
BUSINESS MEETING

Tuesday, June 9, 2015

UNITED STATES SENATE COMMITTEE
ON FOREIGN RELATIONS
114TH Congress, First Session

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

1 The committee met, pursuant to notice, at 3:23 p.m. in Room S-116, Capitol
2 Building, Hon. Bob Corker, chairman of the committee, presiding.

3 **PRESENT.** Senators Corker [presiding], Risch, Johnson, Flake, Gardner, Perdue,
4 Isakson, Paul, Barrasso, Cardin, Boxer, Menendez, Shaheen, Coons, Udall, Murphy,
5 Kaine, and Markey.

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

6 **THE CHAIRMAN.** I am going to call the meeting to order, and I appreciate
7 everybody's patience. I know there is an NDAA vote that went on. We were waiting
8 for that to occur.

9 And I want to thank the ranking member and his staff and our staff for the way
10 we have worked to submit a manager's package that I think is going to make the
11 meeting go much more quickly than anticipated. I hope that is the case.

12 But anyway, we have got a number of items on the agenda, including three
13 pieces of legislation, six nominations, two Foreign Service lists totaling over 500 officers
14 of appointment and promotion into and within the Foreign Service.

1 The largest item on our agenda, of course, is the State Department authorization.

2 I want to thank all members and their staffs for working with us to produce a draft bill
3 for consideration of the committee. Just like our work on Iran and other issues, it is an
4 important opportunity for the committee to assert its jurisdiction and shape and
5 provide oversight and priorities in the functionality of the agencies within our purview.

6 With that, I would like to recognize our distinguished ranking member for his
7 comments, Senator Cardin.

8 **SENATOR CARDIN.** Mr. Chairman, first of all, thank you very much for this
9 opportunity. I really do appreciate the manner that you have reached out to all
10 members of our committee in an effort to carry out one of the primary responsibilities
11 we have as the Senate Foreign Relations Committee, and that is to do the authorization
12 for the State Department.

13 And it has been a challenge to try to get that completed. We recognize that this is
14 not the best way to do this. It would be better to have a separate bill that we could
15 spend a little more time on, but in this Congress, this is, I think, our best opportunity for
16 us to exercise our committee's jurisdiction.

17 And when you look at the National Defense Authorization Act and you see that
18 so much of the work that is done in that bill affects our committee, I think it is extremely
19 important that we come together with the State Department authorization. And I

1 congratulate you for the manner in which you have worked with us to try to come
2 together with a bill that reflects the work of this committee.

3 This is a compromise. I am sure there are provisions in here you won't like, and
4 other provisions you would like to see included that will not be. And the same thing is
5 true with, I think, the Democratic members. But I think this has been done in an open
6 way with all of our members. I am very proud of the way that we have been able to
7 come together, and we will be submitting a manager's package that incorporates many
8 of the amendments that have been offered by members of this committee.

9 It is important that we move forward. This product will include embassy
10 security, which is critically important. Many areas of good governance and human
11 rights within the State Department's mission, including dealing with atrocities
12 prevention, dealing with anti-corruption issues, dealing with anti-Semitism and other
13 forms of intolerance, dealing with child abduction, dealing with gender discrimination,
14 dealing with diversity within the department, dealing with the State Department needs
15 for its Foreign Service officers, and I could go on and on and on.

16 And there are many other issues, but I want to just end with one other issue that
17 is in this bill that I think is very important. And that is it includes reports by the State
18 Department to us in many areas, and I hope you will get those reports, look at those
19 reports, and work on them so that next year, when we work on the State Department
20 authorization, we have a lot more information before us, and we can have a more

1 robust authorization in many of the areas that are not included in this bill that we need
2 to move on.

3 But I am very proud of the work that we have done this year. I think it is the
4 right step forward, and we have more work to do in the future.

5 Last point, there are other issues on the agenda that you mentioned, the Syrian
6 War Crimes Accountability Act. I thank you for including the legislation that I
7 authored. I think we need to point out that there have been 7.6 million people displaced
8 in Syria. Two hundred thousand people have been killed.

9 And I think it is important for the United States Senate and for Congress to
10 assume the leadership role that we need to demand accountability for those who have
11 committed war crimes in Syria.

12 I want to congratulate Senator Isakson for sticking with the Iran Hostage
13 Compensation Act. I know it has been a long road. I think you are almost there, and I
14 am very proud to support your efforts, and I thank you for the extraordinary work that
15 you put in on behalf of people who really need the attention of this Congress.

16 And lastly, Mr. Chairman, thank you for including the six nominees and the
17 Foreign Service lists that are included here so that we can move those positions forward
18 and, hopefully, get these people in their assignments.

19 **THE CHAIRMAN.** Well, thank you.

1 And if I could just make note on the NDAA, look, what we have done is we have
2 a placeholder amendment in the NDAA that was an old draft of an authorization bill. If
3 we pass something out today, what I hope to do is substitute that. Let me just say with
4 the state of play on the floor and the way amendments are being processed, I cannot
5 guarantee that that is the route that we will actually be able to consummate. But it is
6 obviously the one we hope to consummate, and actually, we think it is the best way for
7 this to become law.

8 But I thank you so much for the way.

9 So, with that, what I would like to do is ask the committee to proceed en bloc in a
10 voice vote in consideration of six nominees. Anybody who wants to be recorded
11 otherwise can be, or we can call for a roll call vote.

12 It is Mr. Raji, to be Ambassador to Sweden —

13 **SENATOR CARDIN.** Ms.

14 **THE CHAIRMAN.** — Ms. Ms. Pettit, to be Ambassador to Latvia; Mr. Delawie, to
15 Kosovo; Sabharwal, Alternative Executive Director to the IMF; Kelly, to be Ambassador
16 to Georgia; and Noyes, to be Ambassador to Croatia.

17 I want to thank all those for being willing to serve, and Senator Cardin, I do not
18 know if you want to make additional comments relative to these nominees?

19 **SENATOR CARDIN.** I move the approval en bloc.

20 **THE CHAIRMAN.** Is there anyone else that wishes to speak to any of these?

1 [No response.]

2 **THE CHAIRMAN.** If there is no further discussion on the nominations, I would
3 entertain a motion to approve this by a voice vote.

4 [Motion.]

5 [Second.]

6 **THE CHAIRMAN.** Moved and seconded. The question is on the motion to approve
7 the nominations.

8 All those in favor, say aye.

9 [A chorus of ayes.]

10 **THE CHAIRMAN.** Opposed?

11 [No response.]

12 **THE CHAIRMAN.** Hearing none, they pass. The ayes have it. Recommended to the
13 full Senate.

14 Next we consider the Foreign Service lists. There are two lists here of Foreign
15 Service officers who are either being promoted or getting tenure from the service.

16 I support these appointments and promotions. I would like to thank all those
17 officers for their service.

18 Senator Cardin, would you like to have any additional comments?

19 **SENATOR CARDIN.** Just thank you for bringing them.

20 **THE CHAIRMAN.** Does anyone wish to speak to any of the lists?

1 [No response.]

2 **THE CHAIRMAN.** With that, if there is no further discussion on these lists, I would
3 entertain a motion to approve these lists en bloc by voice vote.

4 [Motion.]

5 [Second.]

6 **THE CHAIRMAN.** It has been moved and seconded. The question is on the motion to
7 approve the Foreign Service lists.

8 All those in favor, say aye.

9 [A chorus of ayes.]

10 **THE CHAIRMAN.** All opposed?

11 [No response.]

12 **THE CHAIRMAN.** Hearing none, passed. And the ayes have it. The Foreign Service
13 lists are approved in order to be reported.

14 I would now ask that the committee proceed to consideration of S. 756, the
15 Syrian War Crimes Accountability Act of 2015. Syria is the greatest humanitarian crisis
16 the world faces today. The bill is a small step in the right direction and, hopefully, will
17 call attention to what is happening in Syria right now.

18 Senator Cardin, would you like to speak to this legislation?

19 **SENATOR CARDIN.** Mr. Chairman, again, thank you for putting this on the markup.
20 I mentioned it earlier in my opening comments, and I thank you. I know that Senator

1 Markey has an amendment that I believe he is going to ask consent for a couple of
2 modifications to, and I think we can do this quickly.

3 **THE CHAIRMAN.** Are there any other comments on this legislation? Would you like
4 to offer an amendment?

5 **SENATOR MARKEY.** Mr. Chairman, yes. I have an amendment at the desk, and it is
6 quite simple. It is that we want to do full justice to all of these poor people in Syria.
7 And so, I propose strengthening S. 756 to require the President of the United States to
8 introduce a resolution before the United Nations Security Council to establish an
9 international war crimes tribunal for Syria and to make its passage this year a high and
10 urgent United States priority.

11 And towards that end, Mr. Chairman, I ask unanimous consent to revise the
12 words "most urgent priority" in lines 12 to 13 on page 2 to read "high and urgent
13 priority" and to revise the word "immediately" on page 1, line 8 to "in a timely way."

14 And I would say, Mr. Chairman, that we should help to elevate this to the
15 international crisis which it is. I mean, this is on all sides. There are atrocities being
16 committed on all sides in Syria, and by having the United Nations be forced to deal
17 with it, I think it will get the attention which it needs and deserves.

18 So I ask for an "aye" vote.

19 **THE CHAIRMAN.** Any other comments relative to this amendment? I think we have
20 got —

1 Okay. We have some issues with the amendment, and I am going to vote against
2 the amendment. But I appreciate very much you raising these issues, and do you want
3 a roll call vote?

4 **SENATOR MARKEY.** If I could, Mr. Chairman?

5 **SENATOR CARDIN.** And his amendment has been modified. Is that right? He asked
6 consent to modify his amendment.

7 **SENATOR MARKEY.** I asked unanimous consent to modify it, yes.

8 **THE CHAIRMAN.** Is there any objection? That is fine.

9 I guess without further comment, why do we not go ahead and vote on the
10 Markey amendment. Would you call roll?

11 **THE CLERK.** Mr. Risch?

12 **SENATOR RISCH.** No.

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

14 [No response.]

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

16 **SENATOR JOHNSON.** No.

17 **THE CLERK.** Mr. Flake?

18 **SENATOR FLAKE.** No.

19 **THE CLERK.** Mr. Gardner?

20 **SENATOR GARDNER.** No.

1 **THE CLERK.** Mr. Perdue?
2 **SENATOR PERDUE.** No.
3 **THE CLERK.** Mr. Isakson?
4 **SENATOR ISAKSON.** No.
5 **THE CLERK.** Mr. Paul?
6 **SENATOR PAUL.** No.
7 **THE CLERK.** Mr. Barrasso?
8 **SENATOR BARRASSO.** No.
9 **THE CLERK.** Mr. Cardin?
10 **SENATOR CARDIN.** Aye.
11 **THE CLERK.** Mrs. Boxer?
12 **SENATOR BOXER.** Aye.
13 **THE CLERK.** Mr. Menendez?
14 **SENATOR MENENDEZ.** Aye.
15 **THE CLERK.** Mrs. Shaheen?
16 **SENATOR SHAHEEN.** Aye.
17 **THE CLERK.** Mr. Coons?
18 **SENATOR COONS.** Aye.
19 **THE CLERK.** Mr. Udall?
20 **SENATOR UDALL.** Aye.

1 **THE CLERK.** Mr. Murphy?

2 **SENATOR MURPHY.** Aye.

3 **THE CLERK.** Mr. Kaine?

4 **SENATOR KAINE.** Aye.

5 **THE CLERK.** Mr. Markey?

6 **SENATOR MARKEY.** Aye.

7 **THE CLERK.** Mr. Chairman?

8 **The CHAIRMAN.** No. Report?

9 **THE CLERK.** Mr. Chairman, the yeas are 9. The nays are 9.

10 **THE CHAIRMAN.** The amendments fails. It is not agreed to.

11 So I guess we would now vote on the base bill. Is there — do we need a motion

12 to do so?

13 [Motion.]

14 **THE CHAIRMAN.** So is there a second?

15 [Second.]

