**Senator Van Hollen:** The State Department has been -- has been clear that they intend to apply the reciprocity principle. I think it is important that we make clear what our ambassador to Israel has said that means.

That is all this does and it applies not just in the case of Israel. Obviously, it applies across the board and I would think it is a policy we would want to adopt for countries that are admitted in the Visa Waiver Program.

**The Chairman:** Any other member wishing recognition on the amendment?

There are no others. What do you wish to do?

**Senator Van Hollen:** I ask for a vote, Mr. Chairman.

**The Chairman:** A recorded vote?

**Senator Van Hollen:** Yeah, or a voice vote.

**The Chairman:** I am just asking you what you want.

**Senator Van Hollen:** A vote is fine.

**The Chairman:** A voice vote or a recorded vote?

**Senator Van Hollen:** Yeah. I will ask for a voice vote. I am fine with a voice vote.

**The Chairman:** All those in favor will say aye.

All those opposed will say no.

The ayes have it and the amendment is agreed to.

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So at this point instead of just going down the line I know that Senator -- so now let me just speak to Senator Cruz's amendment.

We have had done some significant vetting of the actual wording, also conferred with the administration who, unfortunately, chose to speak to Senator Cruz and not to us, which would have been helpful at the end of the day.

And so I would tell the State Department representative here I really do not appreciate that. I cannot operate in a vacuum and I cannot operate with the State Department operating behind my back. But it seems that we are in concurrence.

Now, would you like to offer your amendment?

**Senator Cruz:** I would like to offer my amendment and I would be fine with a voice vote.

**The Chairman:** Anyone who wishes to speak to the amendment?

Senator Merkley?

**Senator Merkley:** Mr. Chairman, thank you.

So I have a question for you, Senator Cruz. So as I read this what I see is that it says that you do not need environmental documents completed up front but the President can make the approval conditional on completion of the documents.

**Senator Cruz:** Correct.

**Senator Merkley:** But once the documents are completed what if the documents come up with something that says, well, there are some big environmental problem here? It seems like all this bill requires is completion of the documents and there is no real path in which the President says, well, now that we have discovered



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this problem we need to rework things. So what is the point of even completing the environmental documents if they have actually no effect at all?

**Senator Cruz:** Because the bridges cannot get built without the NEPA review and it has to comply with NEPA. So it is the same standard that applies to any other bridge that we are building anywhere else.

It is just this has a weird wrinkle because it is cross border with another country. So if we were building a bridge in any of our states you go through a NEPA review and if there were environmental concerns you would have to address those concerns or you could not build the project.

**Senator Merkley:** But do you? I mean, that is the question because all this requires is completion of the documents.

**Senator Cruz:** But under the terms of NEPA they have to complete -- they have to satisfy NEPA to be able to build the project.

**Senator Merkley:** I am going to take your word for it. If that is not the case then when we are on the floor I will suggest a modification to make sure that the completion of the documents actually has some relevance.

**The Chairman:** All right. Does the Senator -- anyone wish to speak to the amendment beyond?

If not, does the Senator wish to accept a voice vote?

**Senator Cruz:** Yes.

**The Chairman:** All those in favor will say aye.

All those opposed will say no.

The ayes have it and the amendment is agreed to.

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Who else has a pending amendment? Okay.

Senator Murphy has not had an opportunity yet so I will let Senator Shaheen go vote, come back.

Senator Murphy?

**Senator Murphy:** Thank you, Mr. Chairman.

Murphy 4, which I hope will draw bipartisan support. This is authorizing the establishment of an office of city-State diplomacy. This has been a bipartisan proposal before the Senate for a number of years, first myself with Senator Perdue, now myself and Senator Cornyn.

This is a desperately needed capacity at the State Department to help states and municipalities engage in diplomacy.

China is doing this at a supersized level. The city of Shanghai alone has 100 people helping to coordinate just Shanghai's diplomacy around the region and around the world.

The Biden administration has established this office. This legislation -- this amendment would simply codify the existence of an office that would be tasked with doing two things -- first, helping city and state officials engage in diplomacy.

That is a smart use of our State Department abilities because our State Department officials cannot be everywhere so why not help city and state officials represent the United States around the world.

But maybe more importantly this office is tasked currently and would be tasked under this legislation with helping to give advice to cities and states who are getting visits from foreign diplomats, primarily from Chinese officials.

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There are all sorts of incidences of Chinese officials coming to the United States and trying to push their agenda and offering support and help for local programs dependent upon statements from local officials on the status of Taiwan.

This office helps those municipalities try to understand when to engage and when not to engage with the Chinese Government.

