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*Thursday, January 12, 2017*

**BUSINESS MEETING**

U.S. SENATE  
COMMITTEE ON FOREIGN RELATIONS  
115<sup>TH</sup> CONGRESS, FIRST SESSION

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COMMITTEE ON FOREIGN RELATIONS  
WASHINGTON, D.C.

1           The committee met, pursuant to notice, at 12:00 p.m., in Room S-116, The Capitol,  
2 Hon. Bob Corker, chairman of the committee, presiding.

3           Present: Senators Corker [presiding], Risch, Rubio, Gardner, Young, Barrasso,  
4 Isakson, Cardin, Menendez, Shaheen, Coons, Udall, Murphy, Kaine, Markey, Merkley,  
5 and Booker.

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

6           **THE CHAIRMAN:** I would like to call the Foreign Relations business meeting to  
7 order. I want to thank everybody for cooperating and having this occur again today.

8           Obviously, we always want to deal with people's concerns and issues, and I want  
9 to one more time thank people on both sides of the aisle for the way the hearing went  
10 yesterday. I thought it was serious. I thought the questions were -- it does not matter  
11 what I think, I realize. But I just thought the hearing went extremely well, and I want to  
12 thank everybody for cooperating in that.

13           Today, we are going to consider S. Res. 6, objecting to the UNSCR 2334  
14 resolution. I would like to thank Senators Rubio and Cardin for their work on this.

1 Most of the members of this committee have cosponsored this, and I want to thank  
2 them as well.

3 I know the goal is to have impact on what is happening this weekend in Paris. I  
4 certainly want to work with all of you all on any follow-up legislation we might want to  
5 do that is not being done for a specific issue, but maybe to address this issue in a much  
6 bigger way and maybe do so legislatively. We all realize this is more to send a signal to  
7 those who are dealing with the Paris meeting this weekend.

8 So, with that, I would love to have any comments, hear any comments our  
9 outstanding ranking member has to say and anybody else, and we will move to it.

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

10 **SENATOR CARDIN** Well, first, let me just concur on your observations about  
11 yesterday's hearing. I was proud of each member of the committee at the seriousness  
12 that we took our responsibilities and the questions that were asked. I look at what other  
13 committees are doing and I recognize that Senator Corker, within reason, tries to  
14 accommodate every member of our committee with the time that he or she needs in  
15 order to pursue the lines of questioning, that we had ample time to ask multiple rounds  
16 of questions, and the chairman never showed any impatience.

17 And I just thank you for that because it allowed our members to develop the  
18 concerns that they had and what information that they needed, and I thought our

1 committee really carried out its responsibility in the way we should at a confirmation  
2 hearing. So on behalf of the Democrats, I want to thank our chairman for the way --

3 **THE CHAIRMAN:** Thank you.

4 **SENATOR CARDIN:** -- that the hearing was conducted.

5 **THE CHAIRMAN:** Thank you.

6 Are there any members that wish to speak to the issue?

7 **SENATOR CARDIN:** If I could just, one quick --

8 **THE CHAIRMAN:** Yes, okay. I am sorry.

9 **SENATOR CARDIN:** -- because I want to really, first of all, thank Senator Rubio  
10 and the other members of the committee that have worked on this. What we have  
11 attempted to do here in this resolution is to express ourselves against the actions taken  
12 in the United Nations Security Council and to make it clear that we do not want to see  
13 anything further happen in Paris over the weekend. That is the essence of this  
14 resolution.

15 We believe, and I think everyone here believes, that the only way there is going  
16 to be peace between the Palestinians and the Israelis, is that they directly negotiate the  
17 terms of the peace agreement. It will not be negotiated in the United Nations, and quite  
18 frankly, it will not be negotiated in the Senate Foreign Relations Committee. It is going  
19 to be negotiated between the two parties.

1           So I want to thank Senator Rubio because there were efforts made by many  
2 members to say, well, can we not really deal with this issue or that issue? And we did  
3 not deal with any of the substantive issues because that was the essence of the reason  
4 why this resolution was being adopted. We do not think the United Nations Security  
5 Council should interfere with it. We do not think the United States Congress should.  
6 So our objective was to voice ourselves against what happened in the United Nations.

7           I want to make one other personal note, if I might? I am, as I think most people  
8 in this room know, a strong supporter of President Obama's foreign policy. I believe he  
9 has been a strong President in supporting U.S.-Israel relations, and I have said that on  
10 numerous occasions in front of different groups. He has been able to provide the type  
11 of financial assistance, particularly in the realm of security, defense. He has protected  
12 Israel in so many different forums, and he has represented Israel's interests among some  
13 very hostile countries.

14           I think the United States administration made a mistake in not vetoing this  
15 resolution, and that is what this speaks to. We have a responsibility to speak out on  
16 that, but it does not diminish my admiration for our President or for our Secretary of  
17 State, who I think has been absolutely incredible in trying to seek peace between the  
18 Palestinians and the Israelis.

19           **THE CHAIRMAN:** Senator Rubio?

20           **SENATOR RUBIO:** Thank you, Mr. Chairman, for scheduling this today.

1 I wanted just to make a couple points. In my view, this is, as much as anything  
2 else, about the goal of advancing peace. It is my belief, and I think the majority of the  
3 members of this committee, that the only way there is ever going to be a resolution to  
4 this issue is if the Israelis and the Palestinians directly negotiate with one another and  
5 reach an agreement and that anything that they try to impose from the outside in is  
6 counterproductive, as we have already seen.