16 **THE CHAIRMAN.** Is a voice vote okay? All in favor of the legislation?

17 [A chorus of ayes.]

18 **THE CHAIRMAN.** Any opposed?

19 [No response.]

20 **THE CHAIRMAN.** The ayes have it. The Syrian bill passes.

1 I would now like to call up the State Department operations —

2 **SENATOR CARDIN.** Do you want to take the Isakson bill?

3 **THE CHAIRMAN.** No, we are going to take it up in just a minute.

4 Next I would like to call up the Department of State Operations Authorization
5 and Embassy Security Act of Fiscal Year 2016. Let me just say we worked up until just a
6 few minutes ago getting amendments cleared on both sides. We have a large manager's
7 package. I am going to go through each of those amendments.

8 But I want to say we have never done this. We have not done this since 2002. I
9 do hope it is going to become law by virtue of the NDAA. If not, we will figure out
10 another package to get it on.

11 In going through this, and I know this is just an element of the State Department
12 operations, there is no question that this should be done every single year. There is so
13 much more that we could do in the State Department authorizations that would hugely,
14 hugely affect what is happening there and allow us to leverage our efforts more so on a
15 daily basis versus just taking up important and urgent issues as they come up. To
16 actually go through an authorization in detail every year and ensure that the State
17 Department has the tools that it needs to be effective, but to make sure they are carrying
18 out their work in a way that is important to national interests is something we have to
19 do.

1 So, again, we hope to build on this. I think this has been a very good effort. I
2 want to thank Senator Cardin and all the members of this committee that have been so
3 involved. And with that, I would now like to entertain a motion and consider the
4 following amendments as part of a manager's amendment by voice vote en bloc.

5 And those are Corker 2, embassy security. It has a second degree regarding
6 immediate threat mitigation. It has a second degree regarding FASTC, something that
7 we have worked both with Senator Perdue and Senator Kaine on, and with a Cardin
8 second degree, language training.

9 I do want to say there is going to be a GAO report that is going to be coming out
10 soon relative to the selection of a FASTC location. I would ask at this time permission
11 of the ranking member and others that we have a subcommittee hearing, interestingly
12 to be chaired by Senator Perdue and Senator Kaine. But a subcommittee hearing to go
13 through this GAO report and just make sure that we do not have any additional
14 questions.

15 There is also an amendment that has been filed, asking — has been part of this,
16 asking the State Department to provide us all documentation relative to the selection
17 and asking OMB to provide us all of the paperwork that went with the selection of this
18 location. I know that Senator Kaine is aware there has been some controversy over this.

19 The State Department has not been forthcoming with its information. As a matter of
20 fact, the House actually has a subpoena request out to get that information.

1 If, for some reason, we find this to be unsatisfactory, my sense is the committee is
2 going to want to take up additional issues relative to this. All of us want to make sure
3 that people are trained properly. We want to make sure they have the right facilities,
4 but we also want to make sure that the taxpayers are, in fact, dealt with appropriately.

5 In addition to that, there is the Boxer 1, gender-based violence strategy, with a
6 Corker second degree regarding implementation that has been accepted.

7 A Cardin 1, international corruption report.

8 A Coons 2, QDDR, with a Corker second degree, no new funds.

9 A Coons 3, review of SRAP and SCA.

10 A Corker 3, sense of the Congress on Japan.

11 A Corker 4, sense of the Congress on India.

12 A Corker 5, sense of the Congress on Korea.

13 A Gardner 2, State Department international cybersecurity policy.

14 A Johnson 2, adoption fee waiver.

15 An Isakson 1, Iran hostages.

16 A Markey 2, disappeared persons, with Markey second degree.

17 A Menendez 4, TVPA country reports.

18 A Perdue-Kaine IG enhancement. Significant amendment, appreciate their work
19 on that.

20 A Perdue 3, sense of Congress on anti-Semitism, with a Perdue second degree.

1 A Rubio 1, international religious freedom training, with a Rubio second degree.

2 A Rubio 2, Bahrain recommendation implementation, with a Rubio second
3 degree.

4 A Rubio 5 anti-Semitic activity in the U.N., with a Rubio second degree.

5 A Rubio 6, Haiti, with Rubio second degree.

6 A Shaheen 1, former Soviet states, with Corker second degree, no new funds,
7 with Johnson second degree on Russian propaganda.

8 We can move those en bloc with a voice vote, can deal with it however you wish.

9 I do not know if anybody wants to —

10 **SENATOR CARDIN.** I move them en bloc.

11 **SENATOR BOXER.** Second.

12 **THE CHAIRMAN.** Does anyone wish to speak to this?

13 **Senator Isakson.** Mr. Chairman?

14 **THE CHAIRMAN.** Yes?

15 **SENATOR ISAKSON.** I do not want to make a speech, but I want to acknowledge your
16 hard work, Senator Cardin's work, Senator Menendez, who 4 years ago really gave me
17 the chance to make the Iran hostage reparations work, the State Department and
18 Secretary Kerry, who even with a broken leg a week ago called to weigh in and help us
19 with this. These Americans deserve to be compensated, and I really appreciate all the
20 cooperation.

1 **The Chairman.** If I could, I should have spoken to that. I mentioned already
2 Senator Isakson likely if this passes today and for some reason this does not become a
3 part of the NDAA and become law, he may try to hotline this as a separate item, not a
4 part of this, in the event when it passes today.

5 Senator Shaheen?

6 **SENATOR SHAHEEN.** Mr. Chairman, I just wanted to applaud Senator Isakson and
7 everyone who has been part of finally getting this done. It is a real miscarriage of justice
8 that those people who were in prison for such a long time in Iran, who endured such
9 hardship, have never had any compensation because of their service.

10 And so, thank you very much for your continued effort, and I hope we can be
11 successful this time around.

12 **SENATOR BOXER.** Mr. Chairman? Mr. Chairman, I really want to thank you and
13 Senator Cardin. Like Senator Isakson, I will be very brief. But you worked so hard with
14 us to include something that I worked on with Senators Menendez, Collins, Kirk, and
15 Shaheen that had the support of three — that has the support of 300 humanitarian,
16 faith-based, human rights, refugee, and women's organizations.

17 Our amendment requires the Secretary of State to develop a strategy to prevent
18 and respond to gender-based violence globally, and to further the objectives of the
19 strategy, our amendment also requires the Secretary to develop comprehensive

1 individualized grants for at least four countries with the highest levels of violence
2 against women and girls.

3 And I will put the rest of my statement in the record, Mr. Chairman. But I just
4 feel that women and girls are treated so badly across the world, and it is wonderful that
5 this committee is taking a stand. And even though we know what we do here does not
6 mean immediate change, it lets the women and girls of the world know that we are
7 watching and we understand it, and we are going to be outspoken on it.

8 So thank you very much.

[The prepared statement of Senator Boxer follows.]

[COMMITTEE INSERT]

9 **THE CHAIRMAN.** Thank you. Thanks for your efforts.

10 Any other comments on the manager's package?

11 [No response.]

12 **THE CHAIRMAN.** It has been moved and seconded. If it is not objected to, a voice
13 vote en bloc should be good.

14 All those in favor, say aye.

15 [A chorus of ayes.]

16 **THE CHAIRMAN.** All opposed, say nay.

17 [No response.]

18 **THE CHAIRMAN.** The ayes have it, and the manager's package is agreed to.

1 I think we have already got embassy security dealt with. And now we are open
2 to any other amendments. Yes?

3 **SENATOR CARDIN.** Mr. Chairman, I am going to call up Rubio amendment number
4 4, which deals with Hong Kong, and I am doing that on behalf of Senator Rubio, who
5 could not be here. I am also going to call up my second-degree amendment that I filed
6 to Rubio 4.

7 I do not believe this is going to be controversial. So let me just do it quickly, if I
8 might? The second-degree amendment that I called up is the one that deals with
9 authorizing the President to designate an interagency hostage coordinator to lead fusion
10 cells that would coordinate the implementation of USG strategy with respect to hostage
11 situations abroad.

12 Mr. Chairman, I have had two circumstances in my State during this past year —
13 Warren Weinstein, who lost his life in Pakistan, and Alan Gross, who came home from
14 Cuba. In both cases, it is very difficult on the family.

15 And I think the administration is moving administratively in this direction.
16 There are lots of agencies that get involved with the family, but there needs to be a
17 coordinator within the agencies and a person which the family can have reliable contact
18 with that can get the information from all the agencies that are involved.

19 This is bipartisan. It is supported with Senator Cornyn, and I would ask for
20 support on my second-degree amendment.

1 **THE CHAIRMAN.** Any discussion?

2 [No response.]

3 **THE CHAIRMAN.** All those in favor, say aye.

4 [A chorus of ayes.]

5 **THE CHAIRMAN.** All opposed?

6 [No response.]

7 **THE CHAIRMAN.** The ayes have it.

8 We will now vote on the base bill. The base amendment.

9 **SENATOR MENENDEZ.** On the base amendment. You said the base bill, Mr.
10 Chairman.

11 [Laughter.]

12 **THE CHAIRMAN.** All those in favor of the Rubio amendment on Hong Kong, as
13 amended by the Cardin amendment second degree, say aye.

14 [A chorus of ayes.]

15 **THE CHAIRMAN.** All opposed?

16 [No response.]

17 **THE CHAIRMAN.** Adopted. Are there other amendments that wish to be — yes, sir?

18 **SENATOR MENENDEZ.** Mr. Chairman, I have an amendment. But before I have an
19 amendment, I have an inquiry of the chair. So am I to understand correctly, from what
20 I understand from you and the ranking member, that assuming that this authorization

1 passes the committee, it is your intention, along with the ranking member, to offer it to
2 the NDAA as an amendment?

3 **THE CHAIRMAN.** That is correct, sir.

4 **SENATOR MENENDEZ.** So I first want to applaud the chair for his evolution towards
5 considering —

6 **THE CHAIRMAN.** I was wondering when that was coming.

7 [Laughter.]

8 **SENATOR MENENDEZ.** I think I said it rather nicely. For his evolution into
9 considering this as an opportunity to NDAA. I know that you and I had the discussion
10 in the last Congress, and you were somewhat reticent to do that.

11 But I think that there are times in which an opportunity to actually assert the
12 committee's jurisdiction, even if it is through NDAA versus a freestanding bill, is
13 important to do. I want to applaud you for your willingness to do that now.

14 And I would like to call up my amendment. I am sorry, let me just see,
15 Amendment 2, which is to promote accountability and combat corruption in
16 Afghanistan.

17 My understanding, if I am not mistaken — and the chair can correct me — is that
18 the chair considers this is a committee report. This is the implementation of a
19 committee report that we did that deals with the issues regarding the national

1 assessment that we have had in Afghanistan, both in terms of national treasure and
2 lives, as well as our national security interests in Afghanistan.

3 My understanding is that the chair considers this a rather broad amendment for
4 the purposes of the authorization, and would consider a markup of it as freestanding
5 legislation. If I am correct about the chair's intention, then I will withdraw the
6 amendment if I could hear from the chair as to what his intention would be.

7 **THE CHAIRMAN.** What you have stated is correct, and I thank you for stating it the
8 way you did. And I look forward in the near future to have a markup on that, and I
9 appreciate your work in that regard.

10 **SENATOR MENENDEZ.** So may I say that I have the chair's commitment that we will
11 have an actual markup at some point as it relates to this legislation?

12 **THE CHAIRMAN.** You have my commitment as long as our ranking member does
13 not object to that.

14 [Laughter.]

15 **SENATOR CARDIN.** We will talk about that.

16 **SENATOR MENENDEZ.** With that understanding, Mr. Chairman, I will withdraw my
17 amendment.

18 **THE CHAIRMAN.** I want to also thank you for the work you did on embassy
19 security, and Senator Menendez had looked at potentially doing that last year on
20 NDAA. I thank him for working with us because in many ways, candidly, the embassy

1 security portion helps be the — a big part of the need, if you will, on this bill, and a
2 simple piece of it.