And so I am hopeful that this can be made part of the State Authorization bill. Again, it has been a bipartisan proposal. It is codifying a capacity that is in the State Department today, and I think given the amount of effort that China is putting into this effort to try to co-opt our state and local officials it is a wise investment.

**The Chairman:** I appreciate the Senator's amendment. Anyone who wishes to speak to it?

Senator Ricketts?

**Senator Ricketts:** Yeah. As a former governor I would say that the State Department does no outreach to -- did not outreach to me personally with regard to my trade missions with China even to tell me do not take your electronics over there, which would have been really helpful ahead of time, and I think you have a lot of new governors who may be naive about the threat the People's Republic of China presents and I do think there is a need to help governors, mayors, whoever is going to engage with China with some direction on how.

I will tell you in my experience there was none from the State Department.

**The Chairman:** Anyone else wishing to speak to the amendment? Does the Senator --

**Senator Murphy:** Have a voice vote.

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**The Chairman:** All of those -- the Senator asked for a voice vote.

All those in favor will say aye.

All those opposed will say no.

The ayes have it and the amendment is agreed to.

Who -- Senator Kaine?

**Senator Kaine:** To my colleagues, this -- let me call up -- it was originally Kaine Second Degree 1 to Menendez First Degree. The Menendez First Degree was the AUKUS package that got added.

So now it is just an amendment to the AUKUS package and let me tell folks what this is and this is something that our offered together with Senator Shaheen.

So AUKUS will in pillar one involve cooperation around the submarines, first U.S. -- use of U.S. submarines and eventually the production of an Australian submarine down into the 2030s and 2040s.

The industrial base of our defense sector -- and Senator Shaheen and I are both on the Armed Services Committee -- have raised a good question, which is where are the repairs of U.S. subs going to be done that are part of the AUKUS mission and this matters a lot to the Defense Industrial Base, which matters a lot to all of our states.

What this proposal would do is basically say this, that if U.S. subs -- now, not Australian subs but if U.S. subs are being used in the AUKUS mission and there is a need for repair or refurbishment of the subs the President can decide whether they should be repaired or refurbished in the U.S., U.K., or Australia.

But if the President decides that they should be repaired and refurbished not in the U.S. the President has to certify one of three things. Here are the three conditions.

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One, that the repair or refurbishment will help the capabilities of the U.K. or Australia. That is a pretty big exemption. Or two, that the repair or refurbishment is for a U.S. sub that is home ported outside the United States. It would home ported in Japan.

**Senator Risch:** Say that one again.

**Senator Kaine:** Number two, and these are -- if you meet any of these criteria it is okay. The second one is the repair or refurbishment will be for a U.S. sub that is assigned to a port outside the U.S. So maybe it is Japan or maybe they might be ported in Australia in the future.

Or three, that the Sec Def just says there is an emergency that would suggest that it is better to repair this in the U.K. and Australia. We have worked together with the Defense Industrial Base.

I am chairman of the Sea Power Subcommittee in Armed Services. They feel like this will give them some assurances there will not just be willy nilly decisions to do the repairs outside the U.S. except if one of these three broad criteria are met and the criteria are broad enough that I think it both protects our industrial base but gives the President and the AUKUS framework the latitude they need to be successful.

**The Chairman:** Is there anyone else wishing to speak to the amendment?

**Voice:** Is this number one or number two?

**Senator Kaine:** This is Kaine Second Degree 1 to Menendez First Degree to provide for certain authorities of the Department of State and for other purposes and it begins on line three with shipyards.

**The Chairman:** Senator Shaheen?

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**Senator Shaheen:** Well, thank you, Mr. Chairman, and let me just briefly say that I support Senator Kaine's amendment and both from the perspective of somebody on the Armed Services Committee but also as someone who has one of our public shipyards as part of the state of New Hampshire.

I think it is really important that we have some assurances that the U.S. public shipyards are also going to be included as we think about what we need to do to sustain both the current and the future fleet.

So I think this is an amendment that really helps to do that and I hope that we can support it, and I hope as we go forward on AUKUS and other provisions that we might need to include to address it I think it is an important agreement.

But there are a lot of particulars that are going to affect our states and our own ability to secure our submarine fleet and so I hope that we can work together to do that.

**The Chairman:** Anyone else wishing to speak to the amendment?

And how does the Senator want to proceed?

**Senator Kaine:** Voice vote is fine.

**The Chairman:** All those in favor will say aye.

All those opposed will say no.

The ayes have it and the amendment is agreed to.

Is there anyone else who has an amendment pending that they wish to offer?

Senator Shaheen?

