

Business Meeting

Wednesday, December 7, 2022

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

The committee met, pursuant to notice, at 10:05 a.m., in Room S-116, The Capitol Building, Hon. Robert Menendez, chairman of the committee, presiding.

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

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

The Chairman: This business meeting of the Senate Foreign Relations committee will come to order. I know there are many members who have different demands, so I want as much as possible at least to move this part along. Today, we are considering 19 nominations, 2 FSO list, 6 bills, and 7 resolutions.

We have received a holdover request for S. 4824, the North Korea Policy Oversight Act, which the chair will honor. Since this is the final legislative business meeting of the year, and the last for Senator Portman, whom I will speak more about in a moment, I want to thank everyone for their hard work over this session, especially the ranking member and his staff for their work on the legislative items we are taking up today, as well as the nominations that we are taking up, which are critically important.

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Our committee is at its best and most relevant when we are legislating on the important issues of our time, and I am proud to say that is exactly what we have done during this Congress, taking up dozens of critical bills.

Our productivity is truly a testament to the strong bipartisan work of many members of this committee. Turning to today's agenda, first, the nominations. I am pleased that we are considering 19 nominations and 2 FSO lists.

In the interest of time, I will not speak about the nominees individually, but simply note they are well-qualified and should be confirmed quickly. I urge all of my colleagues to support these nominations today and work towards a swift confirmation. We will also vote on six bills and seven resolutions.

I will just highlight a few. S. 3386, the End Tuberculosis Now Act. TB is preventable, treatable, and yet 10 million people are infected with TB every year. Around 1.4 million people die from this disease. Most are in developing countries. Many of them are children.

The End TB Act, which I introduced with Senator Young, will make preventing, diagnosing, and treating TB around the world a priority for U.S. foreign assistance, and it will ensure that this assistance is carried out with the best possible practice, with innovative technologies, and a strong Congressional oversight.

S.Con.Res.47, the commending Iranian protesters' bravery, is a resolution commending the bravery of the women and men who have been protesting in Iran for the last few months following the death of Mahsa Amini. We have all watched the brutal tactics of the Iranian regime and its security forces.

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We all know the long, sordid record of Iran's human rights violations and the pointedly misogynist practices that form a pillar of the revolution -- [technical problems] -- ideology. We have also seen the courage of the women and men of Iran in the face of these violent crackdowns, internet shutdowns, widespread detentions, and death sentences issued against protesters.

Their persistence to continue their collective acts of civil disobedience, their bravery on display every day for the last 90 days is nothing short of inspirational. This resolution, which I introduced with Senator Blackburn and a number of members of this committee, and which was marked up in the House yesterday, is a humble attempt to acknowledge the courage of the Iranian protesters.

We are going to do everything we can to support them, and I urge all of our colleagues to support it. Finally, there are several Ukraine related items on the agenda. These include a resolution condemning Russia's heinous acts against the Ukrainian people as genocide, calling for accountability for war crimes, a bill to give Congress more information on human rights abuses in Ukraine, and a resolution acknowledging the brutal famine in 1932 in Ukraine as a genocide.

As Russian bombs continue to fall, as Putin is directing his aim not just at civilians but Ukrainians' electricity and water supply, this committee remains steadfast, resolved, and in solidarity with Ukrainians as they confront a winter without heat, separated from loved ones and fighting for their lives.

I commend Senators Risch, Young, Kaine, and their co-sponsors for these important items. With that, let me turn to the distinguished ranking member for his remarks.

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

Senator Risch: Well, thank you, Mr. Chairman. First of all, this is a robust calendar, and thank you, Chairman, for working so closely to get this done. I think we usually fail to recognize the contributions of staff, and these things do not happen without the work of staff.

So, I want to congratulate staff on both sides and recognize their efforts in this regard. Let me talk briefly about S.Res.713. This is my own resolution recognizing Russian actions in Ukraine as a genocide.

I would like to thank in particular Senator Cardin, who joined me as a co-sponsor on this, as well as Senator Shaheen and Portman, and others not on our committee for working with me on this important resolution. We should not act in haste to quickly label something as genocide. But the scope and scale of Russia's atrocities is so systemic, any other description is lacking.