3 So we thank you. I think it has helped this process move along. So I thank you
4 for your cooperation on that matter.

5 Are there other amendments? Senator Paul?

6 **SENATOR PAUL.** You have my second amendment, which is our "stand with Israel"
7 amendment. And oftentimes, people talk about foreign aid as something in which we
8 would project power, and I think one way to project power and influence behavior is to
9 withhold it if the behavior is not the behavior you would like.

10 So this would withhold aid to the Palestinian Authority if they do not recognize
11 Israel, if they do not renounce terrorism, purge all individuals with terrorist ties from
12 security forces, terminate funding of anti-American and anti-Israel incitement, and
13 publicly pledge not to engage in war with Israel and honor previous diplomatic
14 agreements.

15 The reason why I think this is necessary is because now you have a joint unity
16 government with Hamas and Palestinian Authority. I think that it needs to be very
17 clear that the unity government adheres to this and is not using any of our money
18 directly or indirectly to buy missiles that are being used against Israel.

19 **THE CHAIRMAN.** Is there any discussion? I have a comment I want to make. Matter
20 of fact, I will just go ahead and make it.

1 I, first of all, want to thank you for your continued pursuit of issues surrounding
2 Israel. I do not support this amendment, but look forward to working with you in other
3 ways in trying to address it.

4 As a matter of fact, Senator Barrasso, Senator Kaine, myself, and several others
5 were just recently in Israel, and I know they do not support this amendment, the
6 government of Israel does not support this amendment because of additional security
7 issues it would create for them.

8 So I am going to oppose the amendment, but I look forward to working with you
9 in other ways to try to get messages across in an appropriate way to the Palestinian
10 Authority.

11 I do not know if anyone else wishes to speak to the amendment?

12 **SENATOR CARDIN.** Let me just concur with the chairman and your observations,
13 and I also would oppose this amendment.

14 **SENATOR PAUL.** I would like just a quick rejoinder. And that would be that I do
15 not think any one person can probably speak for all of the government. The
16 government of Israel is very pluralistic. There are many different viewpoints.

17 **THE CHAIRMAN.** That is a good point.

18 **SENATOR PAUL.** Some in Israel may object to this, but some actually support it.

19 **THE CHAIRMAN.** I noticed that on the PATRIOT Act. So you are exactly right.
20 People have differing views on that, and in the government of Israel, we have the same.

1 So I agree with that, and I should not have spoken so fully about the government of
2 Israel. I know some of the key leaders there are very concerned about this amendment.

3 Any other comment?

4 [No response.]

5 **THE CHAIRMAN.** I suppose you want a roll call vote?

6 **SENATOR PAUL.** Yes, please.

7 **THE CHAIRMAN.** Okay. The clerk would call the roll.

8 **THE CLERK.** Mr. Risch?

9 **SENATOR RISCH.** Aye.

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

11 [No response.]

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

13 **SENATOR JOHNSON.** No.

14 **THE CLERK:** Mr. Flake?

15 **SENATOR FLAKE.** No.

16 **THE CLERK.** Mr. Gardner?

17 **SENATOR GARDNER.** Aye.

18 **THE CLERK.** Mr. Perdue?

19 **SENATOR PERDUE.** No.

20 **THE CLERK.** Mr. Isakson?

1 **SENATOR ISAKSON.** No.

2 **THE CLERK.** Mr. Paul?

3 **SENATOR PAUL.** Aye.

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

5 **SENATOR BARRASSO.** Aye.

6 **THE CLERK.** Mr. Cardin?

7 **SENATOR CARDIN.** No.

8 **THE CLERK.** Mrs. Boxer?

9 **SENATOR BOXER.** No.

10 **THE CLERK.** Mr. Menendez?

11 **SENATOR MENENDEZ.** No.

12 **THE CLERK.** Mrs. Shaheen?

13 **SENATOR SHAHEEN.** No.

14 **THE CLERK.** Mr. Coons?

15 **SENATOR COONS.** No.

16 **THE CLERK.** Mr. Udall?

17 **SENATOR UDALL.** No.

18 **THE CLERK.** Mr. Murphy?

19 **SENATOR MURPHY.** No.

20 **THE CLERK.** Mr. Kaine?

1 **SENATOR KAINE.** No.

2 **THE CLERK.** Mr. Markey?

3 **SENATOR MARKEY.** No.

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

5 **THE CHAIRMAN.** No. And Senator Rubio should be recorded as a yes, by proxy.

6 **THE CLERK.** Mr. Chairman, the yeas are 5. The nays are 14.

7 **THE CHAIRMAN.** Any other amendments? Yes, sir?

8 **SENATOR BARRASSO.** Mr. President? I am sorry. Mr. Chairman, I have 10

9 amendments of which I will offer 1.

10 **THE CHAIRMAN.** Okay.

11 [Laughter.]

12 **THE CHAIRMAN.** Actually, thank you very much.

13 [Laughter.]

14 **SENATOR BARRASSO.** I call forth Barrasso amendment number 4. This requires the

15 Secretary of State to submit a report to Congress on the status of United Nations

16 peacekeeping missions. I go through a long explanation, but basically, we need to get a

17 report from the Secretary of State regarding prioritization of the missions and the plan

18 to phase out missions that have already met their goals, of which we are not able to

19 meet goals as well.

1 It includes a review of the status of the mandates of three open-ended missions,
2 some going back to the 1940s. It also requires the United States to oppose future U.N.
3 peacekeeping missions unless there is actually a periodic renewal process mandated in
4 this so these things do not go on and on. No funding shall be provided to new U.N.
5 peacekeeping missions unless there is a periodic mandate renewal.

6 **THE CHAIRMAN.** I thank the Senator for offering the amendment.

7 I support the amendment personally. I do not know if anyone else wishes to
8 speak to the amendment?

9 **SENATOR CARDIN.** Yes, I do. Mr. Chairman, I oppose this amendment. The first
10 part of the explanation I had no problems with. Reports on their peacekeeping missions
11 and the need to review the peacekeeping missions - that, to me, is the responsibility of
12 our committee on oversight.

13 Where I disagree is that this puts restrictions on our future opportunities within
14 the United Nations, that it requires the President to direct the permanent representative
15 to use their influence and vote to ensure that no new United Nations peacekeeping
16 mission is approved without the periodic mandate renewal so that it could very well
17 affect our ability to operate within the United Nations and the priorities of the United
18 States with peacekeeping.

1 One of our key tools that we have available is peacekeeping. I must admit that
2 peacekeeping does not always get the same headlines that active wars get, but
3 peacekeeping prevents us from having to deal with active wars.

4 We cannot stop, we should not restrict the ability of the United States to
5 participate within the United Nations as it relates to the prevention of conflict, and it
6 seems to me that this amendment would be counterproductive to that end.

7 So I would just urge us not to restrict the benefits of the United Nations in
8 preventing conflict, and I think this amendment would have that impact.

9 **THE CHAIRMAN.** Any other comments on this amendment? Yes, sir?

10 **SENATOR BARRASSO.** And I would just say that of the \$8.5 billion in peacekeeping
11 missions, the United States is paying \$2.4 billion of that. So I just think in terms of new
12 ones, it is reasonable that there be periodic renewals. To me, it seems too open-ended
13 the way it is now.

14 Thank you, Mr. Chairman.

15 **THE CHAIRMAN.** Thank you. Thank you for offering the amendment.

16 Any other comments? Do you want a —

17 **SENATOR BARRASSO.** Yes.

18 **THE CHAIRMAN.** The clerk will call the roll.

19 **THE CLERK.** Mr. Risch?

20 **SENATOR RISCH.** Aye.

1 **THE CLERK.** Mr. Rubio?

2 **THE CHAIRMAN.** Aye, by proxy.

3 **THE CLERK.** Mr. Johnson?

4 **SENATOR JOHNSON.** Aye.

5 **THE CLERK.** Mr. Flake?

6 **SENATOR FLAKE.** Aye.

7 **THE CLERK.** Mr. Gardner?

8 **SENATOR GARDNER.** Aye.

9 **THE CLERK.** Mr. Perdue?

10 **SENATOR PERDUE.** Aye.

11 **THE CLERK.** Mr. Isakson?

12 **SENATOR ISAKSON.** Aye.

13 **THE CLERK.** Mr. Paul?

14 **SENATOR PAUL.** Aye.

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

16 **SENATOR BARRASSO.** Aye.

17 **THE CLERK.** Mr. Cardin?

18 **SENATOR CARDIN.** No.

19 **THE CLERK.** Mrs. Boxer?

20 **SENATOR BOXER.** No.

1 **THE CLERK. MR. MENENDEZ?**

2 **SENATOR MENENDEZ.** Aye.

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

4 **SENATOR SHAHEEN.** No.

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

6 **SENATOR COONS.** No.

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

8 **SENATOR UDALL.** No.

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

10 **SENATOR MURPHY.** No.

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

12 **SENATOR KAINE.** No.

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

14 **SENATOR MARKEY.** No.

15 **THE CLERK.** Mr. Chairman?

16 **THE CHAIRMAN.** Aye.

17 **THE CLERK.** Mr. Chairman, the yeas are 11. The nays are 8.

18 The amendment carries. Thank you.

19 Are there other amendments? Senator Gardner?

20 **SENATOR GARDNER.** Thank you, Mr. Chairman.

1 I have an amendment on the sense of the Congress dealing with North Korea.
2 The sense of the Congress talks about the violations that North Korea has endeavored
3 upon in terms of human rights violations. It also talks about increasing sanctions on
4 North Korea. It talks about the concern of North Korea from peace, stability point of
5 view.

6 We all know, in fact, that they have estimated five nuclear warheads today.
7 Possibly 5 years from now, 100 nuclear warheads. It talks about increasing economic
8 sanctions, targeting financial institutions, and it talks about preconditions to make sure
9 that they are living to their end of the bargain when it comes to denuclearization.

10 And I ask for your support.

11 **THE CHAIRMAN.** Very good. I support the amendment. I do not know if others
12 would like to speak to the amendment?

13 **SENATOR CARDIN.** I have no objection to this amendment.

14 **THE CHAIRMAN.** Voice vote okay?

15 **SENATOR GARDNER.** Great with me.

16 **THE CHAIRMAN.** Without objection, all in favor, say aye.

17 [A chorus of ayes.]

18 **THE CHAIRMAN.** All opposed?

19 [No response.]

20 **THE CHAIRMAN.** The ayes have it. The amendment is passed. Yes, sir?

1 **SENATOR GARDNER.** Thank you, Mr. Chairman.

2 I have another amendment on behalf of Senator Rubio, and I am going to ask
3 unanimous consent to modify the amendment so that it could be an amendment — so it
4 may be an amendment to the underlying bill instead of Rubio amendment.

5 **SENATOR CARDIN.** What is the amendment number?

6 **SENATOR GARDNER.** The amendment is on the Taiwan Relations Act. It is Rubio
7 amendment number 4, but I just asked unanimous consent to modify it.

8 **SENATOR CARDIN.** Just give me a chance to see what —

9 **SENATOR BOXER.** Reserving the right to — can you give us a minute?

10 **SENATOR GARDNER.** Sure.

11 **SENATOR CARDIN.** This is Rubio number 4?

12 **SENATOR GARDNER.** It is Rubio number 4.

13 **SENATOR CARDIN.** We have already passed it.

14 **SENATOR GARDNER.** Excuse me. It is a second-degree amendment to Corker
15 amendment number 4.

16 **SENATOR CARDIN.** Corker.

17 **SENATOR GARDNER.** Corker. It is a Rubio second degree to Corker amendment
18 number 4, expressing the sense of Congress on the relationship between the United
19 States and Taiwan.

20 [Discussion off the record.]

1 **SENATOR SHAHEEN.** Mr. Chairman?

2 **THE CHAIRMAN.** Yes, ma'am?

3 **SENATOR SHAHEEN.** It is my understanding that Corker number 4 was part of the
4 manager's package. Can second-degree amendments be offered to amendments that
5 have been approved?

6 **SENATOR GARDNER.** That is why I am asking unanimous consent for permission to
7 offer the amendment as a modification to the underlying bill.