7 We have seen the comments of the prime minister of Israel and his government  
8 and their reaction to this, and the United States plays a critical role in that regard. And  
9 what this intends to do is to state the position of what I believe is the vast majority of  
10 members of the United States Senate in the context of this gathering in Paris that is  
11 going to occur, I believe, beginning this Sunday and Monday and hopefully set the tone  
12 moving forward.

13 I honestly believe that we are advancing the cause of peace by hopefully nudging  
14 this in a direction that would require the parties to negotiate face-to-face, one-on-one on  
15 the terms of any long-term solution to this vexing problem. And I hope that it is viewed  
16 in that regard because that is ultimately the goal here.

17 I am convinced that the Israelis would love to have peace and would love to  
18 resolve this issue. So there are a lot of specific language in the Security Council  
19 resolution that are troubling to many of us that I think sets back the cause of peace, and  
20 that is what this is designed to do.

1           And Senator Cardin is correct. There are a lot of other things we could have  
2 added to this. Up until early this morning, I had people suggesting this language or  
3 that language, perhaps things I agree with. But this was not designed to make a point  
4 for political purposes. It was designed to try to create a product that the overwhelming  
5 majority of Senators were comfortable with, even if it left out things that perhaps some  
6 of us would have liked to have seen in it. And so I hope we can get it done today.

7           **THE CHAIRMAN:** So we have some amendments, and there will be time for  
8 people to speak on those, too. I just want to make people aware. We have the Kaine  
9 amendment. We have the Udall amendment.

10           But if there are other people that would wish to speak to this prior to that,  
11 please? Yes, sir.

12           **SENATOR COONS:** Briefly, if I might, Mr. Chairman, Ranking Member. First,  
13 thank you for a very full, thorough hearing process yesterday and the way in which you  
14 both conducted it. Thank you for embracing the fact that my colleague Senator Udall  
15 really wanted the opportunity to weigh in on this. Again, from a process perspective,  
16 that is important.

17           I could not agree more with Senators Cardin and Rubio. We are at a very difficult  
18 moment in Middle East peace, and I do not think any step that encourages the  
19 Palestinians to seek U.N.-directed resolution of what should be resolved through direct  
20 negotiations is constructive.

1 I am a cosponsor of this resolution. I mean no disrespect to Secretary Kerry,  
2 whose tireless work to try and advance peace I deeply respect. I was just  
3 uncomfortable with the timing and content of this action at the United Nations and  
4 think the initial resolution bared, stripped down, focused just on that issue is what we  
5 should adopt.

6 **THE CHAIRMAN:** And if you remember when Secretary Kerry came to lunch, I do  
7 not think they planned to advance anything anyway. I do not think this is actually  
8 countering anything that they are going to be attempting to do this weekend.

9 Any other? Yes, sir. Senator Isakson?

10 **SENATOR ISAKSON:** Thank you, Mr. Chairman.

11 I just wanted to address that point for a second. I thank Senator Cardin, Senator  
12 Rubio, and the other Senator – Coons -- for working on this. But you know, the effect of  
13 the -- relative to the abstention, the effect of the resolution undermined the consistency  
14 and continuity of the United States position on an issue at which we are changing  
15 administrations.

16 And if you are anywhere else in the world and that vote took place within the  
17 context of us changing administrations, it sent some uncertainty in terms of where  
18 America really was by the fact that it was cast. So I know that it was only intentioned to  
19 have a follow-up surprise, but I think it is very important that we reestablish the fact it  
20 is true that we are united in the policy of the United States, and this is the way we get to



1 the solution. We do not want to have any lack of confidence now going back to the  
2 U.N.

3 **THE CHAIRMAN:** Anyone else?

4 [No response.]

5 **THE CHAIRMAN:** Let me -- I will make one last comment then before we move to  
6 Senator Kaine's amendment.

7 I hope this is okay. Senator Cardin and I were coming over here together. We  
8 happened to ride the elevator together. And I guess what is concerning is you are  
9 beginning to see a fraying in the support for Israel, and you have got people that are  
10 trying to move things on the right, right, right. You have people on the left, left, left  
11 that are trying to move things.

12 And I think one of the things that has caused Israel to be able to function in the  
13 way that it has -- and look, every friend that we have sometimes does things that, you  
14 know, you wish did not happen. But the way they have been able to survive in the  
15 region has been because Congress has been so uniformly mostly behind them. And so  
16 we are starting to see some forces that would fray that.

17 I know that Senator Rubio and Cardin tried to craft something that was unifying  
18 and, as was mentioned, leave out things that might cause people to be dissuaded from  
19 the resolution. But look, this is where we are, and I really appreciate the fact that if a

1 member feels strongly about something, they can voice it. We can deal with it, and  
2 again, it just gives me even more respect for the committee process that we have.

3 So, with that, the Kaine amendment is the first amendment. I do not know if you  
4 want to speak to it?

5 **SENATOR KAINE:** Just briefly. Thank you, Mr. Chair.

6 This is, I believe, a friendly amendment. It is in the seventh paragraph of the  
7 "resolved" clause. In the "resolved" clause, we resolve a number of --

8 **THE CHAIRMAN:** Actually, let me do one thing first.

