

BUSINESS MEETING

Wednesday, May 22, 2019

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

1 The committee met, pursuant to notice, at 1:55 p.m., in Room S-116, U.S.
2 Capitol, Hon. James Risch, chairman of the committee, presiding.

3 Present: Senators Risch [presiding], Rubio, Johnson, Gardner, Romney,
4 Graham, Barrasso, Portman, Paul, Young, Cruz, Menendez, Cardin, Coons,
5 Udall, Murphy, Merkley, and Booker.

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

6 **THE CHAIRMAN.** The Senate Foreign Relations Committee will come to
7 order. On the agenda today are 10 pieces of legislation, five nominees, and three
8 Foreign Service Officer lists. We are going to -- it gets a little confusing from time
9 to time, and we may stop to get explanations. But I want to thank the staff, both
10 the majority staff and the minority staff, for working together to try to iron out as
11 many of these things as we can. There are a few we probably will have to vote
12 on. We will do that as we go through.

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1 So first on the agenda is S. 178, the Uyghur Human Rights Policy Act of
2 2019. This bill provides for a comprehensive review of the serious human rights
3 abuses perpetrated by the Chinese government against Muslim populations. I
4 would like to thank Senator Rubio and the other co-sponsors for their leadership
5 on this important piece of legislation.

6 The second item on the agenda is Senate Bill 249, a bill that directs the
7 Secretary of State to provide an overview of changes and improvements that
8 have been made in the U.S. strategy to endorse and obtain Taiwan's observer
9 status at the World Health Assembly. I would like to recognize Senator Inhofe
10 and the co-sponsors for their support of this bill.

11 Next on the agenda is S. 1025, the VERDAD Act of 2019. I would like to
12 thank Senator Menendez and his staff for working with us on the substitute
13 amendment to this bill, and I would also like to recognize Senator Rubio and the
14 numerous other co-sponsors from the committee. The dictatorship of Nicolas
15 Maduro and his henchmen is an undisputed threat to U.S. national interests and
16 peace and stability throughout the Western Hemisphere. This legislation
17 provides additional humanitarian assistance to the Venezuelan people. It would
18 also reinforce the Administration's capacity to go after individuals actively

1 subverting the constitutional order in Venezuela or engaging in human rights
2 violations.

3 We will also consider S. 1340, a bill to authorize activities to combat the
4 Ebola outbreak in the Democratic Republic of the Congo. I am glad our staffs
5 were able to work together on the substitute amendment to this bill, which
6 strengthens the message that the Ebola outbreak is a serious concern that the U.S.
7 should be addressing to avoid this terrible disease spreading and potentially
8 reaching the United States.

9 And we will consider H.R. 31, the Caesar Syria Civilian Protection Act.
10 This has been a labor for a lot of us over a long period of time. This measure is
11 named for a Syrian military defector who opened the world's eyes to Assad's
12 atrocities. The Assad regime, with the support of its backers, have perpetrated
13 grave human rights abuses throughout the country, including the use of chemical
14 weapons. This legislation makes it absolutely clear that the U.S. will not tolerate
15 such despicable acts.

16 The text we will mark up today incorporates the Senate version of this bill,
17 S. 52, which I was proud to introduce with Senators Menendez and Rubio on
18 January 8th. That text was modeled after the version of the Caesar bill that

1 passed this committee by voice vote last year, but failed to clear the Senate floor.
2 That effort was the culmination of lengthy negotiations with the House Foreign
3 Affairs Committee and the Administration. The Administration ultimately
4 issued an official statement last fall strongly supporting the passage of the
5 legislation.

6 We also have five resolutions on the agenda, which I am proud to support:
7 Senate Resolution 74, a resolution marking the 5th anniversary of Ukraine's
8 Revolution of Dignity by honoring the bravery, determination, and sacrifice of
9 the people of Ukraine during and since the Revolution, and condemning
10 continued Russian aggression against Ukraine; Senate Res. 81, a resolution
11 calling for accountability and justice for the assassination of Boris Nemtsov;
12 Senate Resolution 135, a resolution recognizing the 75th anniversary of the
13 amphibious landing of the Allies on D-Day, June 6th, 1944, at Normandy, France;
14 Senate Resolution 184, a resolution condemning the Easter Sunday terrorist
15 attacks in Sri Lanka, offering sincere condolences to the victims, to their families,
16 and friends, and to the people and nation of Sri Lanka; and Senate Resolution
17 188, a resolution encouraging a swift transfer of power by the military to a
18 civilian-led authority in the Republic of Sudan.

1 Thank you to all of the sponsors and co-sponsors of these important
2 resolutions. I also want to recognize and welcome Mr. Vladimir Kara-Murza,
3 who has joined us for the business meeting. Vladimir is a friend of this
4 committee and a tireless advocate for democracy in Russia and for justice for
5 Boris Nemtsov, the Russian opposition politician who was assassinated in front
6 of the Kremlin 4 years ago. We are glad to have you, Vladimir.

7 I will now turn it over to Senator Menendez for any comments he would
8 like to make.

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

9 **SENATOR MENENDEZ.** Thank you, Mr. Chairman, for calling a business
10 meeting. I am pleased that we have a robust legislative agenda before us. As you
11 and I have discussed, I believe the committee is at its strongest and contributing
12 to the Senate and the country in the most meaningful way when we are
13 legislating. And I want to thank you and your staff for all of your efforts with
14 regard to today's markup. It took hours of work and a willingness to find
15 common ground to get there, and I appreciate that you and your staff were

1 completely committed on both fronts. And I want to salute our staff as well for
2 their incredible work.

3 I know that there are other legislative items that did not make it to this
4 agenda, and I look forward to continuing to advocate for colleagues to have that
5 opportunity to have their legislation considered.

6 I support passage of all the bills and resolutions before us, as well as the
7 nominations, and I will only take a moment to briefly speak about a couple of
8 them. I, too, want to join and recognize Mr. Murza for his advocacy, for his
9 leadership on human rights, and for his support of the Nemtsov resolution and
10 his advocacy for justice for Mr. Nemtsov.

11 Let me again thank you and the staff for working with me to advance the
12 VERDAD Act. I would like to thank several members of the committee --
13 Senators Rubio, Cardin, Cruz, Kaine, Young, Shaheen, Graham, Coons, Barrasso,
14 and others -- for joining us in introducing this bipartisan bill. The VERDAD Act
15 provides a comprehensive response to the situation in Venezuela. The U.S. and
16 more than 50 countries, including our closest allies and partners, have recognized
17 National Assembly President Juan Guaido as the interim president of Venezuela
18 and have made it clear that Nicolas Maduro does not have a legitimate mandate.

1 In response to Venezuela's ongoing political, economic, and humanitarian
2 crisis, the VERDAD Act expands U.S. humanitarian assistance to 400 million
3 people, requires that the State Department coordinate sanctions with our Latin
4 American and European partners, requires the coordination of international
5 efforts to freeze and recover the billions of dollars stolen from Venezuelan
6 people, and establishes U.S. policies in support of a peaceful negotiated solution
7 to Venezuela's crisis. I look forward to moving the bill out of the committee and
8 onto the floor.

9 I am also pleased that we are taking up the Caesar bill. This bill was
10 reported out of the committee, as you noted, by voice vote last Congress. I
11 appreciate the chairman's dedication to this issue, and I am pleased that we are
12 taking up the bill given the enormous effort and leadership of Chairman Engel in
13 the House on this legislation.

14 Iran and Russia's lifelines to Assad are the reasons the current regime has
15 survived. Together with Hezbollah, Iran-backed Shia proxy groups, and Russian
16 mercenaries, Assad has fomented regional instability, created a massive
17 humanitarian catastrophe, used chemical weapons, and deliberately targeted
18 civilians and civilian structures. The Trump Administration can and should do

1 more to compel the Assad regime and its enablers to commit to a political
2 process of civilian protection and a diminished Iranian role in Syria. That is what
3 is best for the Syrian people, for Israel's security, and for regional stability. The
4 war in Syria will only end with a conclusive political settlement, and Caesar can
5 help achieve this objective. I urge my colleagues to advance the bill.

6 I want to thank you, Mr. Chairman, for working with me to bring forward
7 the Ebola outbreak bill. For almost a year, the United States, the government of
8 the Democratic Republic of Congo, the World Health Organization, and others
9 have been responding to an Ebola outbreak that continues to spiral out of control
10 with over 1,600 cases and 1,100 fatalities. The response to this outbreak faces
11 unique challenges. Healthcare workers in particular are in mortal danger. Much
12 of the violence stems from deeply-ingrained mistrust of the DRC government
13 officials, healthcare workers, and Ebola responders. Health centers and
14 healthcare workers face ongoing attacks, and at least one WHO doctor has been
15 killed.

16 USAID officials briefed committee staff on a proposed new strategy to
17 address basic assistance needs of disenfranchised communities as a means of
18 countering community distrust. Unfortunately, because the DRC is listed as a

1 Tier 3 country under the Trafficking Victims Protection Act, the Administration
2 has chosen to implement sanctions in a way that prohibits these proposed
3 activities. That is a grave problem, but not one that cannot be solved.

4 There are waivers in the TVPA that would allow these activities to be
5 carried out, and we hope the Administration will do so because in the interim,
6 people in the Congo are dying every day. The legislation before us directs
7 Administer Green to immediately respond to the Ebola outbreak with resources
8 commensurate with the need.

9 I am very pleased to see S. 249 on the agenda, which I co-sponsored with
10 Senator Inhofe, on Taiwan and the World Health Organization. I believe that
11 Taiwan deserves to be there. I am also pleased to see the Uyghur Human Rights
12 Policy Act, which I co-sponsored with Senator Rubio, on the agenda today. The
13 situation in Xinjiang and China's treatment of its Uyghur minority is beyond
14 abhorrent. Passage of the bill in both the Senate and the House and taking action
15 to address the situation in Xinjiang is critical.

16 I join my colleagues, including Chairman Risch and Senators Romney and
17 Murphy, in introducing S. Res. 184, condemning the Easter Sunday terrorist
18 attacks in Sri Lanka. I support passage of Senate Resolutions 74, 81, 135, and

1 1884, and I commend my colleagues, especially Senators Portman, Rubio, Coons,
2 Boozman, and Cruz, for their introduction. Thank you, Mr. Chairman.