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**Senator Shaheen:** Well, thank you, Mr. Chairman, and I will be brief because I am really -- I am not going to offer this but I am hoping that you will -- you and the ranking member will work with us on this.

And this is kind of a complicated issue but basically there are 277 current and former Foreign Service employees who were ranked for promotion and designation by the Foreign Service selection board in 2014 who have not been paid their meritorious service.

Because the Government was in a shutdown the State Department decided not to pay that salary component from 2013 through 2016 as an austerity measure. But they have now gone back and paid everybody who fell into that bucket except that 2014 cohort, and I think it is just not fair that they got -- they got left out when everybody else got taken care of on something that they were promised.

So the State Department has said that they cannot do this independently. But I think they should make this right. It was a decision that they made and I hope that the committee leadership will work with me to help get this done.

**The Chairman:** I am happy to work with you, Senator Shaheen --

**Senator Shaheen:** Thank you.

**The Chairman:** -- to rectify the inequity that that took place. Are there any other members seeking to offer an amendment?

Senator Coons?

**Senator Coons:** I just briefly wanted to thank the chairman for accommodating four amendments that I moved forward. One of two -- I am not going to offer two --

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were incorporated into the Manager's Package and I just appreciate overall a very constructive process.

I must go for five minutes to speak to a group and come right back and my understanding is that enough to be a quorum. Is that correct?

**The Chairman:** I think we are at the -- at least on this we are at the moment to vote. So if you can stay one moment.

**Senator Coons:** And an expression just in terms of AUKUS I am not sure where this language ended up in the end of all the back and forth.

I hope that we are respecting Australian sovereignty as we work out a strategic partnership with them. I am probably late to the party in expressing that concern.

Mr. Chairman, Thank you for tolerating that.

**The Chairman:** Thank you.

Anyone else wishing to offer an amendment?

If not then I will entertain a motion to approve S. 2043 as amended. Is there a motion to that effect?

**Voice:** So moved.

**The Chairman:** So moved. Second it?

I think we can have a voice vote in this regard unless there is a request otherwise.

All those in favor will say aye.

All those opposed will say no.

The ayes have it and the legislation is favorably reported to the Senate. Thank you all for your work.



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Let me turn now to S. 416, Holding Russian Mercenary Act -- Holding Accountable Russian Mercenaries Act. Without objection we will consider S. 416.

Is there a motion to adopt the Manager's Package?

**Senator Cardin:** So moved.

**The Chairman:** So moved. Moved, and seconded? Is there a second for the Manager's Package on S. 416?

**Voice:** Seconded.

**The Chairman:** Thank you. A second.

The question is on approving the Manager's Package to S. 416, Holding Russia Accountable Mercenaries Act.

All those in favor will say aye.

All those opposed will say no.

With the majority of members present having voted in the affirmative the ayes have it and the Manager's Package is agreed to.

Now we move to amendments. Is there any amendments to be offered on S. 416?

Senator -- I am sorry. Let me go down -- I am sorry, I did not see the hands before. Who has a hand up?

**Senator Coons:** I just wanted to express concerns, given my conversations with the State Department, about the impact of this on critical humanitarian and the development trajectory, and I will wait until I hear the outcome of the amendment votes. But I have significant concerns with the bill as currently written.

**The Chairman:** Senator Merkley?

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**Senator Merkley:** Mr. Chairman, thank you. I am calling up Merkley No. 1 and it addresses very specifically the point that Chris is making.

It would except humanitarian assistance and peace building activities from the definition for material support with respect to the activities of the Wagner Group. I know it is no one's intention to disrupt the humanitarian impacts on so many challenges we have and I would be happy to accept a voice vote.

**The Chairman:** Anyone else wishing to speak to the amendment?

**Senator Risch:** Mr. Chairman, I am going to oppose these amendments. I think this really takes the teeth out of what we are trying to do to Wagner. I appreciate what the Senator is trying to do but I am going to oppose this amendment.

**The Chairman:** I do not want Wagner to avoid the consequences of its actions because of a legitimate concern on humanitarian assistance being an impediment. I do not believe that is the way the legislation is written. But I do believe that Senator Merkley's amendment can help in that regard and so I will support his amendment.

Is there anyone else who wishes to speak?

Does the Senator accept a voice vote or do you seek a recorded vote?

**Senator Merkley:** A voice vote is fine and thank you very much to Senator Booker for co-sponsoring this amendment.

**The Chairman:** I appreciate Senator Booker's co-sponsorship. All right.

All those in favor will say aye.

All those opposed will say no.

The ayes have it and the amendment is agreed to.

Is there any other amendment?

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Senator Booker?

**Senator Booker:** I know we are pressed on time, Mr. Chairman. Thank you. I am going to go quick. I have prepared some remarks.