9 **SENATOR KAINE:** Yes.

10 **THE CHAIRMAN:** Can we motion it first, and then we will talk to it?

11 **SENATOR KAINE:** Oh, yes. I move the amendment be --

12 **THE CHAIRMAN:** Is there a second?

13 [Second.]

14 **THE CHAIRMAN:** Moved and seconded. Sorry. Go ahead.

15 **SENATOR KAINE:** This would be discussion. The seventh "resolved" talks --  
16 basically urges future administrations to take a position vetoing all United Nations  
17 Security Council resolutions that seek to do any of three things: one, insert the Council  
18 into the peace process; two, recognize unilateral Palestinian actions; or three, dictate  
19 terms and timeline for a solution.

1           We should be vetoing resolutions that recognize unilateral actions. We should be  
2 vetoing resolutions that dictate terms and solutions. But the idea of telling all future  
3 administrations to veto all resolutions that insert the Security Council into the peace  
4 process I think is a bad idea because I could foresee a whole lot of positive Security  
5 Council resolutions.

6           The whole idea of the two-state solution was a U.N. guarantee. There could be a  
7 negotiation between the parties that they would want U.N. help in providing security  
8 assistance. If there is an intifada and the U.N. Security Council wants to do a resolution  
9 saying this is -- and, you know, puts the pre-peace process back. I just think we do not  
10 know what future involvement of the Security Council will be, and we could exercise at  
11 the time the right to veto.

12           But I do not think we should tell the administration to veto every future  
13 involvement of the Security Council. It is something that they have been involved with  
14 in the interval since the 1940s. And so I would propose just to drop that one clause.

15           **THE CHAIRMAN:** We talked about this openly yesterday. I know that I have  
16 talked to the sponsors and others. I think we all support the amendment. That does not  
17 matter, of course. Everybody has their own view.

18           But I think that it is an amendment that everyone is in agreement with. And if  
19 there is no objection, I would like to have a voice vote on it, if that is okay?

20           **SENATOR CARDIN:** No objection.

1           **THE CHAIRMAN:** Okay. All in favor, say aye.

2           [A chorus of ayes.]

3           **THE CHAIRMAN:** All opposed?

4           [No response.]

5           **THE CHAIRMAN:** It carries. And with that, so it is amended. The resolution is  
6 amended.

7           And we will now move to the Udall amendment.

8           **SENATOR UDALL:** Thank you. I move the amendment, Mr. Chairman. And I  
9 would move that it be an en bloc amendment, be together.

10          **THE CHAIRMAN:** Both portions?

11          **SENATOR UDALL:** If that is --

12          **THE CHAIRMAN:** Is there a second?

13          [Second.]

14          **SENATOR UDALL:** Thank you.

15                 And let me just say to Senator Kaine, I support his amendment. And really, a lot  
16 of what I am trying to do in terms of moving this amendment is correct some things that  
17 I hope there is some agreement on.

18                 I also, at the beginning, just want to thank everybody. I realize it is an  
19 inconvenience to come back, and I very much appreciate the courtesies of the chairman

1 to come back and consider this. And it is something that I felt strongly about at least  
2 putting us on the record in an open session on this.

3 I also want to say that I really appreciate you, Senator Cardin and Mr. Chairman,  
4 in your bipartisanship in the hearing that we had yesterday and making it a true  
5 deliberative process. I think you set the tone, and I think it was a very, very good  
6 hearing to kind of set the tone as we move forward.

7 You mentioned, Mr. Chairman, this idea of the strain in the support of Israel. I  
8 just want to say at the beginning in offering this amendment that I could not be a  
9 stronger supporter of Israel, and I am on the Appropriations Committee. I intend to  
10 support Israel's defense, and this amendment should be taken in that light.

11 I am introducing this amendment as a friend of Israel, as I have said, and I  
12 strongly support funding. But I also believe it is important to speak truth to our friends,  
13 as Secretary Kerry and others have done on the subject of settlements. This resolution  
14 would send the wrong message globally about where we, as a body, stand on this  
15 subject, and I believe by doing so, we will do great harm to the cause of the peace and  
16 the two-state solution.

17 To begin with, the assertion that the recent Security Council resolution on two  
18 states does not, and I am quoting now from the "whereas" clause, allow "all final status  
19 issues toward a two-state solution to be resolved through direct bilateral negotiations  
20 between the parties." That, I believe, is objectively and factually false.

1           The U.N. resolution does not dictate or impose anything whatsoever. It is a  
2 nonbinding resolution passed under Chapter VI of the U.N. Charter and expressly  
3 reaffirms [inaudible] negotiations on the final status issues. This amendment attempts  
4 to correct some problems, as I see, that the resolution as introduced has.

5           First, the assertion that the Obama administration's decision not to veto the U.N.  
6 Security Council Resolution 2334 is inconsistent with longstanding U.S. policy. That is  
7 the quote from the resolution that is before us. It is just not accurate and should not be  
8 reflected in this resolution.

9           The U.S. administration from both parties supported or abstained on more than  
10 50 U.N. Security Council resolutions critical of Israel since 1967. So I think there is a  
11 factual issue here that is very important.