3 **THE CHAIRMAN.** Thank you very much, Senator Menendez, and I want to
4 associate myself with your remarks about how well we have worked together to
5 get to where we are. This committee works well when we do something, and the
6 objective here is to try to do something. And sometimes in pursuit of perfection,
7 we stumble over ourselves, and as a result of that, I am going to be opposing
8 some of the amendments that are made here, some of which are poison pills and
9 some of which will cause legislation not to be enacted. So we will just have to
10 plow through these as we can. But we have got a good chunk of work here to do
11 what we have had a lot of agreement on, and I would like to get through that.

12 First of all, without objection, we will consider all the nominations on the
13 agenda en bloc: number one, Mr. Jeffrey Eberhardt to be Special Representative for
14 Nuclear Nonproliferation; number two, Ms. Bridget Brink to be Ambassador to
15 Slovakia; three, Mr. Kenneth Howery to be Ambassador to Sweden; number four,
16 Colonel Matthew Klimow to be Ambassador to Turkmenistan; and five, Mr. John
17 Daigle to be ambassador to the Republic of Cabo Verde. We also have three
18 Foreign Service Officer lists on the agenda which are quite long.

1 Is there a motion to favorably report all the noms on the agenda and the
2 FSO lists, en bloc, by voice vote?

3 The motion has been made and duly seconded.

4 All those in favor of the motion, please signify by saying aye?

5 [A chorus of ayes.]

6 **THE CHAIRMAN.** Opposed, nay?

7 [No response.]

8 **THE CHAIRMAN.** The ayes have it, and the motion has been adopted.

9 We will take up S. Res. 184. I was proud to introduce it with Senator
10 Menendez earlier this month. Is there a motion to approve the preamble
11 amendment?

12 You have heard the motion and the second.

13 All those in favor, say aye?

14 [A chorus of ayes.]

15 **THE CHAIRMAN.** Opposed, nay?

16 [No response.]

17 **THE CHAIRMAN.** The ayes have it, and the preamble amendment has been
18 adopted.

1 Are there further amendments?

2 **SENATOR PAUL.** Which bill are we on again?

3 **THE CHAIRMAN.** Sri Lanka.

4 **SENATOR PAUL.** Yes, Mr. Chairman. I have one amendment. It is a
5 standard amendment that we have been offering to a variety of resolutions
6 where we are developing an adversarial relationship or encountering an
7 adversarial relationship, where we add to the resolution that basically nothing in
8 this resolution is to be construed as an authorization for the use of military force.
9 You would think this would not be necessary, but we are still fighting a war,
10 basically a worldwide war based on the 2001 AUMF that has been, I think,
11 misused and misconstrued to mean a lot of things.

12 I think it is a very simple addition that can be made to a lot of these bills.
13 We have accepted it on two of the others today, but I would ask that we have a
14 vote on simply adding this language to prohibit the provisions of the resolutions
15 from being construed as an authorization for the use of military force.

16 **THE CHAIRMAN.** Senator Paul, will you accept a voice vote?

17 **SENATOR PAUL.** Yes.

1 **THE CHAIRMAN.** Okay. I am going to oppose this amendment. This is a
2 resolution that is not law, and there is no risk whatsoever that this is going to be
3 construed for an authorization of military force. It is a simple amendment that
4 offers condolences. I do not know how you could use that for -- Senator Paul?

5 **SENATOR PAUL.** I would just make one quick response to that. Several
6 years ago there was a sense of the Senate resolution passed on a Thursday
7 afternoon when we were flying out of town and we were not -- there was not
8 anyone on the floor to object that said the sense of the Senate was basically for
9 regime change in Libya. Well, we got that, and when President Obama looked to
10 justify it, he looked at the sense of the Senate resolution, and he announced that
11 that was his justification for the war in Libya.

12 So I think while it is a sense of the Senate and it does not have force of law,
13 I find it, you know, sort of hard to oppose why we would -- why we would not
14 simply add conditions like to be very clear that it is not. And I guess I would
15 recommend -- I would change my recommendation to say we ought to vote on it,
16 have a recorded vote.

17 **THE CHAIRMAN.** Okay. Again, Senator Paul, I think a resolution that calls
18 for regime change is different than a resolution that offers condolences for people

1 who have died. But in any event, is there a motion to adopt Senator Paul's
2 amendment?

3 **SENATOR PAUL.** I make that motion.

4 **THE CHAIRMAN.** Pardon?

5 **SENATOR PAUL.** Yes.

6 **THE CHAIRMAN.** Yeah, okay. There has been a motion to adopt Senator
7 Paul's amendment. Is there a second?

8 All right. We have heard the motion, duly seconded. So the secretary or --
9 the clerk will call the roll.

10 **THE CLERK.** Mr. Rubio?

11 **SENATOR RUBIO.** No.

12 **THE CLERK.** Mr. Johnson?

13 **SENATOR JOHNSON.** No.

14 **THE CLERK.** Mr. Gardner?

15 **THE CHAIRMAN.** No by proxy.

16 **THE CLERK.** Mr. Romney?

17 **SENATOR ROMNEY.** No.

18 **THE CLERK.** Mr. Graham?

1 **SENATOR GRAHAM.** No.

2 **THE CLERK.** Mr. Isakson?

3 **THE CHAIRMAN.** No by proxy.

4 **THE CLERK.** Mr. Barrasso?

5 **THE CHAIRMAN.** No by proxy.

6 **THE CLERK.** Mr. Portman?

7 **SENATOR PORTMAN.** No.

8 **THE CLERK.** Mr. Paul?

9 **SENATOR PAUL.** Yes.

10 **THE CLERK.** Mr. Young?

11 **SENATOR YOUNG.** Yes.

12 **THE CLERK.** Mr. Cruz?

13 **SENATOR CRUZ.** No.

14 **THE CLERK.** Mr. Menendez?

15 **SENATOR MENENDEZ.** Aye.

16 **THE CLERK.** Mr. Cardin?

17 **SENATOR CARDIN.** Aye.

18 **THE CLERK.** Mrs. Shaheen?

1 **SENATOR MENENDEZ.** Aye by proxy.

2 **THE CLERK.** Mr. Coons?

3 **SENATOR MENENDEZ.** Aye by proxy.

4 **THE CLERK.** Mr. Udall?

5 **SENATOR UDALL.** Aye.

6 **THE CLERK.** Mr. Murphy?

7 **SENATOR MURPHY.** Aye.

8 **THE CLERK.** Mr. Kaine?

9 **SENATOR MENENDEZ.** Aye by proxy.

10 **THE CLERK.** Mr. Markey?

11 **SENATOR MENENDEZ.** Aye by proxy.

12 **THE CLERK.** Mr. Merkley?

13 **SENATOR MERKLEY.** Aye.

14 **THE CLERK.** Mr. Booker?

15 **SENATOR BOOKER.** Aye.

16 **THE CLERK.** Mr. Chairman?

17 **THE CHAIRMAN.** No. The clerk will report.

18 **THE CLERK.** Mr. Chairman, the yeas are 12; the noes are 10.

1 **THE CHAIRMAN.** So the amendment has been adopted. The question is
2 now on the resolution.

3 All those in favor of the resolution, please signify by saying aye.

4 [A chorus of ayes.]

5 **THE CHAIRMAN.** Opposed, nay?

6 [No response.]

7 **THE CHAIRMAN.** The ayes have it. The resolution has been adopted.

8 We have four other resolutions that we will consider en banc -- bloc if we
9 have no objection thereto. These are as follows: Senate Res. 74, as amended by
10 the preamble amendment; Senate Res. 81, as amended by the preamble and
11 resolving clause amendments; Sen. Res. 135, as amended by the preamble
12 amendment; Sen. Res. 188, as amended by the revised preamble and revised
13 resolving clause amendments. Would any members like to comment on any of
14 these resolutions before we approve them?

15 There has been a motion and second to adopt the four resolutions en bloc.

16 All those in favor, signify by saying aye.

17 [A chorus of ayes.]

18 **THE CHAIRMAN.** Opposed, say nay?

1 [No response.]

2 **THE CHAIRMAN.** The ayes have it, and they have been adopted.

3 We will now move to the Uyghur Human Rights Policy Act, Senate Bill
4 178. And I am pleased that we were able to negotiate a manager's amendment,
5 which incorporates the first-degree amendments filed by Senators Gardner and
6 Merkley. I will be supporting the manager's amendment. Are there any
7 members who would like to comment further on this bill?

8 **SENATOR RUBIO.** Mr. Chairman?

9 **THE CHAIRMAN.** Senator Rubio.

10 **SENATOR RUBIO.** I just want to thank you both for putting this on the
11 agenda. I think we have all read the report of the grotesque violations of human
12 rights, upwards of a million Uyghur Muslim minorities in China in internment
13 camps, which, by the way, the Chinese authorities call vocational schools and all
14 sorts of other outrageous things. It has been to the shame of the world that more
15 nations have stayed silent about this for economic or other reasons. And this, by
16 the way, calls for our government to do more, including the resolution of the
17 Senate asking the President to speak out about it, asking that the State
18 Department and others consider the Magnitsky -- global Magnitsky application

1 against individuals in the Chinese government that are responsible for
2 implementation of this.

3 And so I just want to thank you. I think this will send a powerful message
4 on behalf of the Senate and can hopefully elevate attention paid to this issue. So
5 thank you.

6 **THE CHAIRMAN.** Thank you, Senator. Is there further comment?

7 **SENATOR MERKLEY.** Mr. Chairman?

8 **THE CHAIRMAN.** Yeah, Senator Merkley?

9 **SENATOR MERKLEY.** I want to praise Senator Rubio for pursuing this. This
10 is something on a scale that is just unbelievable what is being done to this
11 community in China. The slavery, the incarceration, the treatment, not to
12 mention the absolute use of facial recognition technology outside of the slave
13 camps to track every single person in every single way. It is important that
14 America stand up and be heard and that Congress stand up and be heard.

15 **THE CHAIRMAN.** Thank you, Senator. Further comments?

16 There has been a motion to adopt the manager's amendment.

17 It has been seconded. All those in favor, signify saying aye.

18 [A chorus of ayes.]