Putin has made it incredibly clear in his actions and his words that his goal is to erase the Ukrainian people's identity. I have seen firsthand his brutality in Irpin and the Kyiv region. The key to determining genocide is the intent to destroy in whole or in part, a national, ethnic, racial, or religious group. That is a quote from 18 U.S.C. 1091. And this is precisely what Putin is attempting to do in Ukraine.

I urge my colleagues to support S.Res.713 so we can continue to support the Ukrainian people in their fight for survival. Also on the agenda today is S. 4064, the International Nuclear Energy Act.

My bill with Senator Manchin is designed to promote engagement with ally and partner nations to develop a civil nuclear export strategy and offset China and Russia's

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growing influence on international nuclear energy development. We are at a critical point in the fight for energy security.

Whether the goal is to reduce energy dependence on Russia or support clean energy innovation, more and more countries are looking towards nuclear energy for their future energy security.

Exporting new and advanced technologies like small modular and micro reactors, which are developed in my State, in Idaho at the Idaho National Lab, helps our partners meet their energy needs and is a strategic imperative in great power competition with Russia and China, both of whom aim to export nuclear technology to meet their own political ends.

When nuclear technology is exported, the relationship is not temporary, but one spanning decades. This is the opportunity to make sure long-standing relationships are with us instead of our adversaries. This bill promotes U.S. interagency coordination and prioritization of civil nuclear exports, provides new tools for U.S. agencies to improve and fund civil nuclear projects in partner countries.

I urge my colleagues to support this legislation. I am also glad we are able to move forward on a number of career nominees who have been waiting to get these important posts. In particular, I am glad we are able to move our nominee to be Ambassador to Russia.

As we all know, this will be an extremely challenging post, from ensuring the process and the care of Americans illegally detained in Russia, to the daily challenges of maintaining effective embassy operations under strenuous conditions.

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I appreciated the transparency and open dialogue that the former Ambassador Sullivan had with this committee, and we have high hopes for the same from Ms. Tracy, if confirmed. I plan to support her and all the nominees that are before us today. I would be remiss if I did not recognize Senator Portman on his last business meeting here.

Rob, you have been a great friend, a supporter, and I cannot tell you how much I have enjoyed collaborating with you. You always bring calmness to the situation regardless. Thanks for your solid work, and I know that whatever path you take, and your wife, I know that both of you will enjoy it and do a really good job at it.

So, thank you. Thank you for your service here. Thank you on behalf of the committee. So with that, Mr. Chairman, I would ask that the members have the ability to register a no vote if in block. Thank you.

The Chairman: I and others will have several things to say about Senator Portman. And so, and we look forward to that opportunity.

Without objection, we will now consider in block, several nominations and three FSO lists. They were all listed in the committee's notice. Is there a motion to approve these nominations in block?

Senator Shaheen: So moved.

The Chairman: So moved.

Senator Risch: Second.

The Chairman: Now seconded. Anyone who wishes to speak to any of these nominations? If not, all those in favor, will say aye.

[Chorus of ayes.]

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The Chairman: All those opposed will say no.

[No response.]

The Chairman: The ayes have it and all of the nominations are approved and sent to the Senate for its consideration.

Senator Barrasso: Mr. Chair, I would like to submit a list of those for which I would like to incorporate as a no.

The Chairman: And that will be done. If you would do it before the end of the day, I would appreciate it. But we will honor that.

Next, without objection, we will now consider in block six bills and seven resolutions as noted for this business meeting, including substitute and manager's amendments minus the legislation that was held over.

All of the legislation in the agenda was listed in the notice, and so I would entertain a motion that these items be considered in block. Is there a motion to that effect?

Senator Cardin: So moved.

The Chairman: So moved. Is there a second?

Senator Risch: Second.

The Chairman: Moved and seconded. Is there anyone who wishes to speak to any of these pieces of legislation? If not -- yes, I am sorry. Senator Markey.

Senator Markey: Thank you very much. Yes, I would like to speak to the legislation that is focused on export of nuclear power plants from the United States as a specific target of this legislation.

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The stated goal of the International Nuclear Energy Act is to help allies and partner nations counter China and Russia's growing influence on international nuclear energy development.