12           Second, the resolution's assertion that the U.N. Security Council is one-sided is  
13 also not supported by the fact that the U.N. Security Council expressly condemned, and  
14 I want to quote here, it expressly condemned "all acts of violence against civilians,  
15 including acts of terror, as well as all acts of provocation, incitement and destruction."  
16 And called "upon both parties to act on the basis of international law, including  
17 international humanitarian law, and their previous agreements and obligations to  
18 observe calm and restraint and to refrain from provocative actions, incitement, and  
19 inflammatory rhetoric." So I do not think the resolution itself was one-sided, and I think  
20 that that statement there shows that.

1 I am also very concerned that this resolution may be interpreted as a  
2 condemnation of President Obama and Secretary Kerry as they end their term.  
3 Expressing grave objection to the Security Council resolution, which was not one-sided  
4 and which reflected policies toward settlements by multiple administrations, is not the  
5 message we should be sending.

6 And I think all of us know that have served with Secretary Kerry on this  
7 committee, he has been a great advocate of Israel. He stood up and he has expressed  
8 himself, but he feels very strongly about these issues, as we saw at his farewell lunch.

9 That being said, I think expressing concern is something that Senators can agree  
10 on. Certainly, we do not have to all agree with the abstention or everything in the  
11 Security Council resolution.

12 And finally, in order to assure we are not interpreted as condoning settlement  
13 expansion, I think an additional language reaffirming this policy is needed. And  
14 without it, I fear we will simply be seen as condoning the expansion of settlements.

15 And so we put one line in that settles that -- that deals with the subject issue, and that is  
16 --

17 And as I just want to echo again this is offered in the in the vein of supporting  
18 Israel and believing by supporting Israel and being factually correct on things is the best  
19 way to have all the parties move towards a two-state solution, and they should be

1 negotiating with each other as we move down that road. These bilateral negotiations  
2 are very important.

3 **THE CHAIRMAN:** Before turning to Senator Cardin, I, first of all, thank you for  
4 your sincerity, and the first amendment, to me, the reason I do not like it is I really do  
5 not think that the U.N. Security Council is a place for this type of agreement, for this  
6 type of issue to be worked on. I think it just pushes them further apart.

7 The second piece does not differentiate on the settlements. I mean, there are  
8 settlements in the eastern bloc where Israel is going to expand. It is going to be per any  
9 agreements that have been looked at in the past. Those are places where settlements are  
10 going to exist.

11 So for that reason, I oppose your amendments. But I want to thank you again for  
12 the sincerity with which you have come forth.

13 With that, Senator Cardin?

14 **SENATOR CARDIN:** And let me also just join with Senator Corker, to say that  
15 Senator Udall and every member of this committee, this committee has demonstrated  
16 and each member of this committee has demonstrated the understanding of the  
17 importance of the strategic partnership with Israel to the United States.

18 And you have demonstrated through your work on this committee, on  
19 numerous actions that we have taken, the questions that you have asked during not  
20 only public sessions, but in private sessions; that it is the United States Congress; it is



1 the Senate, the Senate Foreign Relations Committee; it is the members of this committee  
2 that have been responsible for maintaining that strong commitment to our most  
3 important ally in the Middle East. So that is not at all in question here; we simply have  
4 different views on this amendment.

5 I oppose the amendment for many reasons, but when, Senator Udall, you say it  
6 does not change U.S. policy, look at the world reaction to what happened in the United  
7 Nations Security Council. First of all, the immediate reaction was applause by the  
8 Security Council, which is something that is pretty offensive, by the way, because they  
9 do not do that when passing resolutions.

10 This was looked at as a major shift of the U.S. position, and that is why we were  
11 very concerned by what happened. Now you then indicate you want to have the  
12 parties negotiate, but you really make it much more challenging. The Palestinians look  
13 at what is in the Security Council resolution as the first step to the Palestinians being  
14 able to use the United Nations to determine borders rather than the direct negotiation of  
15 borders. That is disastrous. That is disastrous.

16 And the Palestinians will use the United Nations and its institutions to carry that  
17 out. We have already seen them try to do it in many different ways. This resolution  
18 gives them additional strength in order to do that.

19 And the last point I would make is when you changed the language to say  
20 "expresses concern" with United Nations Security Council Resolution 2334\_that

1 language supports the abstention. That is why the United States abstained. They had  
2 concerns about it. If you disagree and believe that that resolution should have been  
3 vetoed, your amendment is inconsistent with that.

4 And I repeat what I said originally. What we attempted to do here in a  
5 nonpersonal way is to stress our views, as I think this committee has the expertise to do,  
6 as to the consequences of what happened in the United Nations Security Council.

7 And as well-intended as this amendment is, I would urge my colleagues to vote  
8 no.

9 **SENATOR RUBIO:** If I may?

10 **THE CHAIRMAN:** Senator Rubio?

11 **SENATOR RUBIO:** THANK you, Mr. Chairman.

12 The United States has actually repeatedly vetoed resolutions that sought to  
13 dictate final status terms. In particular, if you look at what the Security Council  
14 resolution states, this quotes from it. It "underlines that it will not recognize any  
15 changes to the 4th -- January 4, 1967 lines, including with regards to Jerusalem, other  
16 than those agreed by the parties through negotiations."

17 What that implicitly accepts is the narrative that the Jewish Quarter and the  
18 Western Wall are occupied territories. And that is one of the reasons why this was  
19 viewed as a major change in the American position towards these sorts of things.