This is really extraordinary important. It is dealing with a really pernicious awful group. We know much about Wagner. They have spread across the Middle East and Africa sowing instability, exploitation, gross abuses of human rights.

We also know over the past several years Wagner has attempted several -- to turn several African countries into fiefdoms for its mercenaries and criminal activities, helping to finance its front line fighters in Ukraine.

And we all have seen the horrific death and devastation Wagner has caused in Ukraine alongside the Russian military forces. They are accused of thousands of war crimes.

The full-scale invasion of Ukraine was launched in 2022, as we know. Notably, Wagner has played a key role in the killing of 419 people including nine children during the Russian occupation of Bucha, a Ukrainian city, obviously, northwest of Kyiv.

In Africa, Wagner preys on the desperation of troubled regimes, exploiting citizens and fueling conflict. The group's networks of shadowy companies extends across Africa including nations like the Central African Republic, Libya, Mali, Sudan, Mozambique, and Burkina Faso.

In the Central African Republic the Wagner Group has established substantial dominance over the country's political and military leadership. In Libya the Wagner forces are accused of committing extrajudicial killings and more.

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In Mali, in the United Nations report Wagner mercenaries have been slaughtering hundreds of people and most recently Wagner has amplified violent conflicts in Sudan.

Wherever Wagner goes it does bring death, destruction, instability. Its presence erodes accountability and really undermines truly legal African regimes.

And so this is not a question of should we combat Wagner's coercive activities. It is a question of how do we combat Wagner's corrosive activities and what are the most effective tools at our disposal.

To date the administration has designated Wagner as a transnational criminal organization and imposed sanctions against Wagner actors and facilitators for specific destabilization activities.

The group's designation -- in additional measures we have been able to freeze the Wagner Group's assets in the U.S., forbid Americans from offering goods, services, and financial support to the group.

We are -- we are actively collaborating with other nations and partners to prevent the Wagner Group from gaining access to essential resources such as transportation access, materials, personnel and financial aid.

These designations and other actions show the seriousness of this administration and Congress in dealing with the complex challenges of Wagner's shadowy network. We should continue to work together to find ways to deter Wagner and hold them accountable, and I imagine everyone sitting in this room feels that strongly.

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And so to the HARM Act I am concerned, as Senator Coons indicated and some of my colleagues, I believe, share that this is not the most effective tool that we could use and actually might do more harm than good.

We need more information, especially due to the evolving and uncertain future of the Wagner Group itself given recent events. We know that we have wide ranging consequences when there is a FTO designation.

This would have a real challenge to our humanitarian operations, diplomatic and geopolitical interests, as well as the security interests, particularly across countries in Africa.

First and foremost, the administration and independent groups have raised a lot of serious concerns that an FTO designation would constrain efforts to end conflicts and deliver much-needed humanitarian aid in countries where Wagner is active.

We know this best because we have seen it in the past. We know when we put an FTO designation on the Houthi the result actually was concerns from international communities, others doing incredible important humanitarian aid, so that designation was rescinded.

In the context of Wagner I am particularly concerned that the FTO designation would compromise critical humanitarian aid in countries like Mali and the Central African Republic, and with the conflict in Sudan right now it could have chilling effects because it is such a blunt instrument.

In these countries where Wagner's shadowy network is active and not always obvious many people are currently relying on humanitarian assistance for survival.

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Second, the FTO destination could backlash by hamstringing our renewed engagement across the continent of Africa and alienating African governments that host Wagner without offering an alternative to their security concerns. We could be driving them into the -- further into the hands of Wagner.

Of course, we have concerns about governments that host Wagner. However, instead of incentivizing cutting ties FTO designation could cause the opposite effect while reinforcing the perception that the U.S. fails to prioritize the local security concerns of key nations that are facing instability.

Should Wagner's links to Moscow become more overt our African partners could further resent being used as pawns in our big power -- in this big yet important power struggle.

The whole conversation shows that we need to reinvigorate our diplomatic energy and do better sharing information with our African partners and be more engaged in these countries in order to undermine the corrosive influence of Wagner.

That is why I am grateful to this committee for incorporating some of my other amendments into the Manager's Package. But we have to be careful with this. Congress mandating an FTO designation is unprecedented. We have encouraged designations, yes. We have suggested designations, yes.