8 **SENATOR BOXER.** Well, reserving the right to object, I need to know what you are
9 doing.

10 **SENATOR CARDIN.** I was just trying to look at it.

11 **SENATOR SHAHEEN.** Oh, I did not hear you say that you were —

12 **SENATOR CARDIN.** The substantive amendment is what number?

13 **SENATOR GARDNER.** Taiwan, it is the Rubio number — let us see. It is the second-
14 degree amendment Rubio has offered on the Taiwan Relations Act. I do not have the
15 number for that.

16 [Discussion off the record.]

17 **SENATOR CARDIN.** If I might, Mr. Chairman, I am going to read it so everybody
18 understands what is in here because I think it is restating the current law.

19 "It is the sense of Congress that United States policy towards Taiwan be based
20 upon the 1979 Taiwan Relations Act and the six assurances given by President Ronald

1 Reagan in 1982. Further, that the provision of defensive weapons to Taiwan shall
2 continue as mandated by the Taiwan Relations Act and that enhanced trade relations
3 with Taiwan shall be facilitated to mutually benefit both peoples."

4 It is my understanding that this is the current U.S. policy towards Taiwan. So I
5 do not think there is anything here other than restating the current policy that we have
6 towards Taiwan. For that reason, I would not object to what Senator Gardner is trying
7 to do.

8 **THE CHAIRMAN.** What has happened is because the second degree that he is
9 amending was accepted as part of the manager's package and now is part of the base
10 bill, that he just amend the base bill as amended by the manager's package. And he is
11 asking unanimous consent if it is okay, if it is cleared and okay with everyone.

12 So if that is — there is no objection, we will ask now for a vote.

13 **SENATOR GARDNER.** We will ask now for a vote.

14 **THE CHAIRMAN.** Okay. And if there is no objection, I would ask that this go by
15 voice vote.

16 All in favor, say aye.

17 [A chorus of ayes.]

18 **THE CHAIRMAN.** Opposed?

19 [No response.]

20 **THE CHAIRMAN.** Thank you very much.

1 Are there further amendments? Yes?

2 **SENATOR KAINE.** I would like to call up Kaine amendment 1 and offer some
3 thoughts. This is the draft authorization for use of military force against ISIL. And
4 Senator Flake and I are cosponsoring this. So he may have a word as well.

5 We all know because we have been in hearings and even had a vote on this
6 before, yesterday was the 10th month anniversary of the beginning of the war against
7 ISIL. About 3,500 United States bombing runs against ISIL have been conducted. We
8 have spent about \$2.5 billion. We have lost American service members as part of
9 Operation Inherent Resolve, and American hostages have also been killed since the war
10 began.

11 And we are here without Congress having taken a specific action to authorize
12 this particular war. Now there is some legal dispute or differences of legal opinion
13 about whether earlier authorizations cover this or not. The good news is my sense is
14 overwhelmingly in both houses and in both parties, there is a belief that the United
15 States should be engaged in military action to some degree against ISIL. That is the
16 good news.

17 The challenge is that there is some significant differences of opinion about what
18 that military action should be. Those differences appeared when we debated this in the
19 Senate Foreign Relations Committee in December and reported an authorization that
20 did not get action on the floor.

1 And the differences also became apparent when the President sent to us a draft
2 authorization in mid February, 4 months ago, and there has not been a congressional —
3 meaningful congressional debate on this or not.

4 In the aftermath of both that December vote and the reaction to the President's
5 draft authorization, I know many of us have talked about this, and Senator Flake and I
6 have tried to listen to what are the key differences. If there is some general sense that
7 the United States should be engaged in military action against ISIL, what would be key
8 differences among committee members and in the body about how that mission should
9 be defined?

10 And so, without proclaiming to resolve anybody's issues, we nevertheless have
11 presented an authorization where we tried to bridge the difference on three issues that
12 we think were important, and the question about the extent to which ground troops
13 may or may not be used in this campaign, first. Second, some more specificity about the
14 definition of the U.S. mission against ISIL in Syria. And third, some more specificity
15 about the ongoing relationship of the 2001 authorization with respect to this mission
16 against ISIL.

17 So in each of these areas, the authorization that we have proposed tries to bridge
18 a difference, but again, without our claiming to solve anybody's problems. But we are
19 trying to show that there could be a bipartisan path forward.

1 It is my strong view that our allies in ISIL, but especially the 3,500 plus troops
2 who are engaged in this war and have been since August ought to know that Congress
3 is behind them, and the way that we would signal that is through a meaningful debate
4 and effort to find a bipartisan path forward and a vote. And for that reason, I have
5 offered this Kaine amendment 1 as an amendment to the State operations bill.

6 And to Senator Flake?

7 **SENATOR FLAKE.** I would just say that Tim said it well. I think in the aftermath of
8 the Iran Review Act, we showed that this committee can come together on something
9 difficult where there were a lot of opinions expressed, but in the end, we had a
10 bipartisan bill and a good outcome. And I think that our allies and our adversaries
11 need to know, deserve to know, 10 months in, where we are and that we speak with one
12 voice.

13 So I urge adoption.

14 **THE CHAIRMAN.** Senator Paul?

15 **SENATOR PAUL.** I applaud Senator Kaine and Senator Flake for doing what I think
16 is our constitutional obligation, and that is to debate going to war. They gave us this
17 power because they wanted the power to be closer to the people. They wanted it to be
18 spread among the representatives and not one representative or the President.

19 My main disagreement why I will ultimately be a no, though, is that I think
20 without a geographic limitation on this war, we have seen that executives in both

1 parties have interpreted their mandate to go to war in a very, very broad fashion. We
2 still use the 2001 to mean anything when, in reality, I think the people who voted on it
3 thought it meant Afghanistan and those who attacked us on 9/11.

4 Right now there are 60 different groups in 30 different countries that pledge
5 allegiance to ISIS. I think, as written, the resolution would allow us to have troops go
6 back into Libya tomorrow. I fear that about voting, and I think it is very, very
7 important that the wording be exactly correct that we are not voting and that we would
8 be recorded whether we are voting to go to war in 30 countries.

9 For that reason, I will end up being a no, but I do applaud the effort.

10 **THE CHAIRMAN.** Thank you. Thank you for your comments.

11 My understanding is they are not asking for a voice vote today. We have — as
12 they mentioned, we have been through a very good session on Iran and were able to
13 reach a somewhat historic agreement, and we will be dealing with that sometime soon if
14 an agreement is reached between the P5+1 and Iran.

15 Hopefully, today we are going to pass out a State Department authorization bill,
16 and if we do that, again, it will be a second hurdle, something that has not been done
17 since 2002 on the floor.

18 And then I have mentioned I have talked to both Senator Kaine and Senator
19 Flake several times. What I have suggested is that we get together in a closed setting
20 and begin talking, as we did when we came back and did the Syrian authorization for

1 the use of military force, and unfortunately, unfortunately, it was never acted upon on
2 the Senate floor.

3 I think we would be in a very different place had that occurred. But we get
4 together like we did, get down in the SCIF, and just talk about some of the touch points
5 and see if there is a place, a way for us to look at going forward.

6 Obviously, there are a lot of concerns expressed from a lot of different directions.
7 There are some people that are concerned about an authorization that limits the scope
8 when they are concerned about whether there is an actual strategy in place to be
9 successful.

10 There are some people who look at this authorization as a way to right what they
11 consider to be a wrong in the '01 AUMF, where you end up with this perpetual situation
12 and maybe not defining it in the way that it should. There are some people that, you
13 know, look at this as many believe, that there is already legal basis for conducting the
14 operations, and so why engage in something that could show a split in the United States
15 Congress when, in essence, we all support efforts against ISIS?

16 So taking those into concern, some of the ones that Senator Paul and others have
17 expressed to me individually, what I think might be good would be for us to convene a
18 meeting after this work is done today and to begin talking about a plausible way
19 forward and to see if we think there is a way to bring this to the committee in such a
20 way that we can actually pass it on the floor and pass it in the House.

1 From my perspective, since every single administration official that has been
2 before us has felt that they have the legal basis to conduct operations against ISIS today
3 and since many on this committee believe that while it is on the fringes, that that is the
4 case, especially in light of what Senator Kaine has mentioned, what I do not want to do
5 is for us to begin a process that ends up being a process that does not bring us to
6 fruition.

7 Again, we did that on Syria. Unfortunately, it was not taken up by Congress.
8 Unfortunately, the actions did not occur. Unfortunately, we are where we are. There is
9 differing opinions on that. That is mine. But I would like for us to be able to finish
10 something if we start it, and if we could just agree to convene shortly thereafter, we will
11 begin the process.

12 And again, I want to thank both of these Senators for their sincerity on this issue,
13 for their leadership on this issue. And candidly, thank you for the way you have dealt
14 with me on this issue, the phone calls and the private meetings that we have had.

15 So thank you very much.

16 Ranking Member Cardin?

17 **SENATOR CARDIN.** Thank you, Mr. Chair.

18 I think Senator Boxer also wants to be recognized.

19 Let me first thank Senator Kaine and Senator Flake for their leadership on this.

20 You are absolutely correct in that we have a responsibility to provide the basis for the

1 use of our military force, and that is one of the most important responsibilities of the
2 United States Congress. But for our committee, it is our principal responsibility to make
3 that recommendation to the floor.

4 So I think we have a responsibility to move on this, and I think, Mr. Chairman,
5 the process you are suggesting is the best one, which is to sit around and make sure that
6 we can come to an agreement. But I just really want to respond very quickly, as a
7 process issue I do not think this should be in this bill under any scenario. It needs to be
8 on the floor with robust debate for all members of the United States Senate. So I do not
9 think it should be put into legislation such as the State Department authorization. I
10 think it should be its own separate bill.

11 And for process reasons, I very much appreciate the fact that we will not have to
12 take action on it today here in this committee. At least I think that is where we are
13 headed.

14 But I want to respond a little bit to Senator Paul's point, because I share many of
15 his concerns. But the interesting thing is the amendment before us is more restrictive on
16 the use of military force for ISIL than President Obama's interpretation of the authority
17 he has today.

18 You are limiting it in time. You are limiting it by purpose. Whereas currently,
19 President Obama has made an interpretation that the 2001 authorization allows him to
20 use basically unlimited force and, by the way, anywhere around the world.

1 So I understand your concern, Senator Paul. But I would suggest it is in all of
2 our interests to come together, even if it is not the perfect authorization from our point
3 of view because if we let the 2001 interpretation stand, it could be used pretty much
4 globally, and it could be used without restriction, including the use of ground troops.

5 So I have concerns. I have concerns about the proposal that has been brought
6 forward in this amendment, and I know that Senator Kaine and Senator Flake are not
7 going to be surprised to learn this. I think we have a responsibility to deal with the 2001
8 authorization, and you deal with it as it relates to ISIL, but you leave it open for future
9 use for other potential conflicts coming out of the problems in the Middle East. And I
10 think that it is unwise for us to leave that on the books, particularly with the current
11 interpretation by this administration.

12 And then, secondly, I think we have got to be very cautious about the
13 authorization for ground troops and the introduction of ground troops. We have heard
14 over and over again from our strategic partners in the Middle East that the only
15 solution to security in the Middle East is for the people in the Middle East to be able to
16 defend themselves.

17 And every time we put our troops on the ground, we run a risk, and I think we
18 have to be very cautious about the authorization given that regard. But, Mr. Chairman,
19 today I hope is not the time to debate that issue. But I agree with your statement that
20 we should, as soon as is convenient, come together and see where we can find, I hope,

1 common ground on the authorization of the use of military force as it relates to ISIL and
2 as it relates to the 2001 and 2002 authorizations that are currently still open.

3 **THE CHAIRMAN.** And before I call on Senator Boxer, if I could, I just want to say one
4 thing. I do not think that the — you can nod your head in agreement or disagreement.
5 I do not think there was an expectation that we would debate the merits of the
6 authorization today.

7 Of course, any Senator can debate whatever they wish, but I think the
8 expectation was to raise the issue and to acknowledge the fact that very soon, we will
9 have a meeting to begin with going forward. So it may not be necessarily —

10 **SENATOR FLAKE.** Although if we want to accept it today, we would probably agree
11 to that.