1           And so, in the end, I have no doubt about your sincerity and your views about  
2 what you are offering, but the amendments you are offering go literally to the very  
3 heart of the purpose of this resolution to begin with. And if they were to be adopted, I  
4 think, render what we are trying to do here meaningless in terms of the point we are  
5 trying to drive.

6           And so I would urge, you know, my colleagues to oppose both amendments.

7           **THE CHAIRMAN:** Senator Murphy?

8           **SENATOR MURPHY:** Thank you, Mr. Chairman.

9           I want to thank Senator Udall for offering this. I make no secret of my belief this  
10 was a mistake, that the United States position should be to hold Israel harmless in a  
11 forum that is fundamentally unfair. And yet I am going to support Senator Udall's  
12 amendment because of the language that it retains, the first line of this resolution still is  
13 objecting to the United States -- United Nations Security Council Resolution 2334.

14           It still retains the language discussed by Senator Kaine that encourages future  
15 presidential administrations to veto any actions that set final terms, which I think  
16 speaks to Senator Cardin's point. And I would agree that the language in Senator  
17 Udall's amendment on settlements probably could be more refined, but I think it  
18 generally restates what has been the U.S. policy under both Presidents. I think people  
19 will generally understand it as such.

1           So I think this is an incredibly important resolution. I am going to support it.  
2   And again, it is in my mind this amendment makes it better, and I do not necessarily  
3   believe it has the gravity of amendments suggested by some of the sponsors. So I thank  
4   Senator Udall for offering it.

5           **THE CHAIRMAN:** Thank you. Senator Menendez?

6           **SENATOR MENENDEZ:** Mr. Chairman, I have deep respect for my colleague and  
7   his views, but I must say that I totally reject the resolution that was brought at the  
8   United Nations. Of 23 paragraphs that the resolution speaks to, there is one that speaks  
9   to the Palestinian Authority, specifically about its security forces having to maintain  
10  effective efforts against violence and terrorism. The rest of it is about Israel.

11           The rest of it is about Israel. I do not consider that balanced. I do not consider  
12  that balanced.

13           Secondly, in 25 years between the House and Senate Foreign Relations  
14  Committee, I have never seen the Security Council erupt in applause, erupt in applause  
15  over any action, including actions that should be far more consequential than this one.  
16  And so I have to say from my own view, and it is only my own view, that this is an  
17  institution that is largely anti-Semitic, from my view, by their actions. And I do not  
18  want to play into that.

19           And I really think that if the intended goal was to try to get the parties to  
20  negotiate to a two-state solution, I think that the actual actions that took place with the

1 United States moved them further apart. They emboldened those who are the hard-  
2 core right on settlements in Israel, and they emboldened the Palestinians to believe that,  
3 you know what, if I can get somewhere else, i.e., the United Nations and international  
4 institutions, what I want, why should I sit and negotiate?

5 So I think it did contra. I think it did damage, from my perspective, as it relates  
6 to the efforts towards a two-state solution, which I still support.

7 So for all of those reasons, I do not seek to amend. I do not question anybody's  
8 good intention, but I do not seek to amend the resolution as from where it is.

9 And I think it is incredibly important on the verge of the Paris negotiations, and  
10 while we heard Secretary Kerry here in the luncheon say there will be no further  
11 actions, you know what? The world is an unsettled place, and I am not about to take a  
12 risk that there will be an imposition from other powers upon something that when we  
13 impose settlements, at the end of the day, they never work.

14 Whether it was peace and justice in Northern Ireland or whether it is in other  
15 places, only when the parties come together and agree, ultimately can it succeed. And  
16 so I think having our voice heard and heard strongly at this time is incredibly  
17 important.

18 **THE CHAIRMAN:** Thank you. Senator Shaheen?

19 Senator Shaheen: Well, I do not disagree with what you said, Bob, and I share  
20 the concerns that have been expressed by everyone with respect to our abstention from

1 the U.N. resolution. But the question that I have got is whether the language that Tom -  
2 - the language of the resolution and the language that Tom is trying to take out of the  
3 resolution is really an effort to signal a different policy than we have had with respect to  
4 some of these issues, and is this an effort to go back at the Obama administration for the  
5 action that they took?

6 Or is this really designed to be sort of a neutral or a statement by the Senate, or  
7 does it actually move the line on what the U.S. policy has been on some of these issues?  
8 Because I agree with Tom that the line about the Obama administration's decision to  
9 vote, that first line, "whereas" clause, does not accurately reflect what historically has  
10 happened.

11 And so, you know, I am just trying to get at what the whole motivation is here.

12 **THE CHAIRMAN:** It would be my observation -- maybe I am wrong. I thought we  
13 talked a little bit about this before the meeting. But I cannot imagine that President  
14 Obama is paying one bit of attention to this resolution nor finds it offensive in any way.

15 **SENATOR SHAHEEN:** Yeah. No, and I am not -- I am not so much concerned  
16 about the President as I am about a point that Tom was making that this is not factually  
17 accurate.

18 **SENATOR CARDIN:** Well, if I may respond? I think it is accurate to the point, as I  
19 mentioned earlier, that the action taken here was a deviation from the U.S. position on  
20 one-sided resolutions and using the Security Council as a wedge towards tilting the

1 scales of direct negotiations. Not only was it a deviation from that, it was seen by the  
2 global community as a shift in U.S. policy.