It is important to help our allies around the world, but to single out an individual technology that is not greenhouse gas emitting and not to have a plan to help those countries with all non-greenhouse gas emitting technologies I think is a mistake. I will give you the numbers.

Last year, in the world, 95 percent of all new electricity generation capacity that came online last year was renewable. Can I say that again? Last year on the planet, 95 percent of all new electrical generation capacity was renewable.

And according to the International Energy Agency, it is going to be 95 percent every year, '23, '24, '25, 2026, across the whole planet. I will give you another number. Last year, across the planet, 235,000 new megawatts of renewable energy capacity was installed last year.

And the International Energy Agency says it will go over 300,000 new megawatts every year for the next three years. Now, let's contrast that with total new nuclear power last year, 7,000. So, in other words, 235,000 new megawatts of wind, solar, geothermal across the planet, and only 7,000 in nuclear.

Just in terms of the focus of this legislation, in terms of what we should be promoting -- and by the way, the largest exporter is China in terms of the renewable technologies. If we are going to focus upon what it is that these countries are purchasing, we should be focused upon the technologies that have already won in the marketplace of the planet.

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So just last year, 43 times more wind and solar were deployed on the planet than nuclear. And if you just come here to the United States, it has been a failure in the marketplace, notwithstanding \$12 billion, Federal loan guarantee, Federal taxpayers' money, \$12 billion.

The Vogel nuclear power plants in Georgia, which only promised to deploy 2,400 megawatts of nuclear, have so far been in construction for 13 years, and the total cost is \$30 billion to produce 2,400 megawatts. So, from my perspective, and as we look at this legislation, it should be broad. It should focus on the kinds of technologies that are winning in the marketplace.

Obviously, those are the kinds of technologies that people are looking for, and we have to get in this race. So to the extent to which we are focusing upon non-greenhouse gas emitting technologies, we are focusing upon technologies that China is marketing around the world, this bill should in fact make it clear that it is all non-greenhouse gas emitting technologies.

And there are also nonproliferation questions. And I thank you, Mr. Chairman, I thank your staff because they you were good in including new language.

And I thanked you over the last day, which is a requirement to countries receiving advanced nuclear reactors, have an additional protocol with the IAEA in the process of negotiating, which I think is very important in dealing with the issues of nonproliferation.

Because we know nuclear -- civilian nuclear power was the route that Iraq was taking to a nuclear bomb, that Pakistan and India took to a nuclear bomb, that North Korea took to a nuclear bomb, that Iran took to a nuclear bomb.

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So a strong protocol is obviously very important if we are going to be moving in this direction. So my bottom line on this --

The Chairman: If the Senator wishes to summarize, I would appreciate it before we lose quorum --

Senator Markey: No -- yes -- my bottom line on this is that we should be advancing all non-greenhouse gas emitting technologies. To single out one, I think, does not deal with the reality of how the global marketplace has now completely moved to renewables in pretty much every country, and that that would have been a better focus for the bill. But I yield back. Thank you, Mr. Chairman.

The Chairman: Thank you. Is there any other member who wants to comment on this legislation? I would be happy to stay as long as anybody wants for the record. If not, Senator --

Senator Coons: I think we will lose the quorum if you do that.

The Chairman: Yes. Can we hold a vote on the pending legislation? And then I will entertain whatever remarks any member wishes to have. Is that acceptable just so that we can move -- I know that you want to raise an issue --

Senator Coons: I can be extremely brief.

The Chairman: Okay.

Senator Coons: My comment is in regard to what is not on this list today, and that is the Mekong Delta bill that Senator Sullivan and I put forward. Five ASEAN countries are very concerned about China's impact on the Mekong Delta. I had a chance to speak with the chair and the ranking member yesterday.

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And so, thank you very much to both of you. I am disappointed it is not here, but I will just make sure I have an understanding with the ranking member that our teams will work together to look at this and try to resolve any concerns and put this back forward at the start of next year.

The Chairman: Well, I strongly support the Senator's legislation. I have asked for it to be on the agenda. Unfortunately, we have not gotten concurrence, and I hope that we can find a way to work forward to achieve the goal of having your legislation up for a vote.