But we have not mandated it. Why? Because the State Department has a process for making FTO determinations. This process works to mitigate --

**The Chairman:** Could I ask the Senator how much longer he is this going to be?

**Senator Booker:** I am almost wrapping up, sir. I know you --

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**The Chairman:** Okay. Because you are past your five minutes. I have not even started --

**Senator Booker:** Sir, you have endured many of my long speeches. I will make this quick.

**The Chairman:** Yeah. Only because I do not want to lose quorum. So --

**Senator Booker:** Yes, I understand. So, again, our approach should be to fully understand why this determination has not been made, take the time to work with the State Department to assess the potential effects of the designation, and take appropriate action.

And so I would like to bring up the -- my amendment, Booker Amendment 1, and my amendment would require the Secretary of State to assess the impact of Wagner. The assessment would require the administration to consider the full implications of the FTO designation's effectiveness and how to mitigate its consequences.

It offers a pathway to minimize potential harm while continuing efforts to dismantle Wagner's operations. Finally, this amendment also allows the administration the flexibility to respond to evolving events on the ground, which is so important since the underlying bill was written even prior to the issues we saw with Wagner in Russia and, as a result, we are all following what is happening.

And so I just find, especially with watching what is going on in Mali, the Central African Republic, and Sudan, I urge this committee to consider my amendment and to vote it in.

**The Chairman:** Thank you.

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Senator Cardin, I understand you want to be heard.

**Senator Cardin:** Yes. First, I accept the first third of your argument as you were rightly pointing out the horrific activities of the Wagner Group.

I strongly oppose your amendment and let me give you the reason why. Humanitarian assistance -- I agree with Senator Menendez.

The original bill provided for that type of considerations. Senator Merkley's amendment clarifies that further. I am glad that we have that in the bill, and I do not think it was necessary but it is in the bill. It is now very explicit. So the humanitarian issue has been already dealt with in the language that we have done.

But let me just give you a little bit of background here about legislative prerogatives versus the executive branch. We in the United States are blessed with our system of government where we have separation and independent branches of government where we can push the executive in directions sometimes they do not -- we cannot go diplomatically.

But we do not have to worry about those niceties. I think very much of Senator Menendez's original bill for mandatory sanctions against Iran that the administration was very much opposed to.

It was the right policy and we led with that policy. I think about the Magnitsky sanctions and the administration opposing the Magnitsky sanctions. We were right to force the administration to go in that direction when diplomatically they found that difficult. The same thing is true with the Wagner Group.



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Look, being designated as a transnational criminal organization is important and it provides certain abilities. But FTO provides much stronger incentives to be able to go against what they are doing internationally.

So this is Congress exercising our clear message that the Wagner Group are thugs, what they are doing is terrorism, what they have done, as you pointed out in the first third of your statement, is absolutely accurate and we have the prerogative to legislate. Let us legislate today.

**The Chairman:** Any other members seeking recognition?

First of all, I agree with my dear friend from New Jersey that it is important to look closely at the potential impacts of an FTO designation of Wagner and to work to mitigate any that are harmful, and I think that to the extent that I believe the underlying bill met that goal we further enhanced it by the adoption of Senator Merkley's amendments so that there is no question about the humanitarian aspects under the legislation.

I would also say it would be ironic that coup leaders and tyrants who use Wagner to stay in power can ultimately be protected by our concern on humanitarian elements that they are the ones driving to a large degree that humanitarian distress.

So in the balance of things I think we have gotten it right. I understand the Senator's concerns. I am loathe to vote against my colleagues amendment but in this particular occasion I will.

Anyone else seeking recognition?

How does the Senator want to proceed?

**Senator Booker:** I would like a recorded vote, please.

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**The Chairman:** 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:** Yes.

**The Clerk:** Mr. Murphy?

**Senator Murphy:** Aye.

**The Clerk:** Mr. Kaine?

**Senator Kaine:** No.

**The Clerk:** Mr. Merkley?

**Senator Merkley:** Aye.

**The Clerk:** Mr. Booker?

**Senator Booker:** Aye.

**The Clerk:** Mr. Schatz?

**Senator Schatz:** Aye.

**The Clerk:** Mr. Van Hollen?

**Senator Van Hollen:** Aye.

**The Clerk:** Ms. Duckworth?

**Senator Duckworth:** Aye.

**The Clerk:** Mr. Risch?

**Senator Risch:** No.

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**The Clerk:** Mr. Rubio?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Romney?

**Senator Romney:** No.

**The Clerk:** Mr. Ricketts?

**Senator Ricketts:** No.

**The Clerk:** Mr. Paul?

**Senator Risch:** Aye by proxy.

**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. Hagerty?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Scott?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Chairman?

**The Chairman:** No.

**The Clerk:** Mr. Chairman, the yeas are eight. The noes are 13.

**The Chairman:** And the amendment is not agreed to.

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Is there any other amendments pending before the committee on this legislation?

If not, then is there a motion to approve S. 416 as amended?