3 And it was viewed as a help to the Palestinians, and it has been -- and I think  
4 Senator Rubio -- or Senator Menendez is absolutely right. It has caused a reaction by all  
5 sides that make it even more complicated for direct party negotiations, which has  
6 always been used.

7 **SENATOR SHAHEEN:** I am not arguing that, Ben.

8 **SENATOR CARDIN:** But -- my position is this. We have had a clear policy for a  
9 long period of time against one-sided resolutions, and this was clearly, I believe, a one-  
10 sided resolution. But more importantly, it was perceived by the parties as tilted  
11 towards the Palestinians and it will be used in negotiations.

12 **THE CHAIRMAN:** If I could just add probably -- and we are going to vote on this  
13 in a minute. People can express then. But I think the timing, too. I mean, if you add all  
14 of those things, it is a little bit of a shift to have a missile sent out, if you will, in the  
15 middle of a transition, when another group is coming in.

16 So there were many things about this that I think sent a very different signal --

17 **SENATOR SHAHEEN:** I am not arguing the action. I am questioning whether this  
18 resolution accurately reflects what American policy has been. I am not arguing we  
19 should have not -- we should have abstained.

20 **THE CHAIRMAN:** Senator Coons?

1           **SENATOR COONS:** We are in a very complex environment, a transition from one  
2 administration to another, a setting where a lot of [inaudible] are being read by the  
3 Palestinians, the Israelis, our allies, our adversaries around the world. I do think it was  
4 a strikingly unbalanced resolution adopted by the Security Council.

5           I am clear -- I share Secretary Kerry's deep, understandable, justified frustration  
6 at settlement activity and the unwillingness to make some accommodations that would  
7 advance peace. But I just do not think -- I think this carefully balanced resolution does  
8 need that reinserted here. I think demonstrating bipartisanship and moving us forward  
9 in a strong vote is ultimately more important. So I am going to vote against this  
10 resolution.

11           And then to the resolution -- but that does not mean I am not clear about the  
12 enormous challenges that changing circumstances on the ground have created. I just  
13 think anything that is encouraging the Palestinians to seek the U.N. as their answer is  
14 ultimately the most harmful thing we can be doing in the peace process. So I am going  
15 to support it as drafted.

16           **THE CHAIRMAN:** Any other statements? Yes, sir. Senator Merkley?

17           **SENATOR MERKLEY:** I share so much of what many have said here. Just a short  
18 while ago, Kerry was sitting in this room explaining his concern that the steady addition  
19 of new sites, new utilization of sites, infrastructure that was between Palestinians was  
20 making it --



1 Voice: Can you speak up, please?

2 **SENATOR MERKLEY:** Was making it day-by-day or year-by-year more difficult for  
3 us to actually have anything that would ever embody a two-state solution. And that if  
4 we do not succeed in that, there is going to be a festering sore that will affect the  
5 security of Israel through the balance of our lifetimes, and that has reverberations for  
6 the security of many nations.

7 So I feel that what Tom was attempting to do here is appropriate, that we  
8 attempt to have an accurate resolution and not have it interpreted as condoning a  
9 process that is slowly killing the two-state solution as an enduring resolution off which  
10 peace can be based. I will be supporting his amendments.

11 I also feel that the bulk of this resolution is -- I completely support, that the U.N.  
12 should not be -- I feel even with Tom's changes, it still says that, but I will be supporting  
13 it regardless of the outcome of those amendments. But I think we have not wrestled as  
14 much as we need to with processes that are slowly degrading the chance for a  
15 permanent peaceful resolution of the conflict.

16 **THE CHAIRMAN:** Very good. Are you all ready to vote?

17 **VOICE:** Can I ask, Mr. Chairman --

18 **THE CHAIRMAN:** I am sorry. Yes, sir.

19 **VOICE:** -- for your indulgence?

1           The one thing I have not heard in the course of this conversation, I had actually --  
2 I think it is really important to get the facts straight. Language matters in things like  
3 this. So I have not yet heard examples of United States policy, you know, actions,  
4 positions taken, votes taken, and Security Council abstentions that have occurred that  
5 are reflective of what just happened, you know? Can you cite other instances?

6           Actually, Secretary of State Kerry did the other day in the course of our lunch.  
7 He indicated that both in Republican and Democrat administrations, there were  
8 instances, he sort of vaguely said, where the United States had abstained under similar  
9 circumstances. My assumption was that we had a number of longstanding members of  
10 this committee or those who are familiar with the issue and we just kind of understood  
11 what he was talking about.

12           Can you cite examples where this has occurred? I mean, can we be a little more  
13 specific here? And maybe staff can help out?

14           **SENATOR UDALL:** I thank the Senator for the question, and I assumed most of us  
15 heard Secretary Kerry's farewell address where he cited specifically on the settlement  
16 policy in two different administrations where the United States had disagreed. I have  
17 had my staff now research just disagreement with Israel.

18           **VOICE:** Yes.

19           **SENATOR UDALL:** And we have -- he has a document right here, 50 -- 50 times.

20           **VOICE:** Yes.