1 **THE CHAIRMAN.** Oppose, nay?

2 [No response.]

3 **THE CHAIRMAN.** The ayes have it. The manager's amendment has been
4 adopted.

5 Is there a motion to approve Senate Bill 178, as amended?

6 It has been moved and seconded that Senate Bill 178, as amended, be
7 approved.

8 All those in favor, signify by saying aye.

9 [A chorus of ayes.]

10 **THE CHAIRMAN.** Opposed, nay?

11 [No response.]

12 **THE CHAIRMAN.** The ayes have it, and S. 178 has been agreed to.

13 We will now turn to Senate Bill 249, Taiwan/World Health Organization.

14 And the manager's amendment to this bill incorporates the first-degree
15 amendments filed by Senator Gardner. I will be supporting the manager's
16 amendment.

17 Are there any members who would like to comment further on this bill?

18 **SENATOR GARDNER.** Mr. Chairman?

1 **THE CHAIRMAN.** Senator Gardner?

2 **SENATOR GARDNER.** Just to thank you for the work you have done. I
3 know we had some amendments on it, and I just appreciate the opportunity to
4 work with you. Thank you.

5 **THE CHAIRMAN.** Thank you, Senator. Is there a motion to approve the
6 manager's amendment?

7 Seconded?

8 It has been moved and seconded that we approve the manager's
9 amendment.

10 All those in favor, signify by saying aye?

11 [A chorus of ayes.]

12 **THE CHAIRMAN.** Opposed, nay?

13 [No response.]

14 **THE CHAIRMAN.** The ayes have it. And is there a motion to approve S.
15 249, as amended?

16 It has been moved and seconded that we approve Senate Bill 249, as
17 amended.

18 All those in favor, signify by saying aye.

1 [A chorus of ayes.]

2 **THE CHAIRMAN.** Opposed, nay?

3 [No response.]

4 **THE CHAIRMAN.** The ayes have it. S. 249, as amended, has been adopted.

5 We will turn to S. 1340, The Ebola Eradication Act. Are there any

6 members who would like to comment further on this bill?

7 [No response.]

8 **SENATOR PAUL.** Which bill are we on again?

9 **VOICES.** Ebola.

10 **SENATOR MENENDEZ.** Ebola eradication.

11 **THE CHAIRMAN.** We have a substitute amendment to the bill. Is there a

12 motion to adopt --

13 The motion has been made.

14 There has been a motion to adopt the substitute amendment. Is there a

15 second?

16 It has been moved and seconded that the substitute amendment be

17 adopted.

18 All those in favor, signify by saying aye.

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1 [A chorus of ayes.]

2 **THE CHAIRMAN.** Opposed, nay?

3 [No response.]

4 **THE CHAIRMAN.** The ayes have it, and the substitute amendment has been
5 adopted.

6 Is there a motion to approve S. 1340, as amended?

7 It has been moved and seconded that we approve Senate Bill 1340, as
8 amended.

9 All those in favor, signify by saying aye?

10 [A chorus of ayes.]

11 **THE CHAIRMAN.** Opposed, nay?

12 [No response.]

13 **THE CHAIRMAN.** The ayes have it. Senate Bill 1340, as amended, has been
14 adopted.

15 We will now turn to Syria -- Caesar Syria Civilian Protection Act. The
16 manager's amendment incorporates the Paul first-degree 1 amendment and a
17 sense of Congress that it is in U.S. interests to continue to provide assistance to
18 the people of Syria in order to promote peace, stability, and development,

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1 including through multilateral organizations. I will be supporting the manager's
2 amendment.

3 Is there a motion to approve the manager's amendment?

4 It has been moved and seconded that the manager's amendment be
5 approved.

6 All those in favor, signify by saying aye.

7 [A chorus of ayes.]

8 **THE CHAIRMAN.** Opposed, nay?

9 [No response.]

10 **THE CHAIRMAN.** The ayes have it, and the manager's amendment has been
11 adopted.

12 Are there additional amendments?

13 **SENATOR UDALL.** Mr. Chairman? Mr. Chairman, I would like to call up
14 Udall Amendment 1 to H.R. 31. And before I start, I would just like to add
15 Senator Murphy as a co-sponsor.

16 Let me just be brief here. This is a very simple amendment in terms of
17 Iran and going to war with Iran. I was here like a few people on the panel in
18 2001. I was over in the House. We took a vote. We have an AUMF, a 2001

1 AUMF, and I can just tell you I cannot believe the way this has been used since
2 we voted on it. What we voted on was to go into Afghanistan in a very limited
3 way, and that is what was represented to us. And our objectives have long ago
4 been achieved, and here we are 17 years later still in a war.

5 That AUMF has been used all over the world to go into wars in various
6 places, so I do not want that to happen with Iran. I think we have to exercise our
7 authority as the Congress and take back congressional power to declare war.
8 Congress ever since the 2001 AUMF, I believe, has given up its power in terms of
9 evaluating whether we should go to war or not, and I have seen it happen over
10 and again. We cannot let this happen anymore.

11 So today just before we are about ready to have a 10-day break where we
12 are going to go out on break, everything is escalating. We could return and we
13 are in the middle of hostilities, and so that is why I think this is very timely
14 today. Senator Paul, I appreciate your work with me on this, the other members
15 that have been co-sponsors. I think we have about 20 co-sponsors at this point.

16 The resolution is very simple. It is just 5 pages. You can pull it out of
17 your stack. But let me just read you the key phrase: "No funds may be used for
18 kinetic military operations in or against Iran except pursuant to an act or joint

1 resolution of Congress specifically authorizing such use that is enacted after the
2 date of enactment of this act." So basically, we are saying in the -- in the simplest
3 terms, if you are going to go to war in Iraq, come to Congress. And it is what I
4 have watched happen many times when Congress asserts its authority, the
5 Administration has to come in in a public way, not like yesterday, secret. Come
6 in in a public way, make their case to the American people, make their case to the
7 Congress and say we want to go to war, and then the representatives vote on it.
8 And so what we are trying to do in this is prevent a war that Congress that does
9 not authorize.

10 And I just want to say yesterday, my impression being in a lot of these
11 meetings, you did not hear one time these Administration witnesses say, oh, they
12 said -- they were all doing all these activities to prevent, but not once did they
13 say if we are going to war, we are going to come to you and ask for your
14 permission. We are going to come to you and let you engage your constitutional
15 authority. So this is -- I think this is long overdue, and I would just urge you to
16 support our effort to exercise our constitutional authority.

17 It is no -- it is no more complicated than that. If we exercise our authority
18 and you want to go to war, that is fine. That is not the issue today. The issue is,

1 is Congress going to play a role on our constitutional authority. And I am
2 finished, Mr. Chairman.

3 **THE CHAIRMAN.** Thank you, Senator Udall. And I really, really respect
4 that you are acting in good faith on this, and you believe this sincerely. And you
5 and I both have sat through hours and hours and hours of debate on the AUMF,
6 none of which have ever resolved anything. But I am going to vote against this,
7 not because of -- that it does not deserve legitimate consideration and it does not
8 deserve legitimate debate.

9 But I do not want to speak for Senator Menendez, but he and I and others
10 on this committee have worked really, really hard to get this Syria bill across the
11 line. And look, this thing has gotten caught up in BDS, and it has gotten caught
12 up in other things. And if we start hanging stuff on there and we have got four
13 different senators who have amendments to this, we are going to wind up with
14 the exact same thing. I really want to see this Syria bill get across the line.

15 So I am not questioning your good faith on it. I think you are acting in
16 good faith on it, but it really endangers the bill as it goes through the process. So
17 I will be opposing -- I will be opposing it. Others? Senator Menendez?

1 SENATOR MENENDEZ. So let me say that I truly appreciate this work that
2 has been going on for some time. I agree with your concerns, and I have been
3 quite vocal about it over the last couple of weeks. That is why, with agreement
4 from the chairman, we included in the manager's package a rule of construction,
5 noting that nothing in the bill itself is an authorization for the use of force, along
6 the lines of Senator Paul's efforts.

7 Now, I understand that is not the same thing as prohibiting the use of
8 force, but this is a serious bill that has been introduced in the past three
9 Congresses regarding the gross abuses of Syria's government against the people
10 of Syria. Those abuses continue today. And we actually have an opportunity to
11 get the bill on the President's desk and for him to sign it. We would send an
12 incredibly powerful message and provide a new tool for us to hold Assad
13 accountable.

14 So I am afraid that this amendment would sink the entire bill. And even if
15 it passed the committee, which I am not sure it would, but fails on the floor, it
16 actually sends the opposite message that I think the senator is intending to send,
17 and it will send a message that Congress does not have the votes to stop military

1 action in Iran. So for all those reasons, at this point in time I am going to have to
2 vote no, although I fully share your concern.

3 **THE CHAIRMAN.** Senator Graham?

4 **SENATOR GRAHAM.** Yeah. Well, I just want to say not only would it
5 undercut the efforts to send a very strong signal on Syria, which is long overdue,
6 I think it would send the wrong signal to adversaries in the country who are
7 intent on killing Americans. So nobody on this committee objected when Obama
8 sent troops back into Iraq, pulled them all out, and he sent them back in to
9 destroy ISIS. Nobody on this committee suggested we could not fight ISIS
10 because the AUMF did not include ISIS. I do not think anybody wanted to go on
11 record to say that ISIS is not a radical Islamic organization that threatens us and
12 included within the four corners of the AUMF.

13 So I find it odd now that have troops in Iraq to make sure ISIS does not
14 come back that the Iranians are trying to break our will and drive us out, and that
15 we are going to as a body say you can attack our troops, you can kill our people
16 put there legitimately, and we will debate later on whether or not you should get
17 hit. If you have got a son or daughter or loved one in Iraq, this is the worst signal
18 you can send.

1 My point of view is that if a troop is serving in theater to represent the
2 legitimate interest of the United States, if we hesitate to tell anybody, Iran
3 included, if you kill them we are going to come after you, you are jeopardizing
4 those that we send. That is not fair to them. It is not fair to the State Department
5 to have a mixed message. If Iraq or their proxies attack American forces in Iraq,
6 we will respond in force.