12 **THE CHAIRMAN.** I do not think anybody would move for a voice vote. But I think
13 certainly you have raised the issue, and I again appreciate the leadership of both of you.
14 The merits of it, I do not think, were necessarily what you all were anticipating
15 necessarily debating.

16 Senator Boxer?

17 **SENATOR BOXER.** Thank you so much.

18 Mr. Chairman, I agree with you. I think the worst thing we could do, the worst
19 thing we could do is have a huge split in this committee right now, just given what is
20 going on in the world.

1 I just came back from an amazing conference. Ed Markey was there. It was a
2 conference on terrorism. And it is quite a challenge for us, and it is confusing. And of
3 course, Senator Paul, you are right. These folks are not staying in one place, but we
4 have got to take the fight to them, and I want to take the fight to them.

5 Now I am known as kind of a dove here, but I am telling you, those people, ISIL,
6 they cannot win. So we have to take it to them. So you cannot, in my opinion, restrict
7 where we are going to take it to them because we are going to follow them wherever
8 they go, and eventually, they are going to be degraded and destroyed.

9 It is not going to be easy, as the President said. It is going to be a tough, tough
10 deal. It took a while to get bin Laden. Obama's administration finally did do it.

11 Now I want to say this. There is only one place I did not agree with what you
12 said, and it had to do with the fact that you did not think it was wise to take up the
13 Syria resolution. I believe the fact —

14 **THE CHAIRMAN.** No, I did not say that.

15 **SENATOR BOXER.** Oh, I thought you did. I am sorry. Well, let me just say then I
16 think when we did take up the Syria resolution and we had such a wonderful vote on
17 that, as I recall, it sent a message. And the sides sat down, and we had a chemical
18 weapons treaty, which we never, I do not believe, would have ever had, had we not
19 shown that determination against the use of chemical weapons.

20 So maybe I misunderstood.

1 **THE CHAIRMAN.** Yes.

2 **SENATOR BOXER.** But I am glad you did it. I do want to point out that our then-
3 Chairman Menendez I thought had a terrific piece of legislation that he worked on with
4 Senator Kaine. We did not get one Republican vote, not one.

5 **THE CHAIRMAN.** Now this is a different one you are talking about.

6 **SENATOR BOXER.** This is the one dealing not with Syria. This is the one dealing
7 with ISIL. I am sorry. We had that vote in December, and we did not have one
8 Republican vote. So I am glad that now that Republicans are in charge, we are getting
9 Democrats to work with Republicans. Good.

10 However, I do want to say this. I read what you wrote, and there is a word in
11 there. It is called "significant." Now if I tell you that I think significant 5,000 troops, and
12 you think it is 100,000 troops, we are in a whole lot of hurt. So that type of language is,
13 for me, a nonstarter. So I thought I would tell you that.

14 The last point I would make is this, and it is important for me to put it on the
15 record. I voted to go after ISIL when I voted for that resolution AUMF after we were
16 attacked in 9/11.

17 Now I did not know ISIL would be the outgrowth of al-Qaeda. You know, ISIL
18 is made up of a lot of pieces, one of which is the Baathists who got pushed out of the
19 military. They are, from everything I understand, the heart and soul of ISIL now. So
20 we are dealing with the outflow of that war, which I proudly voted against.

1 The point is I voted to go after these terrorists, and I do not feel the need to open
2 up a debate here over words and language. I feel comfortable.

3 Now for those who were not here then, I also feel your angst that you want to go
4 on the record in some way or other. But I wanted to just be very, very clear. I am very
5 hawkish on going after ISIL. I want to do it the right way. I do not think it should be
6 limited geographically, but I think it should be totally limited in terms of troops on the
7 ground.

8 So if we are going to open up a big dispute about this, I agree with you, Mr.
9 Chairman. I do not think it is smart to do it. It sends a mixed message. If we can work
10 together, as you are suggesting, that would be wonderful, and I stand ready to help in
11 any way that I can.

12 **THE CHAIRMAN.** Thank you.

13 And I mean, I think, in essence, your comments allude to the fact that you believe
14 the administration today has the legal authority. You voted for it.

15 **SENATOR BOXER.** I do. I do.

16 **THE CHAIRMAN.** To clear up so there is no misunderstanding, the authorization for
17 the use of force in Syria that we dealt with in late August/early September of 2013, we
18 passed out of committee, but there was not a way forward on the floor.

19 **SENATOR BOXER.** That is accurate. That is totally accurate.

20 **THE CHAIRMAN.** And then, so that was what I was trying to clear up.

1 **SENATOR BOXER.** I am sorry. I misunderstood.

2 **THE CHAIRMAN.** That is all right. Senator Murphy?

3 **SENATOR MURPHY.** Thank you very much, Mr. Chairman.

4 I appreciate all the work of Senator Kaine and Senator Flake. I think this is the
5 right path for us to sit together and start to map out a strategy to bridge our differences.

6 Just two brief points. I had a second-degree amendment that would reinstate the
7 language that we passed in December regarding troop limitations. I think there is,
8 frankly, a lot of members on both sides of the aisle who do not think it is a smart
9 strategy, who do not think that we could win the fight against ISIL with a massive
10 redeployment of American ground forces.

11 And I would just make the pitch that if we are going to reassert our authority as
12 a committee, it is perfectly within our right to place limitations that help shape strategy
13 on these fights against enemies abroad. There is no constitutional obligation that we, as
14 a committee, endorse big, wide, open-ended authorizations for military force. And as
15 members of this committee know, there is plenty of examples where we do that.

16 And I think Senator Kaine and Senator Flake made a really good attempt to try
17 to bridge these differences. I hope that we will not just throw out the potential for
18 getting to an agreement limitation on ground forces.

1 Second quick point is this. I have expressed this to Tim privately. But I think we
2 have to be careful to read this draft authorization that we will work on in the most
3 expansive terms possible.

4 Many of us would have never imagined that the 2001 and the 2003 authorization
5 would be used as justification to fight this war, and it is just a caution that anything that
6 you write that does not have a sunset on it, as Senator Menendez's draft did last year,
7 can be twisted and interpreted in ways that the people who voted on it at the outset
8 could have never, ever imagined.

9 And I think that this draft has some really creative ways to get at questions of
10 associated forces and troop limitations. But my caution is simply to imagine different
11 Presidents in different eras and what they could do with this in a scenario very different
12 than what we are looking at.

13 But I think that those are the kind of conversations that are really appropriate to
14 have when we pull together the committee after this markup.

15 **THE CHAIRMAN.** Thank you for the comments.

16 **SENATOR MARKEY.** Thirty seconds.

17 **THE CHAIRMAN.** We are going to have a lot of time to talk about this, and it is the
18 most important issue that is actually before us right now. And certainly I am going to
19 recognize others who wish to speak.

1 I do hope that before we lose the quorum, we are going to have the opportunity
2 to vote out the base bill. And again, I thank you for the efforts.

3 I think, on the other hand, what is being illuminated at present are some of the —
4 some of the issues that separate us. Yes, sir?

5 **SENATOR COONS.** I just want to commend Senator Kaine and Senator Flake for their
6 work on this, and thank you for being willing to reconvene the same sort of process that
7 then-Chairman Menendez led that I think produced a really great bipartisan, solid
8 result.

9 We have a number of reasons to be concerned that the '01 AUMF is still being
10 used, and I just want to agree with Senator Cardin that we should get also in this
11 process moving on reconsidering the '01 AUMF.

12 I have another — I have an amendment I will not call up, I will not ask for a vote
13 on. But I know at some point, we will also get into a discussion about Ambassadors for
14 the next administration. I do think there are some unresolved issues there that my
15 amendment was designed to try and address.

16 **THE CHAIRMAN.** Thank you. I appreciate you mentioning it for the next
17 administration.

18 Yes, sir?

19 **SENATOR MARKEY.** Yes, thank you, Mr. Chairman.

1 And I do. I see this as a conversation starter. We are coming up to the first
2 anniversary of the United States intervention against ISIL in Syria and Iraq. We have
3 not had a hearing on developments related to the U.S. military effort thus far.

4 I think that would be an important thing that we should have before we begin
5 consideration, that we hear not only militarily, but politically where this issue has
6 evolved in Iraq and Syria and other nations. I think we should hear that so we
7 understand what the context is for us to be talking about the deployment of American
8 troops.

9 In this particular draft, and I thank again Senator Kaine and Senator Flake for
10 starting it, we have to have this conversation. Some of the language I do not think
11 sufficiently limits U.S. combat troops in Syria and in Iraq. It does leave the 2001 AUMF
12 in place so we could potentially have two open AUMFs simultaneously operating with
13 some legal ambiguity in between the two of them. And third, it does potentially allow
14 for U.S. combat forces on the ground in Syria to defend Syrian opposition elements.

15 I think each one of those issues should be aired in a way that we understand fully
16 what it is that we are authorizing when we go forward. But again, it is in the context of
17 the issue having been raised, and I think it is time for us to start. The first anniversary is
18 coming up in another 2 months.

19 Thank you, Mr. Chairman.

20 **THE CHAIRMAN.** Thank you.

1 Any other comments? Would either of you like to withdraw your amendment?

2 **SENATOR KAINE.** I will withdraw it, Mr. Chair. And with the permission of my
3 cosponsor, I think the ability to take this up as an individual item by the committee is
4 very important and especially 10 months in. And you know, when we hit that year
5 anniversary, then we will be out for a month, and you know, we have already lost
6 service members.

7 And God forbid, we do not want to lose more, with us having not done our job
8 when thousands are doing a job and risking their lives every day. So, with that
9 commitment that we will now take this matter up as a standalone in committee, I am
10 glad to withdraw —

11 **THE CHAIRMAN.** Well, the commitment is that I want to make sure — my word is
12 something I value. We are going to have a meeting and discuss, you know, see if there
13 is a way forward in a private setting first.

14 **SENATOR KAINE.** I have confidence. I have confidence in a committee that could
15 take a super partisan Iran issue and make it nonpartisan, that we can find a nonpartisan
16 way to put our support behind American troops who are risking their lives.

17 **THE CHAIRMAN.** I got it. I have confidence there is going to be a lot of discussion
18 about it.

19 [Laughter.]

1 **THE CHAIRMAN.** But I do very much appreciate your leadership, the way that you
2 have handled it, and both of you. And many others, by the way. We have had
3 comments. Senator Menendez obviously led us last December to — to an outcome
4 there that obviously was also not going to probably see the light of day, but I appreciate
5 it. It sounds like he wants to speak to this issue?

6 **SENATOR MENENDEZ.** No, Mr. Chair. I thought you were getting ready to ask for
7 other amendments.

8 **THE CHAIRMAN.** Okay. Yes, so my commitment is we will convene and see if there
9 is a way forward. And I do hope that you are right relative to our ability to take it up in
10 committee later on because — if we did.

11 Yes, sir. Senator Menendez?

12 **SENATOR MENENDEZ.** Mr. Chairman, I would like to call up Rubio amendment
13 number 7 on his behalf as well as my own.

14 Last year, my bipartisan bill, the Venezuela Defense of Human Rights and Civil
15 Society Act, was signed into law by the President, providing him with the authority
16 needed to act against the government of Venezuela and military officials complicit in
17 human rights violations perpetrated against peaceful protesters.

18 This amendment would ensure that Congress has continued information about
19 U.S. efforts to support democracy, is able to pursue the peaceful resolution of

1 Venezuela's political crisis, and bring to light additional information about those
2 government officials that are responsible for violence against peaceful protesters.

3 We have two of the leading opposition figures — Leopoldo Lopez, who has been
4 jailed arbitrary, capriciously, with no bail, nothing. He is in the midst of a hunger strike.
5 The mayor of Caracas, Antonio Ledezma, same thing. Jailed for months, is currently
6 also on a hunger strike.

7 And I think our committee would benefit from the information about our efforts
8 to engage on the democracy efforts in this regard, pursuant to the legislation that has
9 already been signed into law. So I would urge my colleagues to support the
10 amendment.