1           **SENATOR UDALL:** If you want to see it and look at it, that is fine. I do not know  
2 that we need to belabor that. I mean, the point here is, is, as you know, this resolution  
3 that we are voting on makes it sound like that we have never taken this position before.  
4 And I do not think that that is accurate. I think the fair thing to do is change it so that  
5 we reflect U.S. policy.

6           And then the second thing, Senator, on this point of the resolution before the  
7 United Nations was about settlements. We basically do not deal with that issue.

8           That is why that one sentence that Senator Murphy has said I may not totally  
9 reflect what the policy has been, but the U.S. policy over many administrations has been  
10 that the settlement policy and the expansion of settlements hurts the ability of the two-  
11 state solution. And that is what I am trying to reflect in this one amendment.

12           **THE CHAIRMAN:** Let me ask you this. Would anybody object to try to reach  
13 consensus on what you are attempting to do?

14           Could we strike the first part of your first amendment, where it says "Whereas  
15 the --" I mean, strike the first part of the resolution you are trying to amend. It says,  
16 "Whereas, the Obama administration's decision not to veto the U.N. Security Council  
17 Resolution 2334 is inconsistent with longstanding U.S. policy."

18           Could we strike that out of the base text that Rubio and Cardin have offered, but  
19 leave in the part that says that it makes direct negotiations more, not less challenging?  
20 Would that accommodate your concerns, and would the --

1           **SENATOR RUBIO:** Well, it would be problematic for me.

2           **THE CHAIRMAN:** Okay.

3           **SENATOR CARDIN:** You would strike the "objecting to" language?

4           **SENATOR RUBIO:** No.

5           **THE CHAIRMAN:** No.

6           **SENATOR CARDIN:** Oh, I am sorry. Then what did you say?

7           **SENATOR RUBIO:** Can I elaborate why?

8           **THE CHAIRMAN:** Okay.

9           **SENATOR RUBIO:** First of all, the term here that says "longstanding," my  
10 understanding is that there has not been a vote on the issue of settlements at the  
11 Security Council since 1980. So that would be 36 years, which, by my definition, is  
12 pretty longstanding. It is almost as old as Cory Gardner and -- 36 years. So that is a  
13 long time.

14           [Laughter.]

15           **SENATOR RUBIO:** And so that is why the word "longstanding" is there. It did not  
16 say the permanent policy or the forever policy of the United States, but it does say  
17 longstanding, number one.

18           Number two, so I just think that is important, and I think it goes back to a point  
19 that Senator Cardin raised. And that is the reaction at the Security Council was that this

1 was an unprecedented event. I mean, that is the reaction globally, the reaction of the  
2 Security Council. That is the way the Israelis interpreted it.

3 I mean, there is global acceptance of the fact that what happened there was  
4 meaningful because it had not happened in a long time. It was not what people expect  
5 from the United States, and this paragraph recognizes that.

6 And so I just think if we are debating this paragraph and whether it should be in  
7 or not, in many ways we are debating the heart of why this is relevant.

8 **THE CHAIRMAN:** It seems to me that we have got some differences here, and they  
9 are probably not going to be resolved. And I appreciate it, these resolutions typically  
10 are not taken particularly seriously. I am actually glad we are spending some time on  
11 Israeli-Palestinian policy here today, and it may bode well for some future things that  
12 we may do.

13 Did anybody else want to speak to this before we voted?

14 **SENATOR RUBIO:** I just want to clarify, he is 40. He is not 36.

15 **THE CHAIRMAN:** Okay.

16 **SENATOR GARDNER:** And I would clarify that is younger than Marco Rubio.

17 [Laughter.]

18 **VOICE:** He feels 36.

19 **SENATOR RUBIO:** But he looks older.

20 **THE CHAIRMAN:** Oh --

1 [Laughter.]

2 **SENATOR GARDNER:** I am still taller.

3 **THE CHAIRMAN:** We are going to move into some things that the campaign  
4 illuminated.

5 [Laughter.]

6 **THE CHAIRMAN:** So do you want a recorded vote?

7 **SENATOR UDALL:** Yes, please.

8 **THE CHAIRMAN:** Okay. So --

9 **SENATOR UDALL:** And let me just thank everybody for the debate --

10 **VOICE:** Mr. Chairman, I am sorry. I think Marco Rubio-- I do not know if you  
11 have a response to that. I was tripping over the issue of long term -- longstanding,  
12 excuse me, as well. I think that Senator Shaheen's point, I found that resonated with  
13 me. But how do you respond to that 36-year measure?

14 **SENATOR UDALL:** Well, I think the best approach is to take that whole paragraph  
15 out.

16 **VOICE:** I was encouraged by that offer, but I did not know if you had a response  
17 to Senator Rubio's --

18 **SENATOR UDALL:** I would stick with my resolution.

19 **THE CHAIRMAN:** Okay. That is fine.

1           So all in favor of the Udall amendments en bloc? I guess we need to record this.

2    So, if the clerk will call the roll.

3           **THE CLERK:** Mr. Risch?

4           **SENATOR RISCH:** No.

5           **THE CLERK:** Mr. Rubio?

6           **SENATOR RUBIO:** No.

7           **THE CLERK:** Mr. Johnson?

8           **THE CHAIRMAN:** No, by proxy.

9           **THE CLERK:** Mr. Flake?

10          **THE CHAIRMAN:** No, by proxy.

11          **THE CLERK:** Mr. Gardner?