7 They are there legally. They are there within the scope of the AUMF. And
8 anybody that takes on American forces doing their job, they need to be hit and
9 hit hard. If there is a war, it will be because Iran killed Americans, and I am tired
10 of Iran killing Americans and us doing nothing about it. So I know, and I think
11 what you are proposing, no matter how sincere you are, really puts a lot of
12 people at risk.

13 **THE CHAIRMAN.** Senator Paul?

14 **SENATOR PAUL.** I would like to speak in favor of Senator Udall's
15 amendment, and I think we sort of misstate what the purpose of this is. The
16 purpose is to restate who has the authority to declare war, and that it is Congress'
17 authority. I mean, the signal is no signal to Iran or Iraq other than we are going
18 to obey our Constitution.

1 Often there are lamentations around here about how too much power has
2 gravitated to the presidency, et cetera, and yet here is a chance to do it. This is a
3 vote where you can say this is Congress' power. This is not the President's
4 power. I would vote this way whether it is a Republican or a Democrat
5 president. It does not concern me which party this is. This is about us really
6 gathering back the power that was given to us.

7 I do not think it sends any kind of statement of weakness. When we have
8 been attacked and presidents have come to ask for votes, it has been nearly
9 unanimous. When we were attacked after 9/11, the vote was nearly unanimous.
10 When we were attacked at Pearl Harbor, nearly unanimous. But when it has
11 been messy, like Iraq, or whether or not somebody in the Administration might
12 think that an attack on a Shiite militia or a Shiite militia attack on Americans in
13 Iran would somehow justify an attack on the -- on the mainland of Iran, whether
14 or not that is a proportional response or whether or not that is something that we
15 are actually going to accede to. I think this is a terrible tragedy for those who
16 will say to the President, yes, do whatever you want, commit us to war whenever
17 you like, and we are not going to have Congress vote on it.

1 So this is an important vote, and to put it on this bill because we want this
2 bill to pass. People do not want it on the bill because they want the bill to pass.
3 Why do we not pass it with something good that would actually restrict the
4 President's power? So I am 110 percent in favor of this and compliment to the
5 senator for putting it forward.

6 **THE CHAIRMAN.** Thank you. Senator Rubio?

7 **SENATOR RUBIO.** Yeah, I think it is fair to say that this amendment may
8 have been offered anyway a month ago if this bill was here, but it certainly is
9 timely given the events surrounding Iran in the last couple weeks. The first thing
10 I would say if this is geared towards that, I think the Administration has been
11 clear that what has led to what we saw beginning on the 3rd of May with the
12 deployment of assets to the region were entirely driven by a consistent stream of
13 information that indicated the potential, the high potential, for imminent attacks
14 against U.S. personnel in the region. And I ask you to think about the reverse, if
15 they had not done that repositioning and, God forbid, an attack had occurred, the
16 first thing everyone would be asking is why did we not have enough people
17 there to defend not just military personnel, but civilians in the region. So I think
18 if it had one-tenth of chance of being true, they had to do what they are doing.

1 If you look at the language of this, it actually reflects what we have heard
2 repeatedly from the President and others that we are not going to start a conflict,
3 but we most certainly would respond to an imminent threat, as it says in
4 subparagraph 1 under the exceptions, that it would seek hostilities by the U.S. in
5 order to repel a sudden attack or to rescue and remove U.S. citizens and
6 personnel.

7 The problem with this is not the technical aspects of it because if, in fact,
8 there was being contemplated some sort of proactive offensive operation, then I
9 think that is most certainly a debate given the history in the region that we would
10 want to have. But this is a very delicate situation. It is -- it is ripe for
11 miscalculation in ways that I am not sure everybody has fully grasped.

12 There is a string of thought, which I think is credible, that the Iranians are
13 under a tremendous amount of pressure. They need to reset the calculus before
14 they can get to any sort of negotiation. And there are some that believe that they
15 could get away with a limited conflict with the United States, that if they survive
16 without being attacked they could use that as a victory. And because they are
17 using surrogates and proxies, they would be able to gather international

1 sympathies, and potentially even domestic. And they are counting on these sorts
2 of divisions as well.

3 So I am truly concerned that someone making a decision somewhere else
4 in the world is only going to read the first part of this and not the second, and if
5 even they did, not understand it, and somehow conclude that we in the Congress
6 of the United States, we have ordered the President to not respond to any attack,
7 even though that is not what the language says. We do not control how it is
8 reported or perceived.

9 And I would just caution at this very delicate moment about introducing
10 any sort of potential for that sort of miscalculation that could lead to armed
11 conflict.

12 **THE CHAIRMAN.** Senator Rubio, I could not concur with you more on the
13 miscalculation thing. This meeting would be entirely different today if on
14 Sunday night the Iranians had hit our embassy with a rocket that they launched
15 towards it in Baghdad. We would be having a very different conversation here.
16 And this is -- as we heard in other settings, that miscalculation is a real danger
17 here, and I think the Administration has been doing the right thing. But in any
18 event, Senator Cruz.

1 SENATOR CRUZ. Thank you, Mr. Chairman. Let me say I recognize the
2 good faith and intentions of Senator Udall and Senator Paul on this, and I am
3 sympathetic to and in agreement with Congress reasserting its authority to
4 declare war. I think there is a critical responsibility under the Constitution that
5 has been given to Congress that Congress has been too ready and willing to give
6 away.

7 That being said, the Constitution also gives the President as commander-
8 in-chief inherent authority over the military, and, in particular, to defend the men
9 and women of the military. And as it comes to Iran, we are seeing escalating
10 threats, threats both in the intel stream and threats being acted upon. And I
11 believe the commander-in-chief not only has the authority, but has a
12 responsibility to defend the men and women and the servicemen and women
13 who are -- who are deployed against an attack and to potentially respond.

14 And so, yes, authorization by Congress is needed for extended military
15 conflict, and should we find ourselves in a circumstance where extended military
16 conflict is called for, then I believe this debate would be in order. But I am going
17 to vote no on this -- on this resolution today or this amendment today because I
18 do not think we can take away the commander-in-chief's authority to defend our

1 servicemen and women. And I agree with Senator Graham that it sends a
2 terrible message to the Ayatollah that if he attacks servicemen and women in
3 theater, that the President's hands are tied to do anything about it. I think that
4 message invites aggressions that nobody on this committee wants to see.

5 **SENATOR MURPHY.** Mr. Chairman?

6 **THE CHAIRMAN.** Further debate?

7 **SENATOR MURPHY.** Mr. Chairman?

8 **THE CHAIRMAN.** Yeah, Senator Murphy?

9 **SENATOR MURPHY.** Thank you very much, Mr. Chairman. Let us be clear
10 about what this amendment says and what it does not say. I do not think it is
11 helpful to mischaracterize what this amendment allows for. This amendment
12 explicitly in a very short 2 to 3 pages does not tie the President's hands to protect
13 troops against imminent attack. It does not stop him from launching a strike in
14 retaliation when an attack has happened. It does not take away his Article II
15 powers that are inherent under the Constitution. It does not stop him from
16 repositioning assets in the region.

17 In fact, all it does, in my mind, is restate what the law of the land is today
18 and what the Constitution says, which is that you cannot take preemptive

1 military action without authorization from this Congress. And the reason we
2 think this is important is because time and time again this Administration has
3 not committed to us that they would come to this body for authorization, and we
4 do worry that there are existing authorizations of military force that they might
5 try to use as cover for either a preemptive strike or an extended military action.

6 And let us also be clear what the Constitution sets as Congress'
7 prerogative. It actually -- contrary to what Senator Cruz said, I do not think it
8 actually does allow for the President to take a short duration military action
9 without the authorization of Congress. Yes, he likely has under Article II the
10 ability to immediately respond to an attack or defend troops, but if you are not
11 responding or trying to prevent an attack against the United States troops, then
12 you do not even have the authorization under the Constitution to engage in a
13 short-term military endeavor without the authorization of this Congress.

14 And so I do not think this is weakness at all. I think this is showing
15 strength. I think this is saying to the American people that if we are going to
16 enter into war with another country, we want to do it together. It was not a sign
17 of weakness when after Pearl Harbor the United States Congress authorized us to
18 defend our interests. This is a way to make sure the country stays together in the

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1 event that we have to do something beyond preventing an attack or immediately
2 responding to an attack.

3 And so I, frankly, think that this -- I wish this was more of a no-brainer to
4 just stand up for what I think is our existing constitutional prerogative, and I will
5 gladly support the amendment.

6 **THE CHAIRMAN.** Thank you, Senator Murphy. Senator Johnson?

7 **SENATOR JOHNSON.** What this amendment does is it creates confusion
8 because on its face it says "no military operations," and then you have to go
9 "except." And so if you create confusion in the mind of your enemy, you do
10 create the potential for miscalculation. So, again, the debate in terms of the War
11 Powers Act and the President's power versus congressional power will continue.
12 This thing creates confusion and could result in miscalculation. What we want is
13 to make sure there is no miscalculation, that Iran recognizes 100 percent that if
14 they attack us, they will be attacked far worse than whatever they did to us. And
15 I think that is exactly what we want Iran to think. And I do not want to create
16 any confusion whatsoever, which is why I will be voting no.

17 **THE CHAIRMAN.** Senator Cardin?

1 **SENATOR CARDIN.** I am conflicted because I think the underlying bill is
2 very important, and I would like to get the bill to the finish line. But I think
3 Senator Murphy is absolutely right. Do not mischaracterize the amendment.
4 The amendment is very consistent with the War Powers Act. It is the same
5 language that is used there, and it is very clear about preserving the President's
6 Article II powers and the power of the Congress.

7 I have seen administrations contemplate the use of force, and in every case
8 there has been strong consultation with Congress since I have been in the
9 Congress of the United States. We have had meaningful discussions with the
10 decision makers in the executive branch of government in consultation with
11 Congress. We have had authorizations that have been sent to Congress that we
12 did not approve, that the Administration sought congressional approval. We
13 have authorizations that were approved by Congress.

14 This Administration is different. It is not consulting with us. The first
15 opportunity we heard about Iran was this week in a closed session. There was
16 no effort to keep even the leadership of this committee advised what was
17 going on in Iran. That is just wrong.