**Senator Cardin:** So moved.

**The Chairman:** So moved. Is there a second?

**Senator Shaheen:** Second.

**The Chairman:** Seconded.

All those in favor will say aye.

All those opposed will say no.

The ayes have it and the legislation is --

**Senator Schatz:** I am sorry. Mr. Chairman, I was anticipating a roll call vote on that one.

**The Chairman:** You were -- no one asked for it.

**Senator Schatz:** I understand. I am just wondering whether we can have a recorded vote on that unless it is -- unless you want to proceed. We have already voted.

**The Chairman:** I would ask members if they want a recorded vote to let me know before so I --

**Senator Schatz:** I just did not know it was so quick. I am sorry, Chairman.

**The Chairman:** There has to be a request for a recorded vote.

The clerk will call the roll. The clerk will call the roll.

**The Clerk:** Mr. Cardin?

**Senator Cardin:** Aye.

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**The Clerk:** Ms. Shaheen?

**Senator Shaheen:** Aye.

**The Clerk:** Mr. Coons?

**Senator Coons:** No.

**The Clerk:** Mr. Murphy?

**Senator Murphy:** No.

**The Clerk:** Mr. Kaine?

**Senator Kaine:** Aye.

**The Clerk:** Mr. Merkley?

**Senator Merkley:** Aye.

**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:** Ms. Duckworth?

**Senator Duckworth:** No.

**The Clerk:** Mr. Risch?

**Senator Risch:** Aye.

**The Clerk:** Mr. Rubio?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Romney?

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**Senator Romney:** Aye.

**The Clerk:** Mr. Ricketts?

**Senator Ricketts:** Aye.

**The Clerk:** Mr. Paul?

**Senator Risch:** No by proxy.

**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. Hagerty?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Scott?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Chairman?

**The Chairman:** Aye. Clerk will report.

**The Clerk:** Mr. Chairman, the yeas are 14. The noes are seven.

**The Chairman:** And the legislation is favorably reported to the Senate.

Let me turn to what I hope will be an en bloc process. Without objection, we will now consider en bloc the rest of the items in the agenda including several bills and resolutions including any substitute and manager's amendments as well as nominations and FSO lists. All the legislation and nomination FSO lists on the agenda

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have been listed on the agenda and I welcome any member who wishes to speak to any of them.

Senator Cardin?

**Senator Cardin:** Could I ask that the Peace Corps be removed from that list? I would like to talk about it separately.

**The Chairman:** Surely, we can have a separate -- okay. Any -- Senator Shaheen?

**Senator Shaheen:** I just wanted to point out that the Global Respect Act that we had hoped we might get some agreement on we have not heard from the minority on that. So I assume that means they continue to disagree with the legislation.

I am disappointed that we cannot come to some agreement at least on the fact that people who are LGBTQI should not be persecuted in a way that is happening in too many countries around the world.

So I hope that, going forward, we might be able to get some agreement to address the concerns that we heard from Senator Cruz and Senator Paul and Senator Risch and yet address the underlying concern about people who are really being tortured, killed, maimed across the world.

**The Chairman:** I appreciate your remarks. I share your concerns. I support your initiative and I look forward to working with you to see if we can find a way to make it happen.

**Senator Shaheen:** Thank you.

**The Chairman:** Any other individuals as it relates to all but the Peace Corps Reauthorization Act? If not -- as well as the nominations and FSO lists.

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**Senator Risch:** Mr. Chairman?

**The Chairman:** Yes, Senator Risch?

**Senator Risch:** I do intend to support the situation. I had real concerns about the Mills nomination. However, he has written a letter speaking to the concerns that I have. I would like to put that in the record and I will support his nomination.

**The Chairman:** Okay. Senator Risch's request is approved without consent.

[The information referred to follows on page 113.]



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CORRESPONDENCE SUBMITTED FOR THE RECORD BY RANKING MEMBER RISCH



UNITED STATES MISSION TO THE UNITED NATIONS

799 UNITED NATIONS PLAZA  
NEW YORK, N.Y. 10017-3505

June 5, 2023

The Honorable  
James E. Risch, Ranking Member  
Committee on Foreign Relations  
United States Senate  
Washington, DC 20510

Dear Senator Risch:

Throughout my work as a Foreign Service Officer—from helping to build a strong global coalition at the UN to counter Russia’s war on Ukraine to forcefully advocating for the rule of law and anti-corruption efforts while serving as U.S. Ambassador to Armenia—I have been inspired by the democratic principles that guided our nation and U.S. global leadership throughout our history.