12          **SENATOR GARDNER:** No.

13          **THE CLERK:** Mr. Young?

14          **SENATOR YOUNG:** No.

15          **THE CLERK:** Mr. Barrasso?

16          **SENATOR BARRASSO:** No.

17          **THE CLERK:** Mr. Isakson?

18          **SENATOR ISAKSON:** No.

19          **THE CLERK:** Mr. Portman?

20          **THE CHAIRMAN:** No, by proxy.

1           **THE CLERK:** Mr. Paul?

2           **THE CHAIRMAN:** No, by proxy.

3           **THE CLERK:** Mr. Cardin?

4           **SENATOR CARDIN:** No.

5           **THE CLERK:** Mr. Menendez?

6           **SENATOR MENENDEZ:** No.

7           **THE CLERK:** Mrs. Shaheen?

8           **SENATOR SHAHEEN:** Yes.

9           **THE CLERK:** Mr. Coons?

10          **SENATOR COONS:** No.

11          **THE CLERK:** Mr. Udall?

12          **SENATOR UDALL:** Yes.

13          **THE CLERK:** Mr. Murphy?

14          **SENATOR MURPHY:** Yes.

15          **THE CLERK:** Mr. Kaine?

16          **SENATOR KAINE:** Aye.

17          **THE CLERK:** Mr. Markey?

18          **SENATOR MARKEY:** Aye.

19          **THE CLERK:** Mr. Merkley?

20          **SENATOR MERKLEY:** Aye.



1           **THE CLERK:** Mr. Booker?

2           **SENATOR BOOKER:** Aye.

3           **THE CLERK:** Mr. Chairman?

4           **THE CHAIRMAN:** No. The clerk will report.

5           **THE CLERK:** Mr. Chairman, the noes are 14; the yeas are 7.

6           **THE CHAIRMAN:** Thank you.

7           Before we move to final passage, we are going to have Nikki Haley in on the  
8 18th, and I appreciate the minority accommodating that. I hope that we will use it not  
9 just as a time to interrogate her and understand, you know, what her views are and  
10 what she is going to be doing, but as somewhat of a proxy on just this whole U.N.  
11 process itself.

12           The thing that is offensive to me, you have 500,000 people dead in Syria. The  
13 U.N. Security Council cannot deal with it. We have got violations of the Iranian  
14 agreement, and the U.N. Security Council cannot deal with it. We have land being  
15 taken in South China Sea. The U.N. Security Council cannot deal with it. We have  
16 Russia taking pieces of Ukraine. The U.N. Security Council -- and yet this, with  
17 applause, is what the U.N. Security Council deals with.

18           I think we have got major issues with this institution, and I know there has  
19 always been a little bit of a push on the right more so than the left. I hope that what we

1 can do during this hearing is begin to think about ways we can cause the U.N. Security  
2 Council to actually function on issues that matter greatly to humanity.

3 I just do not see it happening now, and what has happened is the major players  
4 there -- this was set up post World War II. The major players on the Security Council  
5 was supposed to be the keepers of peace, and they are the very people that are breaking  
6 down, you know, and creating the chaos in the world.

7 So, with that --

8 **SENATOR CARDIN:** If I could just -- I know we are going to do a roll call. I think  
9 that is a very important point. Mr. Chairman, you are exactly right on our need to  
10 explore what the United Nations will be like moving forward.

11 In regards to Nikki Haley, she, if confirmed, will be our Ambassador. So I guess  
12 I am more interested as to how she will approach some of these issues and her  
13 qualifications.

14 And I hope we do not get into a situation in which we are asking do you support  
15 the United Nations or oppose the United Nations because I want our Ambassador to be  
16 someone who believes in the United Nations, who wants to see the United States  
17 relevant to need. So let us hope we can have a positive discussion.

18 I really do think we need to get a better understanding about the United Nations,  
19 whether we do it here or we go up to New York. I think this committee really needs to  
20 delve into some of the subjects that you have talked about.

1 I am not sure, at least initially, these should be public hearings. I think there is a  
2 thirst for us to figure out how we can be relevant to how the United Nations responds  
3 to the challenges around the world because we have the same frustrations you have.

4 **THE CHAIRMAN:** If there are no other comments, then we will be voting on the  
5 resolution, as amended. Do you want to -- do you all want a voice vote? Is that okay?

6 All in favor, say aye.

7 [A chorus of ayes.]

8 **THE CHAIRMAN:** All opposed?

9 [No response.]

10 **THE CHAIRMAN:** The ayes have it. The resolution passes out of committee as  
11 amended.

12 I thank everybody --

13 **SENATOR KAINE:** Mr. Chairman?

14 **THE CHAIRMAN:** Yes, sir?

15 **SENATOR KAINE:** I was hoping you would invoke longstanding practice of the  
16 Senate Foreign Relations Committee to dock \$500 from one of our new members for  
17 insufficient apparel.

18 [Laughter.]

19 **VOICE:** Tim, are you referring to the lack of a ruffled shirt?

20 [Laughter.]

1           **THE CHAIRMAN:** Hey, listen. We are just glad that he wore a shirt.

2           [Laughter.]

3           **THE CHAIRMAN:** The meeting is adjourned. Thank you.

4                           **[WHEREUPON, THE HEARING WAS ADJOURNED.]**