18 **VOICE.** I agree with that.

1 **SENATOR CARDIN.** So I just think it is important that we express ourselves.
2 I am going to support the Udall amendment.

3 **SENATOR PAUL.** Mr. Chairman, just a very brief comment. Many people
4 still regret their vote on the Iraq War 12, 15 years later.

5 **SENATOR MENENDEZ.** I do not.

6 **SENATOR PAUL.** This could possibly be the only vote you cast on the Iran
7 war if an Iran war develops. And so the thing is is you will cast your vote and it
8 may well be remembered as the vote on the Iran war, mainly because the
9 Administration will come back, and they have indicated they will never declare
10 that they will not try to use the 2001 AUMF declaring that the Revolutionary
11 Guard, all of them as terrorism, the attempt to tie Iran to al-Qaeda.

12 All of this is an attempt to justify anything that is done under the 2001
13 AUMF, so this could be the only vote you ever take on the Iran war, even if it
14 developed into a huge conflagration.

15 **SENATOR MERKLEY.** Mr. Chairman?

16 **THE CHAIRMAN.** Yeah, Senator Merkley?

17 **SENATOR MERKLEY.** There is a lot of confusion, and it is confusion that
18 stems from the lack of consultation by the Administration with this committee,

1 and also their responses to our questions in which they refused to clarify whether
2 they feel they have the power beyond the War Powers Act to conduct a war in
3 violation of what I believe the Constitution says, which was a very deliberate,
4 clear, strong, investment in the Congress of the United States the power to -- the
5 Congress of the United States to declare war.

6 There has been a lot of fuzziness about this with our troops all over many
7 places doing different types of missions. Right now we are in a situation of high
8 tension with Iran where there is a huge opportunity for mistakes for lack of
9 clarification. So we need to clarify that we stand with the Constitution of the
10 United States, and we stand with the War Powers Act as previously passed, as
11 restated here. This gives clarity to the Administration that we believe they
12 cannot conduct a major war without coming to Congress outside of the War
13 Powers Act for authorization. It is the right thing for us to do, and I would like
14 to be added as a co-sponsor to the amendment.

15 **SENATOR UDALL.** I would move to add him as a co-sponsor.

16 **THE CHAIRMAN.** Without objection, he will be added. Senator Romney is
17 next.

1 **SENATOR ROMNEY.** I agree with so many comments here, I cannot list how
2 many that I fully agree with. I do, however, go back to -- all the way back to law
3 school and remember discussing the war powers of the President and what a
4 murky issue it was even then. It continues to be an extraordinarily complex and
5 murky issue. Every president I have seen has tried to expand their power, and
6 Congress has time and again tried to restrict the President's power. I would be
7 almost certain that if this reached the President's desk and he believed it was
8 restricting his power, he would veto it. And so the likelihood of this act actually
9 becoming law is greatly diminished, if not taken to zero in part because
10 presidents very jealously guard their power.

11 This issue, I hope, would be at some point taken up in a very
12 comprehensive, fulsome way as opposed to just being an amendment tacked on
13 to something else we want to have done. And we would not, if you will, put a
14 poison pill on this piece of legislation such that it is not going to get -- not going
15 to get signed by the President.

16 **THE CHAIRMAN.** Senator Romney, those are wise remarks. This is a poison
17 pill. It will never make it to the President's desk if we put on there. But, look,
18 this is -- you know, in the decade plus I have been here, I cannot tell you how

1 many of these conversations I have sat through arguing what is the President's
2 power. There are 100 lawyers on each side, and they make really good
3 arguments and it never gets resolved. It has been going on for a long, long time.
4 And this is not the vehicle to do it. We need to get this bill to the President's
5 desk. Senator Graham?

6 **SENATOR GRAHAM.** Let us have a hearing about what the law actually is.
7 I do not know how many military engagements we have been involved in as
8 Americans. I do know how many times we have declared war. Very few. So
9 those who believe that the commander-in-chief cannot enter into a military
10 conflict without congressional authorization, I think that is just not the history of
11 the country.

12 The War Powers Act came about in the Vietnam War. I think it is a true
13 intrusion into the power of the commander-in-chief to defend the country. The
14 power we have is the power of the purse. If we do not like what we are doing in
15 Iraq, cut off money. I think our troops are in Iraq legally, and if you disagree
16 with me, now is your time to speak. I think our troops are there consistent with
17 protecting the Nation, consistent with the authorization to use military force.
18 Any time you deploy people forward, you owe it to them to let every enemy

1 know that if you attack them, we are you going to attack you. That is the
2 inherent right to defend themselves.

3 So I agree with Senator Romney. Let us send a signal to Assad that we all
4 agree with, and I think we all agree that this bill is a really good signal to send to
5 Assad. Have a discussion among ourselves because I do not agree with anything
6 most of you have said about the way the law actually works. But that is not the
7 point. The point is can we send a signal to Assad without sending a mixed signal
8 to Iran at a time when things are really beginning to heat up or cool down,
9 depending on what we do. I prefer they cool down. I think this will do a lot.

10 **SENATOR YOUNG.** So, Mr. Chairman, I think what I just heard was a really
11 constructive recommendation, and I do not want to mischaracterize it. But I do
12 think that we need to get more clarity about the existing authorities to use
13 military force that are on the books. We still -- I entered the United States Navy
14 in 1991. We still have on the books from the first Gulf War an authorization for
15 the use of military force.

16 We need to lay all these things out to determine exactly the scope, the
17 parameters of these various AUMFs. I will be supporting this unless I hear a
18 public commitment to have that sort of hearing moving forward. I think it is so

1 important that we discuss our war-making powers as a committee. I do fear that
2 this will be a poison pill. I fear that it could send a mixed message, but I also fear
3 that this will be the last time this committee discusses this if we do not bring this
4 to a head, Mr. Chairman.

5 **SENATOR BOOKER.** Mr. Chairman?

6 **THE CHAIRMAN.** First of all, in response, if the committee wants to have
7 that hearing, we will certainly have that hearing. The first thing we ought to do
8 is have all the transcripts typed up from the other hearings and debates that we
9 have had because, I am telling you, there are thousands of pages out there. And I
10 am not -- I am not denigrating what you are saying.

11 **SENATOR YOUNG.** I was not here.

12 **THE CHAIRMAN.** Yeah, I am not denigrating what you are saying, but we
13 can -- we can do that. We can certainly do that. Senator Booker.

14 **SENATOR YOUNG.** Okay, great. Thank you.

15 **SENATOR BOOKER.** I just want to be added as a co-sponsor.

16 **THE CHAIRMAN.** You have been added as a co-sponsor.

17 **SENATOR YOUNG.** So I will opposing because the chairman indicated he
18 will be doing that.

1 **THE CHAIRMAN.** We will do.

2 **SENATOR RUBIO.** I would just say a couple things. I think a president
3 who, frankly, does not even want a couple thousand people in Syria to believe
4 that Administration clearly wants to even be there is all of a sudden comparing
5 some massive long-term military engagement of choice. But that said, let me
6 make a couple of points. This would not stop anything either. To be frank, if, in
7 fact, we ever have a chief executive who wants a war badly -- if a President
8 comes to us and says there was an imminent threat, I had to attack, by the time --
9 I do not know where you are going to appeal that decision or that -- but you
10 know where that is going to go. You are not going to win that argument.

11 But here is the second point that I would make. I know what this
12 provision says. We read what it says. I understand it. That is not -- my biggest
13 concern is not what it says, it is how this is going to be reported and ultimately
14 perceived. This is not going to be reported as they told the President he could
15 not start a war, but of course he can respond. It is going to be perceived as the
16 Senate adopted it and telling Trump do not use military force, and it is not going
17 to include the other stuff.

1 And I am not comfortable. I do not want to run the risk that that will be
2 misinterpreted in Tehran and that they will somehow do something based on a
3 misreading of the legal constructs of this. I do not think the Ayatollah speaks
4 English, much less understands what this is. And I do not trust that it is going to
5 be reported in the way that the law actually works. And I am really concerned
6 that a mischaracterization or misunderstanding of what we are voting on here
7 today can trigger them to take an action that could lead to the very thing that it
8 sounds to me like everyone here is saying they want to avoid.

9 **THE CHAIRMAN.** Thank you. Senator Udall, did you wish to make a
10 motion to adopt the -- your first -- your amendment, Udall 1?

11 **SENATOR UDALL.** Motion to -- yes.

12 **THE CHAIRMAN.** Would you -- okay. The motion has been made to adopt
13 Udall 1, which is an amendment to the Syria Caesar Bill regarding spending
14 funds in Iran. And is there a second to that?

15 Senator Merkley has seconded that. The clerk will call the roll.

16 **THE CLERK.** Mr. Rubio?

17 **SENATOR RUBIO.** No.

18 **THE CLERK.** Mr. Johnson?

1 **SENATOR JOHNSON.** No.

2 **THE CLERK.** Mr. Gardner?

3 **THE CHAIRMAN.** No by proxy.

4 **THE CLERK.** Mr. Romney?

5 **SENATOR ROMNEY.** No.

6 **THE CLERK.** Mr. Graham?

7 **SENATOR GRAHAM.** No.

8 **THE CLERK.** Mr. Isakson?

9 **THE CHAIRMAN.** No by proxy.

10 **THE CLERK.** Mr. Barrasso?

11 **THE CHAIRMAN.** No by proxy.

12 **THE CLERK.** Mr. Portman?

13 **THE CHAIRMAN.** No by proxy.

14 **THE CLERK.** Mr. Paul?

15 **SENATOR PAUL.** Yes.

16 **THE CLERK.** Mr. Young?

17 **SENATOR YOUNG.** No.

18 **THE CLERK.** Mr. Cruz?

1 **SENATOR CRUZ.** No.

2 **THE CLERK.** Mr. Menendez?

3 **SENATOR MENENDEZ.** No.

4 **THE CLERK.** Mr. Cardin?

5 **SENATOR CARDIN.** Yes.

6 **THE CLERK.** Mrs. Shaheen?

7 **SENATOR MENENDEZ.** Aye by proxy.

8 **THE CLERK.** Mr. Coons?

9 **SENATOR COONS.** No.

10 **THE CLERK.** Mr. Udall?