11 **THE CHAIRMAN.** Any other discussion?

12 [No response.]

13 **THE CHAIRMAN.** A voice vote acceptable? I support the amendment also.

14 All those in favor, say aye.

15 [A chorus of ayes.]

16 **THE CHAIRMAN.** All opposed?

17 [No response.]

18 **THE CHAIRMAN.** The amendment passes and becomes part of the base bill.

19 Senator Flake?

1 **SENATOR FLAKE.** I have an amendment sent up. This one I believe was going to be
2 pulled. Did we — are we good on that one?

3 **SENATOR SHAHEEN.** Yes. No, I have another amendment. I am trying to get in line
4 after you.

5 [Laughter.]

6 **SENATOR FLAKE.** This one, I believe we talked about maybe again as part of the
7 manager's amendment. I do not think it is controversial at all. This is with regard to
8 simply requiring the State Department to provide us with notice when the United
9 Nations General Assembly votes to change assessment levels for peacekeeping
10 missions.

11 We found out sometimes after the fact that we changed the mission. For
12 example, using peacekeepers in South Sudan to protect almost exclusively Chinese
13 interests there. And this is simply that they notify us so we can make better decisions
14 on what we do there.

15 So I would ask for support, but I think it is noncontroversial. We could do it by
16 voice vote.

17 **SENATOR KAINE.** Is that Flake amendment 4?

18 **SENATOR FLAKE.** Four, yes.

19 **SENATOR KAINE.** Correct?

20 **SENATOR FLAKE.** Yes.

1 **THE CHAIRMAN.** Any discussion on Flake amendment 4?

2 [No response.]

3 **THE CHAIRMAN.** Without objection, we will have a voice vote.

4 All in favor?

5 [A chorus of ayes.]

6 **THE CHAIRMAN.** All opposed?

7 [No response.]

8 **SENATOR FLAKE.** I just have one more quick one. This is — I have several —

9 **THE CHAIRMAN.** The amendment passes.

10 **SENATOR FLAKE.** I am sorry. I had several on OCO. My concern is that we are
11 going to hear, as we have elsewhere, just move things toward OCO. And since this bill
12 does not have any limitations at all on authorization levels, I thought it might be
13 prudent to simply add just sense of Congress language is all it is, nonbinding.

14 Just say that we should not exceed the spending caps or increase OCO
15 designated expenditures beyond what as a means to skirt the spending caps.

16 **SENATOR CARDIN.** Mr. Chairman, can I just — I would encourage my colleague not
17 to press this amendment. And the reason is has nothing to do with this committee.

18 We have worked very hard to avoid areas of controversy on the budget that is
19 beyond the jurisdiction of this committee, and I hope that as we go forward in State
20 Department reauthorizations in the future that we will have impact on the budget

1 process and on the appropriation process. And then I think we may very well get
2 involved in that debate. We are not there this year.

3 And I would just urge my colleague to — we understand your concerns. There is
4 concerns on this side that we would like to get your support for higher levels of
5 appropriations than the budget caps, and let us leave that to a debate on the budget
6 rather than a debate in the State Department authorization.

7 **THE CHAIRMAN.** If I could speak to it also? And this is the first time this has today
8 curved this way. Because of what has happened on the floor, because of the vote we
9 took at 3.00 p.m., because of the whole issue of the authorization amount versus
10 appropriations and the controversy that that has created, even though this is a sense of
11 the Senate, in order to keep the balance that we have established here in accepting all
12 kinds of amendments, I would also ask that you consider that.

13 If you want to have a vote on it, we can. I do not think — I think because of what
14 I just stated, it might not pass. But I agree with the sentiment, and I actually agree with
15 the amendment. But I understand the problems that it creates for the other members of
16 the committee, especially as they deal with their leadership overall on this issue as we
17 move through appropriations.

18 **SENATOR FLAKE.** In deference to the chairman and the ranking minority member, I
19 will withdraw. Just to say, though, I hope that we do address this issue going forward.

1 It is a concern, and in many areas of the budget, we see OCO funding simply springing
2 up and it is very concerning.

3 **THE CHAIRMAN.** It is, and our budget process, to be candid, as Senator Johnson,
4 Senator Perdue, and others here, Senator Kaine and others who are on the committee
5 know, it is — it leaves a lot to be desired. And certainly, these issues I do not think
6 were addressed adequately there either.

7 But thank you very much for that. Are there other amendments?

8 **SENATOR SHAHEEN.** Mr. Chairman?

9 **THE CHAIRMAN.** Senator Shaheen?

10 **SENATOR SHAHEEN.** Mr. Chairman, I would like to call up Shaheen amendment
11 number 2, which deals with enhanced immunity for consular employees. Right now
12 consular employees are not afforded full diplomatic immunity, and so they can be
13 subject to arbitrary arrest, detention, harassment.

14 So that you could have two people who both are — work for the State
15 Department, one in an embassy, one in a consulate, with the same job title, performing
16 the same exact functions, serving the United States with the exact same responsibilities,
17 but the consular employee has significantly fewer protections based on just the
18 geography of where that employee is posted.

19 Commissioned consular officers enjoy a limited form of immunity from arrest.
20 So they can only be arrested for a grave crime and pursuant to warrant. But numerous

1 officials at consular posts who represent very many different Federal agencies,
2 including our military, including law enforcement personnel, they are not
3 commissioned as consular officers and thus are subject to arrest, detention, seizure
4 under ordinary local procedures.

5 And we have about 1,000 personnel from different Federal agencies located at
6 our consulates, including over 200 DoD personnel. What this amendment would do is
7 provide for protections for these consular personnel in response to changing political
8 conditions in a particular country.

9 So I would urge support for this amendment.

10 **THE CHAIRMAN.** We have, I know, talked with your office a little bit and with the
11 State Department. We have had some difficulty understanding exactly the need for
12 this, and we appreciate your intent, and if you want a vote on it, that certainly would be
13 fine.

14 We would offer, if you would consider withdrawing it, to work with you and the
15 State Department to try to figure out the reason, the problem that is causing this as a
16 solution to be put forward and try to resolve that and maybe mark it up next time.

17 Or if you wish, just it has been very vague the explanations that we got from the
18 State Department. And again, we do not have any visceral opposition. We just do not
19 yet understand why this is being brought forward.

1 **SENATOR SHAHEEN.** Well, I am happy to withdraw it with the commitment that we
2 will continue to work on it and try and get a resolution because the language is really
3 based on a 1978 law, the Diplomatic Relations Act, which did similar kinds of enhanced
4 immunities for our personnel.

5 **THE CHAIRMAN.** You have that commitment.

6 **SENATOR CARDIN.** That is fine. I just really wanted to thank Senator Shaheen.

7 I think this is a problem that is up to us to try to help correct. Because if you are
8 serving overseas in a professional capacity representing our country, and you just
9 happen to be in a consulate office versus an embassy, you should not be treated
10 differently by the host country.

11 So I would just urge us to try to find a way to see what the problem is about, and
12 if they need a legislative solution, let us try to do it as soon as we can.

13 **SENATOR SHAHEEN.** Thank you.

14 **THE CHAIRMAN.** Senator Perdue?

15 **SENATOR PERDUE.** Mr. Chairman, I would like to bring up Perdue number 2, and I
16 understand there are two second degrees, one of which I am a sponsor and one I think
17 Senator Johnson will speak to. Do you want to do that now?

18 **SENATOR JOHNSON.** Why do you not bring up yours first, and then I will.

19 **SENATOR PERDUE.** So this amendment basically would require the Secretary of
20 State, in coordination with the National Security Council and the Department of

1 Defense, to simply produce a strategy for the Middle East in the event of a
2 comprehensive nuclear agreement with Iran. We just had two former administration
3 officials testify last week in front of this committee that a strategy, a comprehensive
4 strategy for the Middle East in a post nuclear Iran deal in that scenario is needed.

5 As Ambassador James Jeffrey said, a complement to the deal with Iran, in a
6 complement with that deal, there has to be a U.S. strategy for the region that is designed
7 to deal with Iran's destabilizing activity.

8 Obviously, with the windfall cash they are about to have some \$140 billion, and
9 that does not count the renewal of their oil production. We need to have some type of
10 plan to deal with their potential activity, nefarious activity especially.

11 Given their track record, we can see these funds could go to sponsor terror,
12 purchase additional advanced weapons like the Russian S-300 that was just done — that
13 deal was just done, all of which threatens stability in the region.

14 Simply put, we just need a plan, and that is what this does. And I will speak to
15 the second in a second.

16 **SENATOR JOHNSON.** Okay. Mr. Chairman?

17 **THE CHAIRMAN.** Yes, sir?

18 **SENATOR JOHNSON.** I have a second-degree amendment to Senator Perdue's
19 amendment, and it really speaks to what we just went through with the Iranian deal or
20 the Iranian — what was your bill called again?

1 **THE CHAIRMAN.** It was a good one.

2 **SENATOR JOHNSON.** Whatever.

3 [Laughter.]

4 **SENATOR KAINE.** Iran Nuclear Agreement Review Act.

5 **SENATOR JOHNSON.** There you go. Bingo.

6 **SENATOR KAINE.** Of 2015.

7 **SENATOR JOHNSON.** I was definitely concerned by the fact that and I understand the
8 President is in the position where he can negotiate these deals. But we pretty well
9 blocked Congress out from its what I think certainly is its involvement in terms of what
10 a deal actually is.

11 I read the Constitution, and I think it was contemplated is that deals between
12 international, different nations, I think when they are so serious and we have the
13 different considerations in the State Department's foreign affairs manual, laying out
14 exactly what those considerations are and considering whether something should be a
15 treaty, whether something, a deal should be considered a congressional executive
16 agreement, or simply an executive agreement.

17 Now I certainly understand that so many times we have a treaty, we have a more
18 robust deal, that the administration should certainly be able to enter into just executive
19 agreements that are implementing those larger deals. But that is not what has been

1 happening. And certainly from the standpoint of what is being discussed with Iran, I
2 think it rises to a far higher level than just simple executive agreement.

3 And so, what my amendment would do would just be required — and by the
4 way, I am asking for my amendment to be called up as modified, working with the
5 chairman. I originally was contemplating that the administration should have to come
6 to Congress before entering into formal negotiations. And working with the chairman,
7 this amendment would require the administration to come no later than 30 days after
8 they have entered into formal negotiations with another nation to consult with us in
9 terms of whether that deal should be termed an executive agreement, an executive
10 congressional agreement, or a treaty.

11 And I think it is pretty reasonable. I think it is a minimum involvement on the
12 part of Congress in these deals that could be pretty significant in terms of our foreign
13 policy and our national security.

14 So I urge support of my amendment.

15 **SENATOR CARDIN.** Mr. Chairman?

16 **SENATOR PERDUE.** I am sorry. I have one second to that. Should I do it now or
17 after you are done?

18 **SENATOR CARDIN.** You are a second to —

19 **SENATOR PERDUE.** No, mine is second to his.

1 **SENATOR JOHNSON.** He is a second to my number 2, and I also have a second degree
2 to my number 2.

3 **SENATOR CARDIN.** So far there are two amendments that I want to talk about
4 separately. So let me, if I might, take Senator Johnson's first and then move on.

5 At the chairman's request, several of us have withheld amendments to this State
6 Department authorization. I have withheld the global Magnitsky bill, which I feel very
7 strongly and passionately about. Senator Rubio agrees with me.

8 And I think Chairman Corker is correct. That should be considered as a separate
9 bill. We have already talked about some other issues that should be considered as
10 separate legislation.

11 Dealing with the relationship between the President and Congress on the power
12 of the President in his negotiations is a controversial subject that needs to be aired on
13 the floor — in our committee and on the floor of the United States Senate as an
14 independent bill and not in a State Department authorization bill. So for process
15 reasons, this may not be elevated to the same thing as the AUMF, but let me tell you
16 something, the relationship between the executive and legislative branches on the
17 prerogatives of the President is not only controversial, but an extremely interesting
18 subject that will, I am sure, invoke some debate on all sides.