Senator Shaheen: Mr. Chairman, can I get a clarification? I did not understand, Senator Markey, are you offering an amendment to the S. 4064 --

Senator Markey: I am not. I think the votes are not there. So, I am going to vote no on final passage. I realize the votes are not there, but I just wanted to raise the concerns, which we should all have.

Senator Van Hollen: Mr. Chairman, just 15 seconds max on this issue. First of all, I want to thank you and your team for incorporating the nonproliferation amendment that is in there. May want to work with you on an ongoing basis to address what is called the gold standard.

As you know, the UAE agreement met gold standard criteria. And criteria that are in the amendment are a big step forward but do not get us completely there. This is a good debate to be had.

And so, I am going to support the amendment, and I want to thank you for your support of the other amendments.

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The Chairman: I would ask for a motion to approve the legislation or resolutions in block. Is there such a motion?

Senator Risch: So moved.

The Chairman: Is there a second?

Senator Shaheen: Second.

The Chairman: Moved and seconded. All those in favor, will say aye.

[Chorus of ayes.]

The Chairman: All those opposed, will say no.

[No response.]

The Chairman: The ayes have it. And a majority of members present having voted in the affirmative, the items are agreed to, is sent to the Senate for its full consideration. Senator Markey.

Senator Markey: Thank you, Mr. Chairman. And I would like to be recorded no on the International Nuclear Energy Act.

The Chairman: Senator Markey will be recorded as no. Thank you, Senator Coons, for hanging in there.

Senator Barrasso: Mr. Chairman, I have a list that I will submit as well for the record.

The Chairman: Senator Barrasso's list will be accepted as well. This completes the committee's business. Before we end, first of all, I ask unanimous consent that staff be authorized to make technical and conforming changes. And without objection, that is so ordered.

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Two -- well I cannot say both of them are joyful. One is joyful, one is, in my perspective, not so joyful. Today is our clerk's birthday, John Dutton's birthday. So John, thank you so much for all the great work you do. Congratulations. Happy birthday.

[Applause.]

The Chairman: And I would like to close, and I know others will have some words they would like to choose as well, with a word about Senator Portman, who has served this committee since 2017.

From his fervent defense of Ukrainians, I know of no one who has been more fervent in his defense of Ukrainians in the face of Putin's aggression and brutality, to his unwavering support for the state of Israel and our relationship with Israel, to his commitment to combating the North Korean regime, Senator Portman is the embodiment of an American public servant whose values and ideals have shone through at every turn.

Rob, it has been an honor and a privilege to serve with you, alongside with you each and every day, to most recently travel with you and Jane, where we got to know each other even better.

And certainly, we wish you all the best in the future. We have a resolution by the entire Senate Foreign Relations committee expressing our admiration and appreciation of you and your work. Your absence is going to be felt here, at hearings, at business meeting, on the Senate floor.

I hope you are going to miss working with us as much as we are going to miss not having you with us. And we certainly want to extend our most sincere, best

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wishes to you, to Jane, who is here with us today, for a great future ahead. Thank you.

[Applause.]

The Chairman: Senator Cardin has asked to be recognized.

Senator Cardin: Mr. Chairman, this is a bittersweet moment. Senator Portman, Congressman Portman and I have been together on many issues for many, many years.

Rob is a very serious legislator and wants to get things done. He takes on some of the most challenging issues. He got me engaged in working the nuts and bolts of the IRS. Who else would be interested in that type of an issue?

[Laughter.]

Senator Cardin: But it was with such passion that he got engaged in that issue because he recognized that we have to make sure our agencies work. I have been with Rob on tax issues, pension issues, on health care issues.

Today, we are talking about foreign policy. I was with Rob in Kyiv and saw the passion he had for the people of Ukraine. We observed an election together. I have been with him in the Middle East, have been with him in South America.

He is an incredible legislator who wants to do what is right for our country and has reached across party lines in order to get things done.

But the real hero in this story is Jane for putting up with all of this. So, Jane, congratulations on everything that you were able to sacrifice so that we could have --

[Applause.]

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Senator Cardin: You know, Rob cannot hold a job for very long anyway. He has gone from one job to the other, so he might be returning in a different capacity. You never know. But anyway, Rob, we wish you the best and thank you so much for your service to our country.

The Chairman: Any other members wish to -- Senator Risch has already expressed his admiration. Senator Shaheen.