11 **SENATOR UDALL.** Aye.

12 **THE CLERK.** Mr. Murphy?

13 **SENATOR MURPHY.** Aye.

14 **THE CLERK.** Mr. Kaine?

15 **SENATOR MENENDEZ.** Aye by proxy.

16 **THE CLERK.** Mr. Markey?

17 **SENATOR MENENDEZ.** Aye by proxy.

18 **THE CLERK.** Mr. Merkley?

1 **SENATOR MERKLEY.** Aye.

2 **THE CLERK.** Mr. Booker?

3 **SENATOR BOOKER.** Aye.

4 **THE CLERK.** Mr. Chairman?

5 **THE CHAIRMAN.** No. The clerk will report.

6 **THE CLERK.** Mr. Chairman, the yeas are 9; the noes are 13.

7 **THE CHAIRMAN.** The amendment has failed. Are there further
8 amendments to the Caesar bill?

9 **SENATOR PAUL.** Yes.

10 **THE CHAIRMAN.** Senator Paul?

11 **SENATOR PAUL.** All right. What I am going to put forward, and I think it
12 is similar debate, and then I will not ask for a vote because I think it will be
13 similar to what we just did, but it brings up a similar point. And this is
14 Amendment Number 7 that basically reads that "Congress finds that there is not
15 specific authorization by Congress for the occupation by the United States of
16 territory in Syria or for the use of force by the United States against Syria."

17 And it is sort of the same debate. It was brought up by a senator earlier
18 that no one has been opposing things and saying, you know, authorization -- you

1 know, different authorizations for U.S. forces in Syria. Yeah, some of us have.
2 Some of us have said consistently that 2001 has nothing to do with Syria or Libya
3 or Iraq today or Afghanistan today, frankly, and there are those of us who are
4 making that argument strongly. I still make that argument strongly even in
5 Syria. If you wanted to go battle ISIS, we should have voted on it.

6 And there are many people who actually believe that we are stronger as a
7 Nation when we actually are unified and when we actually do vote on going to
8 war instead of just being always at war everywhere all the time, and we actually
9 think it through, devote our resources, consider that our young men and
10 women's lives are actually worth enough for us to vote on going on war. We just
11 go to war everywhere all the time based on 2001. It is complete and utter
12 nonsense, and we allow it to happen only because we acquiesce to the executive.

13 But I will withdraw that amendment. Simply I wanted to make a
14 statement on it. I think it will have the same results we on the other one. I will
15 let somebody go or I had another amendment.

16 **THE CHAIRMAN.** You are withdrawing 7.

17 **SENATOR PAUL.** Number 7, yes.

18 **THE CHAIRMAN.** Anybody else have an amendment to the bill?

1 [No response.]

2 **THE CHAIRMAN.** There being none.

3 **SENATOR PAUL.** I have another amendment then.

4 **THE CHAIRMAN.** Senator Paul, you have another one?

5 **SENATOR PAUL.** I have Amendments 2, 3, 4, 5, and 6, and to save time I
6 would ask unanimous consent that they can be combined into one. And we have
7 some minor edits that we gave to the chair that just was a reference to law of war
8 manual, and we had the wrong page numbers. And that is the only -- there is no
9 substantive difference if we put them all together, and they do not --

10 **THE CHAIRMAN.** If there is no objection, we will take them all together.

11 **SENATOR PAUL.** Okay. Basically, as we look at the Caesar bill, there is a --
12 you know, a couple of questions about the bill overall. And the question is -- I
13 think there is a big question, and even Senator Corker said this at one of our
14 hearings last year, do sanctions work. I know it sounds like a silly question
15 because we all assume they do, but he asked if they work and he asked if they
16 were working to some of our State Department folks that came in. And the
17 answer by Senator Corker and by the State Department was framed that they
18 have not been working.

1 And so when we look in the history -- the history of the last several
2 decades, there is arguably only one time that I think sanctions might have
3 worked, and some people argue to the contrary there. But I would be willing to
4 accept that when the whole world is sort of united against Iran, that Iran is
5 coming to the table, that the Iran agreement probably was aided by sanctions.

6 There is something to be said, though, for the opposite, and I would make
7 the argument that tearing up the Iran agreement did not make it more likely for
8 them to -- you know, you tear up a nuclear agreement and now we are going to
9 say, yeah, but now we want you to agree to a nuclear agreement and a ballistic
10 missile agreement, and we are not going to do anything to Saudi Arabia in the
11 process. I think it is not a fool's errand. It is just naïveté at its utmost to believe
12 we are going to present 12 things to Iran and tomorrow they are going to bend a
13 knee and all of a sudden sign this.

14 I think as we have ratcheted down sanctions, I think a lot of us are hearing
15 as we go to these briefings that there may be more involvement, or they are more
16 likely to accept a small war at this point rather than being willing to come to a
17 negotiating table. We made the negotiating table -- I think as Senator Murphy
18 mentioned the other day, you know, we have made the negotiating table so

1 distant and so full of conditions that they are not even going to bother coming to
2 it. And so what do they have to do? Nations have to save face and leaders have
3 to save face, so what are they thinking about? They are thinking about, well,
4 maybe we have a skirmish to show our people that we will stand up to the U.S.
5 So I think it is having the opposite effect.

6 I think a big part of our sanctions squeezing is that it is having a dramatic
7 effect right now, and having the opposite effect of we want is actually ratcheting
8 down their export of oil. We have these exemptions. So we had sanctions, and
9 we are covering them in sanctions, but we allowed, I guess, South Korea, China,
10 India, and a few other countries to get some exports from Iran. As we have
11 ratcheted that down, I think Iran is going to be bonding more and more, and we
12 are going to see more belligerence, not less, and so that is the question. Do
13 sanctions work?

14 I think this is a good question with regard to Syria. No matter the
15 heartache of what has happened, no matter the heartache of the hundreds of
16 thousands of people who fled, the tens of thousands who have died in this war,
17 the war is largely over. Sanctions are not going to reverse the result. Assad won.

1 The other thing that we have to, I think, understand, if are going to put
2 sanctions on the Assad people and the Iranians and the Russians, great. I think
3 horrific war crimes happened on that side, and I am more than willing to
4 acknowledge it. If you think sanctions will work, that is great. But when you
5 ignore the other side, when you ignore al-Nusra, al-Qaeda -- I will give you a list
6 of the names that we are basically ignoring -- it seems as if we are sending the
7 wrong message, that atrocities are -- we are against war crimes on one side, but
8 not on the other.

9 So basically these five amendments that we have put together speak to
10 what the U.S. Department of Defense has written, something called the *Law of*
11 *War Manual*. The rules contained within this manual are based on long-
12 established international human rights laws and norms which have sought to
13 maintain a level of dignity, human dignity in war, and prevent unnecessary
14 suffering. It is not only the standard our troops are expected to maintain and
15 adhere to while engaged in combat, but these also form the core of how the
16 international community determines what is and whether or not there is a war
17 crime.

1 So if we are serious about punishing people who have committed war
2 crimes, why do we not we put something from our *Law of War Manual* in there
3 that does not indicate who the party is, and we actually have a vote and say if
4 you have committed a war crime, according to our *Law of War Manual* that is
5 produced by the Department of Defense, that you would actually sanction those
6 people? We don't even -- we do not name them, but I will give you a couple of
7 examples in a minute.

8 So my amendments would sanction those who violate the laws of war.
9 These sections have been specifically picked out because they pertain to the
10 conduct of belligerents towards civilians, much in line with the sanctions of the
11 rest of this bill. The bill as it stands, however, only sanctions bad actors on one
12 side. My intent is not to single out specific individuals, groups, or nations, but to
13 rather hold all parties in this conflict who have wantonly maimed and killed
14 civilians to account. I'll give you a couple of examples from our side, from the
15 rebel side, the anti-government side.

16 The Moderate Free Syrian Army, the Sultan Murad Division, engaged in
17 the indiscriminate shelling of the town of Sheikh Maqsood. Between February
18 and April of 2016, this shelling was reported to have killed at least 83 civilians,

1 including 30 children, and injured more than 700 civilians. These are the so-called
2 Syrian moderates that we were supporting. In June of 2018, the United Nations
3 accused anti-government forces of committing crimes during the siege of
4 Ghouta. Caliph's militant groups -- once again, believe it or not, our allies, such
5 as Jaysh al-Islam, Ahrar al Sham, and Hayat Tahrir al Sham, were implicated in
6 the indiscriminate shelling of Damascus from Ghouta to simply spread terror. It
7 should be noted at these times, the groups have featured strong ties with al-
8 Qaeda that are -- actually include leadership roles for members of al-Qaeda.

9 Today's groups are the most dominant faction in the Idlib Province, and
10 these -- this group has become the final iteration of al-Qaeda in Syria. I would
11 think if we were going to have sanctions on Assad's barrel bombing, let us have
12 sanctions on al-Nusra as well. Are we not supposedly fighting against al-Nusra?
13 Is that not supposedly who attacked us or some sort of morphing of al-Qaeda
14 from 2001?

15 In October 2015, the Syrian Democratic Forces were reportedly
16 deliberating razing villages and forcing the displacement of inhabitants under
17 the threat of violence. Researchers visited 14 towns and villages in Al-Hasakah

1 and Al-Raqqah governments in July and August 2015 to investigate the forced
2 displacement of residents and demolition of homes.

3 **THE CHAIRMAN.** Senator Paul, can we put in that record? You are reading.
4 Can we put that in the record because we are going to lose members here. I
5 know this is important --

6 **SENATOR PAUL.** We do not have that much more, but I think that if we are
7 going to have a bill that you guys have tried forever, you want to put sanctions
8 on people, we need to understand who we are not going to put sanctions on, you
9 are going to vote against this amendment. I just have a few more to recite.

10 In 2012, a video showed members of the Free Syrian Army forcing a 12-
11 year-old child being forced to decapitate a Syrian army officer. Two more
12 examples of rebels on our side committing atrocities. On 30 June 2015, Jaysh al-
13 Islam, who then Secretary of State John Kerry referred to as a sub-group of al-
14 Nusra and funded also by our ostensible allies in the Gulf, published on its
15 website a 20-minute video that showed fighters executing 18 alleged rival
16 militants by shotgun. The last example. In November 2015, Jaysh al-Islam,
17 militants again posted videos, this time of captives being locked in cages, and

1 then some 100 of these cages being spread out through eastern Ghouta as human
2 shields against the Syrian government air raids.