If confirmed as U.S. Ambassador to Nigeria, I will be unwavering in my commitment to advancing and strengthening democratic principles in Nigeria, as well as helping build the infrastructure needed for an effective, functioning democracy. From the historic connections between our two countries to the strong people-to-people ties that link us today, I believe the United States can support the democratic destiny of Nigeria.

I recognize, however, that strengthening democracy in Nigeria is no easy task. Nigerian democracy, like democracy elsewhere, can be messy, and the path to a more perfect democracy will not be straight. Although we can be pleased that Nigeria undertook an orderly and peaceful, democratic transition of power on May 29—something that no democracy should take for granted—following the outcome of the February 25 presidential election, it is abundantly clear that Nigeria’s recent electoral process had significant flaws. Instances of election-related violence and voter intimidation and suppression were particularly concerning to me and to the State Department. Serious logistical and technical

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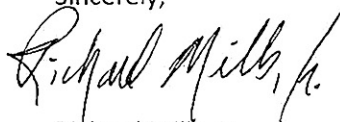
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issues also depressed turnout and hurt voter confidence in the democratic process. In short, Nigerian democracy under-delivered for her people during the recent election cycle, and more generally, has under-delivered over many years.

There is much work to be done to strengthen Nigeria's democracy. I will be committed, if confirmed, to marshalling the tools of U.S. diplomacy to strengthen democratic institutions and political actors' respect for democratic processes; to promote more transparency around local and state electoral processes as well as around national electoral processes; to press for accountability for human rights abuses and violations, corruption, and other wrongdoing; and to encourage more effective and responsive service delivery, in support of a holistic U.S. approach to advancing security, economic, governance, and global priorities in Nigeria. If confirmed, I will be committed to working with you and your staff on opportunities to tackle the challenges and advance these efforts.

I am undaunted by the challenges inherent in this work. Having seen first-hand in Armenia how the U.S. Government's work bolstered the anti-corruption, anti-authoritarian voices that led to the Armenian 2018 "Velvet Revolution," I have a strong belief in the role the United States can play in building democracy. If confirmed, that belief will continue to serve as the guiding principle in the work I will do every day.

Sincerely,



Richard Mills, Jr.  
Ambassador Nominee to the  
Federal Republic of Nigeria

**The Chairman:** All right. I know, I need a vote. Unless there is a request for a recorded vote, is there a motion to approve all of the items except for the Peace Corps Reauthorization Act, which will be held separately by voice vote?

**Senator Coons:** So moved.

**The Chairman:** So moved and seconded.

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All those in favor will say aye.

All those opposed will say no.

The ayes have it and the legislation and nominations and FSO lists are favorably reported to the Senate.

Now we will return to S. 1203, Peace Corps Reauthorization Act of 2023.

Senator Cardin, you are recognized.

**Senator Cardin:** Mr. Chairman, I strongly support the Peace Corps. I strongly support the substantive changes that are made in this legislation.

To me, it has been one of the greatest investments we have made since President Kennedy in 1961 established the Peace Corps. Two hundred and forty thousand service-minded Americans have volunteered in 142 countries.

We get our return plus so much more by the investments that we make in the Peace Corps. Yet, for more than 20 years the Peace Corps budget authorization has not been renewed and the appropriations have been flat, basically, for many years. That means it is shrinking in real terms, even with the modest increase in this year's appropriations.

I noted three amendments and I did that for a reason. The authorization is the old authorization number, which is \$410.5 million whereas the current appropriation is \$435 million.

I do not think we should be authorizing at a lower level than we are currently appropriating. In fact, I think we should be increasing the appropriations level.

So I have offered three choices, which I thought was reasonable, because I recognize the challenge we have to maintain the bipartisan nature of this bill.

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One would bump it up to \$435 million, which is the current level. The second would use a five-year escalation to \$495 million, which is basically their plan. The third, if we do not want to put a number in, such sums may be necessary.

I would think that is a reasonable -- we do not want to put out an authorization that is lower than the appropriations level, particularly when there is challenges this year on appropriation levels.

Now, I am going to look to our leaders, our chairman and ranking member. I will not support the bill as currently drafted and I would seek your advice. I do not want to derail the bill so I am going to seek your advice as to whether I should be offering an amendment or not at this stage.

**The Chairman:** I share totally your objectives and I think it should be more robust. However, I am working with the art of the possible, and I have checked in with the Peace Corps.

I checked in with the our colleagues in the House who are offering this legislation. They think they cannot get beyond this particular authorization. My discussions with the minority leads me to believe I cannot get more. If I could get more I would and keep the possibility of reauthorization.