19 And I know that any President will have issues with how we interact into those
20 negotiations. Putting that on top of the fact that we are in the midst of negotiations on

1 an agreement that we have already weighed in on with the Iran Nuclear Agreement
2 Review Act of 2015, I think this will also be misconstrued.

3 So for all those reasons, I think that this not only should not be on this bill, I think
4 it needs separate negotiations. But if it got onto this bill, I think it would sidetrack the
5 State Department authorization bill, and I would encourage the committee to reject the
6 second-degree amendment or urge my colleague to withdraw it.

7 **SENATOR JOHNSON.** Mr. Chairman, if I can respond? I think this is entirely
8 appropriate to be put on this State Department authorization bill. When you look at the
9 foreign affairs manual of the State Department and it is listing the considerations
10 whether a deal between two nations should be a treaty, a congressional executive
11 agreement, or an executive agreement, it talks about the administration's consultation
12 with Congress in terms of that determination.

13 Now what happened in the Iranian deal is I do not believe we were properly
14 consulted until way, way too far into the process. So, again, this is just really
15 confirming what the State Department's own foreign affairs manual states in terms of
16 consultation with Congress in terms of what the deal should really be.

17 **SENATOR CARDIN.** Mr. Chairman? Particularly speaking on behalf of several of our
18 colleagues who are trying to become President, let me just give the other view on this
19 for one moment.

20 [Laughter.]

1 **THE CHAIRMAN.** They would appreciate it.

2 **SENATOR CARDIN.** Not all are here to defend themselves. Some are here to defend
3 themselves, but they are not all here to defend themselves.

4 Let me just point out that the President has certain prerogatives as President of
5 the United States. Yes, we at times delegate responsibility to the President. And when
6 we do that, we have to be clear.

7 Trade promotional authority delegates responsibility to the President, and we are
8 very clear about what we expect in the delegation of that authority. But as we recently
9 saw with the 6-3 Supreme Court decision on foreign policy as to how much Congress
10 can interfere with the President — I do not necessarily agree with that decision, but it is
11 the decision of the Supreme Court. I think we have to be very careful as we enter into
12 the prerogatives of the executive branch.

13 I might agree with my colleague from Wisconsin that there are parameters that
14 we should set in this regard, but I know I need to have a lot more information before I
15 am prepared to act on that because there are all types of executive agreements that are
16 entered into routinely that are critically important to this country and the security of
17 this country.

18 And we have one President. We have 535 members of Congress. And I think we
19 have to be very careful that we do not weaken our presidency. And I know that is not
20 the intention of my colleague, but this is not an easy subject for us to be engaged with

1 and requires a serious debate on its own merits, and it should not be a second-degree
2 amendment to an amendment I also have problems with on the State Department
3 authorization.

4 **THE CHAIRMAN.** If I could? Look, I know this does not rise quite to the level of the
5 War Powers Act or something like this, but I think — I know you had significant
6 concerns during the Iran Review Act debate, and I do think this is a worthy thing for us
7 to take up.

8 I wonder if we agreed to have a hearing after we finished reviewing the Iran bill,
9 if one is consummated, so later this fall if we had a hearing on this topic and agreed to
10 look at it and really try to define that more fully, if that would be something that would
11 be acceptable. So we really do have the debate and discussion because I think you raise
12 some interesting issues. It is an important issue for us to take up. It is central to our
13 responsibility relative to the executive branch.

14 **SENATOR JOHNSON.** No, with that commitment, I will defer, and I will withdraw the
15 amendment.

16 But again, just to clarify, this does not impede on the administration's
17 prerogatives whatsoever or their power. This is just asking them to actually formally
18 consult with us as their own State Department foreign affairs manual tells them to do.
19 So this is just really, you know, simply asking them to follow their own foreign affairs
20 manual.

1 So, but no, I appreciate that, and I will withdraw it as a result.

2 **SENATOR MENENDEZ.** Mr. Chairman?

3 **THE CHAIRMAN.** Very good. Yes, sir?

4 We still have a — we still have another, the second degree. Is it okay if we move
5 that, or do you want to speak to this?

6 **SENATOR MENENDEZ.** No, I want to speak to Senator Perdue's amendment. Is that
7 still pending?

8 **SENATOR PERDUE.** Let me put the second. It is very minor, and then we can — but
9 the second degree only requests that the Secretary of State would present a report to
10 Congress within 60 days of any nuclear agreement. That is all the second-degree
11 amendment was.

12 **THE CHAIRMAN.** Say that again.

13 **SENATOR PERDUE.** The first degree requires that the Secretary of State or the State
14 Department to provide a strategy, a Middle East strategy post Iran nuclear deal. The
15 second degree just stipulates that it needs to be dealt with in 60 days, submitted to
16 Congress.

17 **THE CHAIRMAN.** Okay. You want to speak to both?

18 **SENATOR MENENDEZ.** Yes, Mr. Chairman, let me say — and I appreciate Senator
19 Johnson — to start, I agree with Senator Cardin, the ranking member, about the scope of
20 presidential prerogatives and how one deals with that. And I think that that is an

1 incredibly important balance, but one in which I may have a little more forward leaning
2 view, regardless of which President it is, about how far those prerogatives go versus
3 congressional prerogatives.

4 But I agree that getting it right is incredibly important. So I appreciate that that is
5 not the subject of the moment.

6 But I do want to commend Senator Perdue on the essence of his amendment.
7 You know, regardless of our different views that exist about Iran's nuclear portfolio and
8 how that is addressed, there is a world beyond Iran's nuclear portfolio that we should
9 clearly be dealing with and that we should have a strategy for in the expectation of an
10 agreement that ultimately will unlock resources to the government of Iran.

11 Now part of that list of issues is how do you deal with Iran's advancement of
12 terrorism? How do you deal with Iran's hegemonic interests and pursuit throughout
13 the region — in Iraq, in Yemen, in Lebanon, in Syria? How do you deal with its human
14 rights violations? How do you deal with its advancing missile technology issues?

15 There is a lot in which we have a national security interest as it relates to Iran
16 outside of the nuclear portfolio, and it would have been my hope that, in fact, we would
17 already have a concurrent strategy as we aspire to a nuclear agreement.

18 But certainly if that does not exist, and I do not get the sense that it exists, then
19 we certainly should have a strategy being developed in order to ensure that the other

1 elements of our relationship with Iran and the challenges they pose to our national
2 security interests are being pursued.

3 So, in that light, I certainly appreciate the senator's effort here, and believe we
4 need to get there. Whether it is on this amendment or not, we need to get there sooner
5 rather than later.

6 **THE CHAIRMAN.** Yes, sir?

7 **SENATOR CARDIN.** Bob, I think the second degree amendment clarifies the first
8 degree amendment. I do not think there is any problem with the second degree
9 amendment, just timing for submitting for submitting the report.

10 **SENATOR MENENDEZ.** Right.

11 **SENATOR CARDIN.** So I think we dispose of that pretty quickly. And let me talk to
12 the underlying amendment, and I agree with the substance of this. My preference
13 would be that it not be included in the State Department authorization for two reasons.
14 And I could not agree more with the substance, though. I agree that we have to have
15 from the Administration, from working with them, a strategy of what happens if there
16 is a successful agreement with Iran and they are prevented from having a nuclear
17 weapon, we know that as a consequence there is going to be a release of certain
18 sanctions relief, which is going to give them certain capacities, and we have to know
19 how we are going to deal with those risks. So I think that Senator Perdue is absolutely
20 correct.

1 You might be the most optimistic person on this committee because you are
2 assuming that this is going to be enacted into law before the end of this month, so I
3 congratulate you on your optimism here. I think that this particular bill, whether it is a
4 freestanding bill, State Department reauthorization, or part of the National Defense
5 Authorization Act, will occur after there is an Iranian agreement, if there is an Iranian
6 agreement. And, therefore, we need to act before we get the Administration engaged
7 with us, and Senator Corker and I are doing that.

8 That is one of the reasons that, if you look at our work schedule at this time, it is
9 very much aimed at recognizing one of three things are going to happen. We are going
10 to get an agreement that we all think is good, that it is good and we go forward. What
11 do we do then? We get an agreement we do not like, what action do we take, or we do
12 not get an agreement at all, which is also possible. And we have to be prepared as a
13 committee and as a Congress to take action in any one of those three cases.

14 So I think what you are suggesting makes sense. I just look for a different
15 vehicle, maybe a letter that we send or maybe some action taken by our committee. I
16 think putting it in the State Department Authorization Act is probably not the best place
17 to put this, considering the timing, and what is going on. And also, I think, just even
18 putting anything in on the Iranian negotiations gets people's suspicions up. So I would
19 encourage you to withdraw, but if you do both, I just think it is not the right place to
20 put it.

1 **THE CHAIRMAN.** I do not understand it to be — I hate to use this word — in the
2 category of negating support on the —

3 **SENATOR CARDIN.** No.

4 **THE CHAIRMAN.** Okay. It is your call.

5 **SENATOR PERDUE.** I will call for a vote.

6 **THE CHAIRMAN.** Any other discussion?

7 [No response.]

8 **THE CHAIRMAN.** The amendment before us first is a second degree voice vote if that
9 is okay.

10 All in favor say aye.

11 [A chorus of ayes.]

12 **THE CHAIRMAN.** All opposed?

13 [No response.]

14 **THE CHAIRMAN.** Is a voice vote okay on the second one?

15 **SENATOR PERDUE.** Yes.

16 **THE CHAIRMAN.** Okay. The base amendment is before us now.

17 All in favor, say aye.

18 [A chorus of ayes.]

19 **THE CHAIRMAN.** All opposed?

20 [A chorus of noes.]

1 **THE CHAIRMAN.** The amendment carries, and it will be a part of the base bill.

2 Any other — yes, sir? Senator Menendez?

3 **SENATOR MENENDEZ.** Mr. Chairman, I would like to call up Menendez Amendment
4 Number 4. Maybe you should run for president and join the crowd. Let me say that we
5 spent a lot of time under the chair's leadership on the question of modern day slavery.
6 We spent a lot of time on the floor of the United States Senate as it relates to human
7 trafficking and modern day slavery.

8 And part of modern day slavery is forced labor and labor bondage, and in that
9 regard I think it is important that what this amendment calls for is an assessment on
10 where Labor attachés would be most useful. I was a strong advocate for the placement
11 of the Labor attaché at our embassy in Bangladesh in the aftermath of the Rana Plaza
12 tragedy which killed hundreds of people, simply because they were working in terrible
13 conditions, and did not have the right to say anything about their conditions that
14 ultimately led to that tragedy and followed on with other tragedies.

15 And that attaché from the Department of Labor has performed very well, and
16 has greatly enhanced our ability to promote labor rights and push the Bangladeshi
17 government on reforms in a way that we would not have had but for that attaché's help.

18 So this is basically an opportunity to take an assessment of where in the world,
19 based upon our own State Department's reports in terms of its human rights violations
20 report that has elements of labor violations in terms of our own effort on modern day

1 slavery, to say this is something that in certain parts of the world having a labor attaché
2 would make a lot of sense. And for that reason, I would urge adoption of the
3 amendment.

4 **THE CHAIRMAN.** I would like to speak to it. First of all, I appreciate your concerns
5 about people working all over the world. We have concerns about the expansive nature
6 of this and what it might mean in embassies and countries around the world. So with
7 great respect, I am going to oppose the amendment, and I know that there are
8 significant concerns by many on our side of the aisle, and some are major. So I do not
9 know if there is any other discussion, if anyone else would like to speak to this.

10 **SENATOR CARDIN.** I support Senator Menendez for the reasons he just said. I think
11 it is important for the U.S. as we are getting more engaged, certainly economically, to
12 do what we can to promote labor rights not only from the human rights point of view,
13 but also from the economic point of view.

14 **SENATOR MENENDEZ.** I ask for a recorded vote.

15 **THE CHAIRMAN.** Recorded vote? If the clerk will call the roll.

16 **THE CLERK.** Mr. Risch?

17 **SENATOR RISCH.** No.