3 So I think there have -- you know, in any war there are atrocities on both
4 sides. We have picked a side in this war, but we have also allied with some very
5 unsavory characters. Most of the groups that I have named do not believe in
6 Israel's right to exist. Many of them have publicly stated that. One of the groups
7 has said -- that we gave anti-tank weapons to said that when they were done
8 attacking ISIS or done attacking the government, that they would be headed for
9 Golan Heights next to attack Israel.

10 These are people who believe in a radical form of Islam. These are people
11 that Saudi Arabia, Qatar, the UAE are ostensible allies and indiscriminately
12 armed in this thing, and I think from the very beginning, this thing has been a
13 huge disaster. And had we not been involved in this, had we sort of decided that
14 we were not going to tip the balance in favor of the rebels, it would have been
15 sad. It is sad today, but it is even sadder because hundreds of thousands of
16 people were displaced. It hardly even lasted a week.

17 **THE CHAIRMAN.** Senator Paul, the chair will accept a motion to adopt Paul
18 Amendments 2 through 6.

1 **SENATOR PAUL.** All right. I make that motion.

2 **THE CHAIRMAN.** Is there a second to that motion?

3 The motion has been made and seconded.

4 **SENATOR MENENDEZ.** Mr. Chairman?

5 **THE CHAIRMAN.** Senator?

6 **SENATOR MENENDEZ.** I am not going to take as long as Senator Paul, and I
7 appreciate knowing that we can have a limited discussion. So we have a handful
8 of peaceful diplomacy tools. The use of our aid and trade to induce a country to
9 act according to a certain, international opinion, to the extent that a country or a
10 ruler is susceptible to international opinion. Most of them are not. They are
11 tyrants, and the denial of aid or trade or access to our financial systems, which is
12 our sanctions, that is our universe of peaceful diplomacy tools.

13 And so either we accept rogue regimes like Assad and say we can do
14 nothing about it, or we find the use of a peaceful diplomacy tool, particularly for
15 crimes against humanity, which is what this is all about, so barrel bombing and a
16 whole host of other things, including chemical weapons. So I think it is rather
17 clear cut, and I urge opposition to the Paul amendments.

18 **THE CHAIRMAN.** Further debate?

1 **SENATOR PAUL.** Mr. Chairman, I will make one very brief point.

2 **THE CHAIRMAN.** Yeah, very brief, Senator Paul. We have been -- the chair
3 has --

4 **SENATOR PAUL.** The brief -- the brief point is this, that nobody is asking
5 you not to sanction those on the Assad side. I am simply saying that we should
6 sanction anyone who has committed war crimes by our own definition of the
7 Department of Defense. What I have added to this bill would not detract in any
8 way. It simply adds more sanctions. You think sanctions are effective? Let us go
9 ahead and sanction the people who have committed atrocities on our side as
10 well.

11 **THE CHAIRMAN.** The motion has been made and seconded to adopt Paul 2
12 through 6 amendments. The clerk will call the roll.

13 **THE CLERK.** Mr. Rubio?

14 **SENATOR RUBIO.** No.

15 **THE CLERK.** Mr. Johnson?

16 **SENATOR JOHNSON.** Yes.

17 **THE CLERK.** Mr. Gardner?

18 **THE CHAIRMAN.** No by proxy.

1 **THE CLERK.** Mr. Romney?

2 **SENATOR ROMNEY.** No.

3 **THE CLERK.** Mr. Graham?

4 **SENATOR GRAHAM.** No.

5 **THE CLERK.** Mr. Isakson?

6 **THE CHAIRMAN.** No by proxy.

7 **THE CLERK.** Mr. Barrasso?

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

9 **THE CLERK.** Mr. Portman?

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

11 **THE CLERK.** Mr. Paul?

12 **SENATOR PAUL.** Yes.

13 **THE CLERK.** Mr. Young?

14 **THE CHAIRMAN.** No by proxy.

15 **THE CLERK.** Mr. Cruz?

16 **SENATOR CRUZ.** No.

17 **THE CLERK.** Mr. Menendez?

18 **SENATOR MENENDEZ.** No.

1 **THE CLERK.** Mr. Cardin?

2 **SENATOR CARDIN.** Aye.

3 **THE CLERK.** Mrs. Shaheen?

4 **SENATOR MENENDEZ.** No by proxy.

5 **THE CLERK.** Mr. Coons?

6 **SENATOR COONS.** No.

7 **THE CLERK.** Mr. Udall?

8 **SENATOR UDALL.** Aye.

9 **THE CLERK.** Mr. Murphy?

10 **SENATOR MURPHY.** No.

11 **THE CLERK.** Mr. Kaine?

12 **SENATOR MENENDEZ.** No by proxy.

13 **THE CLERK.** Mr. Markey?

14 **SENATOR MENENDEZ.** No by proxy.

15 **THE CLERK.** Mr. Merkley?

16 **SENATOR MERKLEY.** Aye.

17 **THE CLERK.** Mr. Booker?

18 **SENATOR MENENDEZ.** There is no proxy.

1 **THE CLERK.** Mr. Chairman?

2 **THE CHAIRMAN.** No. The clerk will report.

3 **THE CLERK.** Mr. Chairman, the ayes are 5; the noes are 16.

4 **THE CHAIRMAN.** The motion has failed. Are there any other motions to
5 the Caesar bill? Any other motion to adopt amendments to the Caesar bill?

6 **SENATOR CRUZ.** Mr. Chairman?

7 **THE CHAIRMAN.** Senator Cruz?

8 **SENATOR CRUZ.** Mr. Chairman, I had an amendment that I had filed on
9 this that directed the Administration to make a determination whether the
10 Central Bank of Iran qualifies for sanctions under the terms of the Caesar bill.
11 The amendment was designed not to be a new sanction, but rather an application
12 of the express terms of the bill. I also believe the amendment is good policy. The
13 Central Bank of Iran is at the center of Iran's global finance network and is critical
14 to Iran's efforts in Syria. I also think adopting this as a matter of statute is an
15 important element in a layered and redundant sanction regime. There are
16 already provisions of executive orders doing this, but I think a layered sanctions
17 regime is the most effective and the most appropriate for Iran and for the Central
18 Bank of Iran.

1 The chairman asked that I hold back on this out of concerns that this
2 amendment would jeopardize passage of the Caesar Act all together, but the
3 chairman also indicated to me that he supported the underlying policy and
4 would support moving it forward on another vehicle. And so with that
5 understanding, I am willing to withdraw the amendment at this time and look
6 forward to moving it forward on another vehicle.

7 **THE CHAIRMAN.** Thank you, Senator Cruz. Your understanding is
8 absolutely correct and I appreciate that, and I appreciate you working on this.
9 Further amendments to the Caesar bill?

10 [No response.]

11 **THE CHAIRMAN.** It has been moved.

12 Second. The question is on the bill. The clerk will call the roll.

13 **THE CLERK.** Mr. Rubio?

14 **SENATOR RUBIO.** Yes.

15 **THE CLERK.** Mr. Johnson?

16 **SENATOR JOHNSON.** Yes.

17 **THE CLERK.** Mr. Gardner?

18 **THE CHAIRMAN.** Aye by proxy.

1 **THE CLERK.** Mr. Romney?

2 **SENATOR ROMNEY.** Aye.

3 **THE CLERK.** Mr. Graham?

4 **SENATOR GRAHAM.** Aye.

5 **THE CLERK.** Mr. Isakson?

6 **THE CHAIRMAN.** Aye by proxy.

7 **THE CLERK.** Mr. Barrasso?

8 **THE CHAIRMAN.** Aye by proxy.

9 **THE CLERK.** Mr. Portman?

10 **THE CHAIRMAN.** Aye by proxy.

11 **THE CLERK.** Mr. Paul?

12 **SENATOR PAUL.** No.

13 **THE CLERK.** Mr. Young?

14 **THE CHAIRMAN.** Aye by proxy.

15 **THE CLERK.** Mr. Cruz?

16 **SENATOR CRUZ.** Aye.

17 **THE CLERK.** Mr. Menendez?

18 **SENATOR MENENDEZ.** Aye.

1 **THE CLERK.** Mr. Cardin?

2 **SENATOR CARDIN.** Aye.

3 **THE CLERK.** Mrs. Shaheen?

4 **SENATOR MENENDEZ.** No by proxy. Correction for the record. Aye by
5 proxy.

6 **THE CLERK.** Mr. Coons?

7 **SENATOR COONS.** Aye.

8 **THE CLERK.** Mr. Udall?

9 **SENATOR UDALL.** No.

10 **THE CLERK.** Mr. Murphy?

11 **SENATOR MENENDEZ.** Aye by proxy.

12 **THE CLERK.** Mr. Kaine?

13 **SENATOR MENENDEZ.** Aye by proxy.

14 **THE CLERK.** Mr. Markey?

15 **SENATOR MENENDEZ.** Aye by proxy.

16 **THE CLERK.** Mr. Merkley?

17 **SENATOR MERKLEY.** Aye.

18 **THE CLERK.** Mr. Booker?

1 **SENATOR MENENDEZ.** Aye by proxy.

2 **THE CLERK.** Mr. Chairman?

3 **THE CHAIRMAN.** Aye. The clerk will report.

4 **THE CLERK.** Mr. Chairman, the yeas are 20; the noes are 2.

5 **THE CHAIRMAN.** H.R. 31 has passed the committee. Now we will have
6 consideration of Senate 1025, the Venezuela matter. And I am glad we were able
7 to negotiate a manager's amendment, which incorporates elements of the first-
8 degree amendments filed by Senators Cardin, Cruz, Kaine, Murphy, and Paul. I
9 will be supporting the manager's amendment.

10 Is there a motion to approve the manager's amendment?

11 Moved and seconded. Senator Menendez?

12 **SENATOR MENENDEZ.** Mr. Chairman, I have already made my comments.
13 I only want to welcome Venezuela's interim president's ambassador, Juan
14 Guaido's ambassador, Carlos Vecchio, who has been with us and has supported
15 the legislation.