Senator Shaheen: Well, I have to, as the only woman on this committee, I have to weigh in here because I think both Ben and the Chairman have talked about your interest in policy and your trips to Ukraine and other parts of the world.

And I have appreciated that, appreciated your commitment to the Ukrainian people and to supporting this war effort. But you have also been there on human rights issues that I think have made the difference in a number of hearings, and for women and girls.

And so I very much appreciate that and thank you, and join, I know all of my colleagues, in saying how much we will miss you.

Senator Romney: I cannot resist. Can I say something?

[Laughter.]

The Chairman: But only if it is nice.

[Laughter.]

Senator Romney: I just have to note that with all these glowing things, that he is a real pain in the rear.

[Laughter.]

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Senator Romney: He -- in my debate prep in 2012, he represented the opposition, which was President Obama. He prepared every night. We came and he beat me up in every one of these debates.

[Laughter.]

Senator Romney: I could not stand the man, but I did decide that if I became President, he was going to be my Chief of Staff. So you guys -- you guys really missed out by not having him in that role.

He is a great friend and has been a tireless advocate for one thing after the other. When we were dealing with the infrastructure bill, and Rufus began to negotiate that, there were, I do not know, ten different subcommittees that were established. And he was wise enough to say we had to have one person that oversees all of them and gets involved in every single one.

And he took that role. I thought it was impossible for any one person to do. He took that role, was personally involved in every one of these subcommittees to make sure the process proceeded to a final conclusion.

He is a remarkably dedicated and devoted person to the country and the things he believes in. Jane, you can do with him as you want. I am happy that you are here to see this recognition, but a great friend and a great legislator and a great American.

Senator Van Hollen: Mr. Chairman, if I could just very briefly. I first got to know Rob well on what is now called the not so super committee. But Rob is an important part of what made that a special effort, and it was the one super thing about it, was getting to work more with you, Rob, back then and continue to work on other issues. So thank you for all your efforts to try to move our country forward.

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The Chairman: Senator Portman.

Senator Portman: Mr. Chairman, let me just say briefly, thank you for not introducing this resolution while the rest of my colleagues are here so that they could object to it.

[Laughter.]

Senator Portman: And it has been great. You know, the history of my involvement with this committee is that I did not want to be on it. I actually asked our leadership to put me on the Armed Services committee and I was already on the Finance. And they said, you know, you are already on a super eight committee. No way. But we could use somebody on Foreign Relations.

I said, okay, I guess I will do it. Corker in particular was twisting my arm. This turned out to be my favorite committee. And I guess in part because of the topics and America's role in the world is something that we all are passionate about.

But partly it is the leadership. I served under Chairman Corker, Chairman Risch, and now you, Chairman Menendez. And all three of you have given me responsibility, empowered people. You have listened and been respectful.

And that makes it a pretty special committee. So today, I mean can you believe we just by unanimous consent ended up approving a couple of dozen ambassadors and a lot of important resolutions, including one from Senator Risch that I worked with him on, on the Ukraine genocide.

As discussed, that is passion of all of ours, and know that I will miss having this platform to be able to discuss my involvement. So, to you, Mr. Chairman, thank you

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very much for the way you have handled this committee. Chairman -- former Chairman Risch, Ranking Members, thank you.

And to both of you, thank you for your friendship. I am particularly pleased that Jane Portman got to hear some of these fictitious comments.

And to admit the truth is that playing the role of President Obama was easy because I had all my notes in front of me, and I was able to, you know, go right to some of these tough issues. But as some of you say in that first debate, he was more equipped to the task.

So anyway, it has been great serving with all of you. I will miss this committee a lot. And I thank you for giving me the honor of serving with you.

[Applause.]

The Chairman: On behalf of Senator Risch and I, and the whole committee, we have a resolution. And I am not going to read it all, but we do want to present it to you.

There are few signatures, just because members just did not arrive today in time, which we will get. I am sure it will be unanimous. I would note that the whole Democratic side is filled out already.

[Laughter.]

[Pause.]

The Chairman: With that recognition, the work of the committee is finished, and this business meeting is adjourned.

[Whereupon, at 10:33 a.m., the meeting was adjourned.]