18 **THE CLERK.** Mr. Rubio?

19 **THE CHAIRMAN.** No by proxy.

20 **THE CLERK.** Mr. Johnson?

1 **SENATOR JOHNSON.** No.

2 **THE CLERK.** Mr. Flake?

3 **SENATOR FLAKE.** No.

4 **THE CLERK.** Mr. Gardner?

5 **SENATOR GARDNER.** No.

6 **THE CLERK.** Mr. Perdue?

7 **SENATOR PERDUE.** No.

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

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

10 **THE CLERK.** Mr. Paul?

11 [No response.]

12 **THE CLERK.** Mr. Barrasso?

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

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

15 **SENATOR CARDIN.** Aye.

16 **THE CLERK.** Mrs. Boxer?

17 **SENATOR BOXER.** Aye.

18 **THE CLERK.** Mr. Menendez?

19 **SENATOR MENENDEZ.** Aye.

20 **THE CLERK.** Mrs. Shaheen?

1 **SENATOR SHAHEEN.** Aye.

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

3 **SENATOR CARDIN.** 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 KAINE.** Aye.

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

11 **SENATOR MARKEY.** Aye.

12 **THE CLERK.** Mr. Chairman?

13 **THE CHAIRMAN.** No.

14 **THE CLERK.** Mr. Chairman, the yeas are nine, and the nays are nine.

15 **THE CHAIRMAN.** The amendment does not carry, but thank you for your efforts.

16 I would like to offer an amendment, just join everyone else in doing the same.

17 This is Rubio Amendment Number 8.

18 [Laughter.]

19 **VOICE.** Rubio is doing very well for not being here.

1 **THE CHAIRMAN.** He is the most active member here today. It requires the Secretary
2 of State to conduct a review of all bilateral human rights bylaws. I do not think it is
3 controversial. I think that people on both sides of the aisle seem to support it, and I
4 would be glad to take any comments.

5 **SENATOR CARDIN.** Just one moment. Mr. Chairman?

6 **THE CHAIRMAN.** Yes, sir?

7 **SENATOR CARDIN.** I am going to ask unanimous consent that we eliminate — if you
8 read this, there are numerous requirements here. I would just ask that one requirement
9 be eliminated. That is , under the content, we eliminate the third, which is the list of all
10 bureaus, and officials, and departments that have participated in each of the bylaws.
11 We already have a list of all the human rights bylaws, a list of all the commitments, a
12 list of all of the countries that have refused, and an assessment of the status of each.

13 But I would ask by consent that we eliminate (b)(3), a list of all bureaus and
14 officials of the Department of State that have participated in each of the bylaws.

15 **THE CHAIRMAN.** On behalf of Senator Rubio, I have no objection. His staff does not
16 —

17 **SENATOR BOXER.** Mr. Chairman, I have to say — I will say this in a sweet way.
18 This is more like a presidential speech that a president would do all of this. This is such
19 bureaucracy and reporting. It would take people forever. Every contact on this and the

1 writing. You know, frankly, I would like our people to be working person to person,
2 not sitting around writing novels about it.

3 So I just say with all due respect, I wish he was here because maybe we could
4 work on this. But I am just — well, I'm just going to say no because I think it is a bunch
5 of bureaucratic reports. I would rather have results. And I think it could be worked on
6 and make it better, but this is just so — yes. It would be like us telling each other how
7 to run our office, and who has to write what, and reporting who writes what report.

8 It is just something that I just think is — I get — I love the idea that he is — his
9 heart is in the right place, but this is a nightmare scenario. And maybe he can just wait
10 until we get to the floor and maybe we can all work together for something more
11 streamlined and not so onerous, not so time consuming. You have to hire people to do
12 all this stuff. I do not know. I like the idea, but it is just too detailed.

13 **SENATOR MURPHY.** Mr. Chairman, I was just going to make a more general point
14 because I think we are sort of getting to the tipping point on the number of reports that
15 we are requiring of the Department of State. And I think it is just important to
16 remember that we are now up to, I think, several dozen new reporting requirements in
17 this bill that we are requiring of the Department of State. And by the way, if we do not
18 address the BCA and sequestration, they are getting potentially billions of dollars less in
19 funding than they did last year.

1 And so, there may be a lot of merit in this, but I just think it is important for us to
2 step back and recognize what we are asking of the State Department with a dozen crises
3 of immediate imperative around the globe. This is just sort of getting to the breaking
4 point in terms of what we are requiring of them with less resources than they had last
5 year with none of these new requirements.

6 **THE CHAIRMAN.** Senator Rubio has heard you loud and clear.

7 [Laughter.]

8 **THE CHAIRMAN.** And is willing to work with us on this matter and withdraw it.
9 This shows how ambidextrous he is.

10 [Laughter.]

11 **THE CHAIRMAN.** But with that — with that I hate to offer Corker 6 —

12 [Laughter.]

13 **THE CHAIRMAN.** — which does require reporting on the approval of export licenses
14 and letters to request the assistance of the government of Ukraine, so it is not
15 bureaucracy. It just says it is a list of those letters. And, again, it is very simple, and I
16 would ask that my modification be put in place to add TASC and HASC —

17 **SENATOR BOXER.** Well, Mr. Chairman, that is fine, and I think if — maybe Mr.
18 Rubio could take care of it for you since you are working so closely with him. But, no, I
19 think this is very straightforward. I do not have any problem.

20 **THE CHAIRMAN.** Are there any objections?

1 [No response.]

2 **THE CHAIRMAN.** I think it is very non-controversial. I think multiple people wanted
3 this to occur, so without objection we will have a voice vote.

4 All in favor say aye.

5 [A chorus of ayes.]

6 **THE CHAIRMAN.** All opposed?

7 [No response.]

8 **THE CHAIRMAN.** The amendment carries.

9 Senator Markey?

10 **SENATOR MARKEY.** I have an amendment at the desk. It is Markey Number 1,
11 marked first degree. It is dealing with the State Department's Bureau of African Affairs.

12 **VOICE.** Speak up a little bit, Ed.

13 **SENATOR MARKEY.** I have been working with Senator Flake on this, and it would be
14 to request a plan from the State Department on how it would put together a plan for the
15 African Affairs Department. It has — it is twice — it has a mandate which is twice as
16 large as the other regional bureaus. It has ample staff. And so, my amendment is
17 intended to just ask for the plan, what do they need, you know, to get this job done as
18 Africa is exploding in terms of responsibilities for the State Department. So I request it
19 be —

20 **THE CHAIRMAN.** And that is modified. Is that correct?

1 **SENATOR MARKEY.** As modified by Senator —

2 **THE CHAIRMAN.** And just for what it is worth based on the comments that were
3 made, this one has been streamlined to take out all of those things that people — many
4 of those things that people would consider to be bureaucratic and time consuming for
5 the State Department, so we appreciate that very much. And if there is no further
6 discussion, we will voice vote it.

7 All in favor, say aye.

8 [A chorus of ayes.]

9 **THE CHAIRMAN.** All opposed?

10 [No response.]

11 **THE CHAIRMAN.** The amendment carries. Thank you.

12 Are we — have our voices been heard?

13 **SENATOR FLAKE.** I have got Rubio —

14 [Laughter.]

15 **SENATOR PERDUE.** I have a Barrasso. No, I am sorry.

16 [Laughter.]

17 **SENATOR FLAKE.** It is not as modified? We are doing it as second degree?

18 **SENATOR BOXER.** We did it —

19 **THE CHAIRMAN.** No, we modified it.

1 **SENATOR MENENDEZ.** Mr. Chairman? I have Rubio Number 11. He does not know
2 about it.

3 [Laughter.]

4 **THE CHAIRMAN.** Very ubiquitous.

5 [Laughter.]

6 **THE CHAIRMAN.** Okay. So are there — if there are no further amendments, I would
7 — do we need a motion for a roll call vote on final passage? Okay. I assume we do not
8 — let us have a roll call.

9 **VOICE.** On the motion to report.

10 **THE CHAIRMAN.** Motion to report to the full Senate the State Department
11 authorization bill, as amended. I want to thank everybody for working with us the way
12 they have. People have put a lot of effort into this, and I think it is going to bear a lot of
13 fruit, especially over time as we build on this. You have all been incredible to work
14 with. You have been very patient as we have tried to push through, and I just want to
15 thank everybody for their cooperation. Senator Perdue?

16 **SENATOR PERDUE.** I apologize. I just have to make this statement. I really am
17 encouraged by this committee, bipartisan. We saw it with the Iran deal, and I saw it
18 again today. But I like the sense of urgency in this room right now. I am saying this to
19 the staff and everybody else. We pushed hard to get this done today. We are not all
20 happy with everything, but I just really appreciate that. Thank you.

1 **THE CHAIRMAN.** Well, thanks for your leadership, Senator Kaine's leadership on the
2 subcommittee and making sure that we got to this place. Thank everybody on the
3 committee for being involved in the way that they have. Hopefully we can cause this to
4 become law through the NDAA. If not, we will find another vehicle to cause that to
5 occur or a standalone, and then we will move to the issues that have been brought up
6 today.

7 Ranking member, our calendar is pretty well filled for the rest of the year with all
8 of the agreements we have made today.

9 **SENATOR CARDIN.** I know.

10 [Laughter.]

11 **THE CHAIRMAN.** We do thank everybody for pushing the issues that — if we could
12 —

13 **SENATOR CARDIN.** I am just happy that the members of this committee do not serve
14 on any other committee because we need your full-time participation.

15 [Laughter.]

16 **THE CHAIRMAN.** Would you like to say anything else?

17 **SENATOR CARDIN.** No, no. Just, again, I want to thank all the committee members
18 for their cooperation. I am very proud of the final results here, and I just thank you all
19 for your cooperation.

20 **THE CHAIRMAN.** Thank you. The clerk will call the roll.

1 **THE CLERK.** Mr. Risch?

2 **SENATOR RISCH.** Aye.

3 **THE CLERK.** Mr. Rubio?

4 **THE CHAIRMAN.** Aye by proxy.

5 **THE CLERK.** Mr. Johnson?

6 **SENATOR JOHNSON.** Aye.

7 **THE CLERK.** Mr. Flake?

8 **SENATOR FLAKE.** Aye.

9 **THE CLERK.** Mr. Gardner?

10 **SENATOR GARDNER.** Aye.

11 **THE CLERK.** Mr. Perdue?

12 **SENATOR PERDUE.** Aye.

13 **THE CLERK.** Mr. Isakson?

14 **SENATOR ISAKSON.** Aye.

15 **THE CLERK.** Mr. Paul?

16 **THE CHAIRMAN.** Aye by proxy.

17 **THE CLERK.** Mr. Barrasso?

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

19 **THE CLERK.** Mr. Cardin?

20 **SENATOR CARDIN.** Aye.

1 **THE CLERK.** Mrs. Boxer?

2 **SENATOR BOXER.** Aye.

3 **THE CLERK.** Mr. Menendez?

4 **SENATOR MENENDEZ.** Aye.

5 **THE CLERK.** Mrs. Shaheen?

6 **SENATOR SHAHEEN.** Aye.

7 **THE CLERK.** Mr. Coons?

8 **SENATOR CARDIN.** Aye by proxy.

9 **THE CLERK.** Mr. Udall?

10 **SENATOR UDALL.** Aye.

11 **THE CLERK.** Mr. Murphy?

12 **SENATOR MURPHY.** Aye.

13 **THE CLERK.** Mr. Kaine?

14 **SENATOR KAINE.** Aye.

15 **THE CLERK.** Mr. Markey?

16 **SENATOR MARKEY.** Aye.

17 **THE CLERK.** Mr. Chairman?

18 **THE CHAIRMAN.** Aye.

19 **THE CLERK.** The ayes are 19, the noes are zero.

1 **THE CHAIRMAN.** All right, the ayes have it. I ask unanimous consent that the staff
2 be able to make technical corrections to make it comply appropriately, technical and
3 conforming changes. Without objection. Thank you very much.

[Whereupon, at 5:09 p.m., the hearing was adjourned.]