16 **THE CHAIRMAN.** Thank you so much. We all join in welcoming Carlos. Is
17 there further discussion of the bill?

18 **SENATOR PAUL.** One quick comment, Mr. Chairman.

1 **THE CHAIRMAN.** We need to vote on the manager's amendment first.

2 **SENATOR PAUL.** Okay.

3 **THE CHAIRMAN.** There has been a motion -- there has been a motion and
4 second on the manager's amendment before we get to final passage.

5 All those in favor, signify by saying aye?

6 [A chorus of ayes.]

7 **THE CHAIRMAN.** Opposed, nay?

8 [No response.]

9 **THE CHAIRMAN.** The manager's amendment has been adopted.

10 Is there further discussion on the bill?

11 **SENATOR PAUL.** Mr. Chairman?

12 **THE CHAIRMAN.** Senator Paul.

13 **SENATOR PAUL.** We have had the discussion on whether or not we believe
14 sanctions work, and I think there is some question that it does not really seem to
15 have permeated. But there is some real question of whether or not sanctions
16 work, and I would like to read into the record one quick passage from Doug
17 Bandow at Cato, who says, "Venezuela, however, is a tragedy, not a serious
18 security risk. Sanctions are effective only in making the already poor worse off.

1 Those in power do best avoiding the worst effects. Trying to save a nation by
2 destroying its economy and society is a dubious venture anywhere. In
3 Venezuela, it appears to be ineffective as well." I will oppose the bill.

4 **THE CHAIRMAN.** Thank you, Senator. Is there further debate on S. 1025?
5 Senator Merkley?

6 **SENATOR MERKLEY.** Mr. Chairman, I offer Merkley Amendment Number
7 1. This is parallel, in a way, to the conversation we had on Senator Udall's
8 amendment. However, my amendment pertains to Venezuela, so it is the topic
9 of this particular bill. It makes very clear that the President has power to act
10 under the War Powers Act, but it says that if President acts beyond that, he needs
11 to come for congressional authorization. And that is very consistent with our
12 vision of the Constitution. It is what the Constitution says.

13 And so there have been some questions asked of me. I will try to quickly
14 answer them. Maybe it will shorten the debate. The one question is why now.
15 Well, because we are in a very tense setting with Venezuela where a series of
16 plans are being considered by the Administration. And this will send a clear
17 message that if you are going to go to war there, you need to come to Congress.

1 Is the right moment now? And the second question was, does this compromise
2 of the War Powers Act? It does not. We explicitly say so.

3 The underlying bill says that nothing in the underlying bill authorizes
4 action. My amendment is different. It says not only does the underlying bill not
5 authorize action, but no previous authorizations of action anywhere around the
6 world authorize action in Venezuela. So it says to the Administration do not cite
7 to us 2001 or 2002 or some previous edition that has never been reversed from 30
8 years ago. If you want to go to war in Venezuela, come to Congress and make
9 the case.

10 **THE CHAIRMAN.** Further debate on Merkley 1?

11 **SENATOR PAUL.** Mr. Chairman --

12 **THE CHAIRMAN.** Senator Menendez.

13 **SENATOR MENENDEZ.** Very briefly because I do not want us to lose our
14 quorum. I am deeply concerned, as the Senate knows. I have made it very clear
15 that while I am doing everything I can to strongly support robust efforts to help
16 the Venezuelan people, I do not believe in a military option. We have included a
17 binding statement of U.S. policy in support of a peaceful and negotiated solution

1 to the Venezuelan crisis in this legislation. We include support for a diplomatic
2 solution across the bill.

3 In the manager's amendment that we just adopted, we once again, in the
4 spirit of Senator Merkley's effort, state "Nothing in this bill shall be construed as
5 an authorization for the use of military force." I think these measures make
6 Congress' intent clear, and that we strike a need for Congress to express itself,
7 but also to pass the bill into law. So in that context, I will be voting against it.

8 **THE CHAIRMAN.** I want to associate myself with those remarks and
9 underscore the fact that the language regarding no authorization is included here
10 is acceptable to the White House, although they did not like it, but they were
11 willing to accept that this can become law. With that, I will be opposing the
12 amendment. Senator Paul?

13 **SENATOR PAUL.** I would just like to ask unanimous consent to be listed as
14 a co-sponsor.

15 **THE CHAIRMAN.** You will be. Is there further -- is there further debate on
16 Merkley 1? Have you made a motion to adopt Merkley 1?

17 **SENATOR CRUZ.** Mr. Chairman?

1 **THE CHAIRMAN.** Senator Cruz? Just a second. Let me get a second. Is
2 there a second to Merkley?

3 It has been moved and seconded. Senator Cruz.

4 **SENATOR CRUZ.** Mr. Chairman, I am sympathetic to what Senator Merkley
5 is trying to do here, and I certainly do not support armed conflict in Venezuela. I
6 think we should use both carrots and sticks to push for the Maduro regime, that
7 it is illegitimate, to leave power, but I think affirmative use of military force
8 would be a mistake. This language, however, does not include any qualifiers
9 concerning the defense of U.S. lives.

10 So if Maduro were, for example, to directly threaten the lives or safety of
11 U.S. citizens, my views on military force would change. I think we should be
12 completely prepared, and Maduro should understand, if he threatens the lives of
13 U.S. citizens, military retaliation would be on the table.

14 **SENATOR MERKLEY.** Mr. Chairman, just a point of clarification. That is in
15 the War Powers Act, and that is why I explicitly restated it here in the -- in the
16 amendment itself to your point.

17 **SENATOR CRUZ.** I guess for me to support it, it would need to be clearer,
18 but I am sympathetic to what you are trying to accomplish.

1 **THE CHAIRMAN.** Further debate on Merkley 1?

2 [No response.]

3 **THE CHAIRMAN.** There being none --

4 **SENATOR MENENDEZ.** I move -- you have a motion.

5 **THE CHAIRMAN.** Will you accept a voice vote on this?

6 **SENATOR MERKLEY.** I would prefer to have a recorded vote.

7 **THE CHAIRMAN.** Okay. Recorded vote. The clerk will call the roll.

8 **THE CLERK.** Mr. Rubio?

9 **SENATOR RUBIO.** No.

10 **THE CLERK.** Mr. Johnson?

11 **SENATOR JOHNSON.** No.

12 **THE CLERK.** Mr. Gardner?

13 **THE CHAIRMAN.** No by proxy.

14 **THE CLERK.** Mr. Romney?

15 **SENATOR ROMNEY.** No.

16 **THE CLERK.** Mr. Graham?

17 **SENATOR GRAHAM.** No.

18 **THE CLERK.** Mr. Isakson?

1 **THE CHAIRMAN.** No by proxy.

2 **THE CLERK.** Mr. Barrasso?

3 **THE CHAIRMAN.** No by proxy.

4 **THE CLERK.** Mr. Portman?

5 **THE CHAIRMAN.** No by proxy.

6 **THE CLERK.** Mr. Paul?

7 **SENATOR PAUL.** Aye.

8 **THE CLERK.** Mr. Young?

9 **SENATOR YOUNG.** No.

10 **THE CLERK.** Mr. Cruz?

11 **SENATOR CRUZ.** No.

12 **THE CLERK.** Mr. Menendez?

13 **SENATOR MENENDEZ.** No.

14 **THE CLERK.** Mr. Cardin?

15 **SENATOR CARDIN.** Yes.

16 **THE CLERK.** Mrs. Shaheen?

17 **SENATOR MENENDEZ.** Aye by proxy.

18 **THE CLERK.** Mr. Coons?

1 **SENATOR COONS.** Yes.

2 **THE CLERK.** Mr. Udall?

3 **SENATOR UDALL.** Aye.

4 **THE CLERK.** Mr. Murphy?

5 **SENATOR MENENDEZ.** Aye by proxy.

6 **THE CLERK.** Mr. Kaine?

7 **SENATOR MENENDEZ.** Aye by proxy.

8 **THE CLERK.** Mr. Markey?

9 **SENATOR MENENDEZ.** Aye by proxy.

10 **THE CLERK.** Mr. Merkley?

11 **SENATOR MERKLEY.** Aye.

12 **THE CLERK.** Mr. Booker?

13 **SENATOR MENENDEZ.** Aye by proxy.

14 **THE CLERK.** Mr. Chairman?

15 **THE CHAIRMAN.** No. The clerk will report.

16 **THE CLERK.** Mr. Chairman, the yeas are 10; the noes are 12.

17 **THE CHAIRMAN.** The amendment has failed. Are there further proposed
18 amendments to the Venezuela bill?

1 **SENATOR YOUNG.** Mr. Chairman?

2 **THE CHAIRMAN.** Senator Young?

3 **SENATOR YOUNG.** Could I make a motion to be recorded as present and
4 voting affirmatively for the Caesar bill? I walked in towards the tail end of the
5 vote. So it would not change my vote.

6 **THE CHAIRMAN.** How do -- how do we have you voting?

7 **SENATOR YOUNG.** As a proxy.

8 **THE CHAIRMAN.** Oh, you want to be recorded as voting live?

9 **SENATOR YOUNG.** Yes.

10 **THE CHAIRMAN.** I heard him "yes."

11 [Laughter.]

12 **THE CHAIRMAN.** All right. Is there further debate on the Venezuela bill?

13 [No response.]

14 **THE CHAIRMAN.** There being none, is there a motion to adopt Senate Bill
15 1025?

16 There has been a motion made and second that S. 1025 be adopted.

17 All those in favor, signify by saying aye?

18 [A chorus of ayes.]

1 THE CHAIRMAN. Opposed, nay?

2 [No response.]

3 THE CHAIRMAN. The ayes have it. S. 1025 has been adopted by the
4 committee.

5 I have received a request from Senator Isakson to be added as a co-
6 sponsor to Senate Bill 1340, as amended. Without objection, he will be so added.

7 That concludes the committee's business. I ask unanimous consent that
8 staff be authorized to make technical and conforming changes.

9 Without objection, so ordered.

10 And with that, without objection, thank you, everyone. The committee is
11 adjourned.

[Whereupon, at 3:12 p.m., the committee was adjourned.]