The Peace Corps has not been reauthorized for so long. It really needs a reauthorization and I would seek to do everything I can to increase it. But I do not have the necessary support to make that happen and that is the only reason that that authorization is the level that is listed there.

**Senator Cardin:** Well, I would just respond. I cannot support an authorization level lower than the current appropriation level because I am concerned the pressure it

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puts on the appropriators if we act on an authorization level which is lower than the current appropriation level.

**Senator Coons:** Might I speak, Mr. Chairman?

**The Chairman:** Senator Coons?

**Senator Coons:** I deeply respect the tension between you and Chairman Menendez and mine and I suspect many other members' enthusiasm for returning the Peace Corps robustly to the field. I believe in it as a model and I intend -- in fact, I have just specifically been working through how we get as robust an appropriation for the Peace Corps as possible given very real constraints in this year's appropriation process.

In any event, what language appears in this bill will not set the amount that is appropriate, without putting too fine a point on it. This will not prevent us from appropriating above the authorized level.

**The Chairman:** So much for the importance of this committee.

[Laughter.]

**Senator Coons:** Well, if this is the price of getting a State Authorization bill --

**The Chairman:** No, this is separate from State Authorization. This is -- we are outside of State --

**Senator Coons:** I am sorry. If this is the cost of getting the Peace Corps authorized for the first time in decades.

**The Chairman:** I get it. I get it.

**Senator Coons:** We will hash out that gap.

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**The Chairman:** Well, if you can convince Senator Risch and the minority to join you in upping the amount I will happily do it. But I do not hear any voices urging --

**Senator Cardin:** Mr. Chairman, I am not going to offer my amendments because I do not want to disrupt the relationship you have in moving this bill forward. But I will cast a negative vote.

**The Chairman:** I understand.

Senator Merkley?

**Senator Merkley:** Thank you, Mr. Chairman.

I just wanted to share that recently on a trip to Vietnam and Indonesia, Vietnam has just reestablished the Peace Corps.

As we work with the ASEAN nations Peace Corps presence is a significant part of the soft power relationship that we have and this is particularly important in the context of the discussions we have been having about Chinese power in the region, and it plays such a powerful role in other places in the world in those relationships.

I am not sure that you have -- you are conveying that there is -- I have not heard the strong opposition to the role of the Peace Corps but perhaps it exists.

But I must say all I have seen is that it is a very powerful complement to our mission of supporting economic development and democracy in the world and I would certainly like to see us authorizing consistent with the appropriators. It is kind of an interesting dynamic that we have here, and if there was support on both sides of the aisle I would sure like to see us adopt one of Senator Cardin's approaches.

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**The Chairman:** So would I but I hear no voices rising to the occasion. So in the absence of that, I think an authorization is important. It has been rudderless for so long.

We will continue to work to build up its appropriation. The cardinals at the appropriation will do what they want to do, and away we go.

You want to talk about being a cardinal? Is that it?

**Senator Van Hollen:** Sorry. I do not want to -- well, I do. I do, Mr. Chairman, because I want to make -- I share my senior Senator's concern about this and I want to make sure I understand what is happening here because as I understand Senator Coons he is saying that the current appropriations would exceed the authorization level in this bill.

It will likely, I know, but which does beg the question about whether this is sending a signal to reduce it in future years, which is I think Senator Cardin's concern. Maybe Senator Coons can weigh in on that because --

**Senator Cardin:** Well, you ignore us is what you are saying.

**Senator Coons:** We do -- we do not ignore you, speaking as someone who serves on both committees.

**Senator Shaheen:** Can we vote?

**The Chairman:** If they want to close the vote they can close the vote. They do not need my vote. It is okay.

Gentlemen and ladies, all I can tell you is I totally share your desire. I would have appropriated it -- authorized it at a much higher appropriation. That is not the

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art of the possible here and I think everybody can cast their vote accordingly and I will respect whatever that is.

I am moving for an authorization because without it I just think that everything else about the Peace Corps does not get handled appropriately.

**Senator Risch:** I would ask for the question.

**Senator Cardin:** It is okay to have a voice vote as long as I am recorded.

**The Chairman:** Of course.

All right. Since there is no one else to speak to the legislation is there a motion to accept a voice vote?

**Senator Kaine:** So moved.

**The Chairman:** So moved.

**Senator Risch:** Second.

**The Chairman:** Second.

All those in favor will say aye.

All those opposed will say no.

**Senator Cardin:** And I will be recorded as a no.

**The Chairman:** Senator Cardin shall be recorded as a no.

I ask unanimous consent that the staff be authorized to make technical and conforming amendments. Without objection so ordered, and with that this business meeting is adjourned.

**[Whereupon, at 1:21 p.m., the meeting was adjourned.]**