

# BUSINESS MEETING

*Thursday, July 25, 2019*

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

1           The committee met, pursuant to notice, at 10:41 a.m., in Room S-116, The  
2 Capitol, Hon. James Risch, chairman of the committee, presiding.

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

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

6           **THE CHAIRMAN.** The committee will come to order. I want to thank all of  
7 you for coming today. We have got a robust agenda with some legislation on it,  
8 one treaty, and a number of amendments. We are going to commit that we are  
9 going to consider today two major pieces of legislation, which have been in the  
10 works for months regarding the Kingdom of Saudi Arabia. I appreciate the hard  
11 work of the many members of this committee who have contributed to this  
12 debate, and virtually everybody has contributed in one fashion or another.

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1           The U.S. and Saudi Arabia have had a history of shared strategic interests,  
2 but Saudi Arabia's recent conduct is cause for grave concern. Everyone agrees  
3 that the murder of Jamal Khashoggi was truly a horrendous crime that demands  
4 a response. Like other members of the committee, I meet with officials of  
5 virtually every other country, including that of Saudi Arabia, and I have told the  
6 Saudis that they are only one Khashoggi type event away from having to find a  
7 new partner. That has consequences obviously for both sides, both for us and for  
8 the Saudis, not the least of which is that the most likely partner would be one of  
9 our two major competitors, and that would cause considerable grief for us in the  
10 region. But nonetheless, things cannot go on the way they are.

11           We have a couple of bills that have been produced, both with a lot of input  
12 from other people. And I understand the members' frustration with members of  
13 the royal family in Saudi Arabia, and I understand members' frustration with  
14 arms sales in the region, but if it is possible, we want to change Saudi behavior.  
15 We want to change their conduct, and I believe we ought to give them an  
16 opportunity to do that. And if that does not happen, obviously, as I said, there is  
17 going to be -- we are both going to go in different directions.

1           We can either send a messaging bill, and I view one of these as a  
2 messaging bill, to the President for a vetoing, or we can enact legislation that will  
3 drive and, more importantly, form foreign policy as indeed this committee is  
4 charged with doing and constitutionally we have the responsibility to do. For  
5 this reason, today I will be opposing many -- I will be opposing most of the  
6 amendments that have been offered to SADRA. Myself and others have  
7 negotiated the SADRA bill with the White House, with the State Department,  
8 and with many members of this committee, indeed, I think all members of this  
9 committee.

10           When we get to it, we will offer the bill and the first amendment -- the first  
11 bill we are going to consider is Senator Menendez's bill, which has a different  
12 approach than the SADRA bill does. Obviously it sanctions members of the royal  
13 family and also goes after arms sales in the region, both of which will draw a  
14 certain veto from the President. I am going to offer my bill, the SADRA bill,  
15 mine and Senator Shaheen's bill, SADRA also. Senator Coons is a co-sponsor and  
16 so is Senator Barrasso. There are other co-sponsors which I will mention in a  
17 minute, too.

1           We have a number of amendments to that bill. The first amendment that  
2 we are going to take up will be Senator Menendez's amendment, and he can  
3 speak to that when we get there, but it is similar to, if not identical to, the bill that  
4 we will have voted on before that. If his amendment passes, I will be  
5 withdrawing SADRA, and by that if -- this is not sour grapes or anything else. It  
6 is just we all have-- we are all busy people and we have other things to do. If his  
7 amendment passes, that will also draw a certain veto to the bill, and we  
8 accomplish the same thing by simply going to the floor and making speeches or  
9 holding press conferences or what have you.

10           My objective truly is to have us have a say in foreign policy. I want this  
11 committee to have that, and if we can pass SADRA, I have reason to believe that  
12 it will become law, and we will actually participate in the formation of foreign  
13 policy, which we have all longed to do for a long time. I am going to ask my  
14 colleagues to support the SADRA legislation unamended and assert our voice  
15 and, more importantly, our authority as the Foreign Relations Committee as we  
16 move forward.

1           The founding fathers really were very clear in a lot of areas when they  
2 divided the responsibilities and power between the first and second branch of  
3 government. They did not do this on foreign policy. They indeed gave us each a  
4 say in it, and that is what we are doing today is trying to effect our say in it. I  
5 know everyone on this committee is anxious to have our voices heard and reflect  
6 the formation of foreign policy, and this SADRA bill gives us the opportunity to  
7 do that.

8           We are here today to engage in debate and consider the legislation and  
9 nominations before us. This bill, the SADRA bill, is not a partisan matter. It is a  
10 matter of grave importance to the people of America. My objective here is to  
11 have a substantive debate and to reach an agreement. And we will reach an  
12 agreement, and that is whether we want to participate in foreign policy or sit  
13 back and cede it to the second branch of government.

14           However this comes out, I want to thank Senator Shaheen, Senator Rubio,  
15 Senator Coons, Senator Barrasso, Senator Gardner, Senator Isakson for co-  
16 sponsoring SADRA. I would also like to thank Senator Merkley for his work and  
17 his inspiration in the ESCAPE Act for which we have -- which is the genesis for

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1 Title 3 of the SADRA bill. I also want to acknowledge Senator Young's work for  
2 attempting to end the war in Yemen. He was not the only one. There are others,  
3 but I think he has been the leader on that, and I would say that that is an  
4 inspiration for a significant part of this bill also.

5 I also want to thank Senator Menendez and Graham for their construction  
6 of the Menendez-Graham bill, which takes an entirely different tact. I really  
7 think that that is going to be constructive as we deal with the Saudis. I suspect  
8 that bill is going to get a very significant vote, and I think that we will be able to  
9 use it as we -- as we talk with the Saudis and urge them to change their conduct.  
10 It will not become law, but, nonetheless, I think that it will actually help move  
11 the needle as we urge them to change their conduct.

12 Also on the agenda is Senate Bill 1441, the Protecting Europe's Energy  
13 Security Act of 2019. I want to thank Senators Cruz and Shaheen for working on  
14 the Cruz substitute amendment for this bill, which I will be supporting. This  
15 bipartisan measure would sanction companies that lay pipes for the Nord Stream  
16 2 and TurkStream pipelines. It mirrors a similar bill which passed the House  
17 Foreign Affairs Committee by voice vote. These pipelines could result in further

7

1 destabilization and grave injury to Ukraine and the enrichment of the Putin  
2 regime. They put at risk the security of NATO member states. This bill reflects a  
3 specific, targeted approach to push back against Russia. I believe it could have a  
4 path forward towards enactment if it stays narrow and targeted, and thus I will  
5 oppose all amendments besides the Cruz substitute.

6 Finally, we will consider the Protocol to the North Atlantic Treaty of 1949  
7 on the Accession of the Republic of North Macedonia. Welcoming North  
8 Macedonia into NATO will finish a long-overdue piece of business, cement the  
9 Prespa Agreement between Greece and North Macedonia, and strengthen Allied  
10 defenses against Russian malign influence in the Balkans.

11 The nominations on the agenda today are incredibly important, none  
12 more than so than Kelly Craft to be U.S. ambassador to the United Nations. This  
13 position has been unfilled for 6 months. We need Ambassador Craft in place  
14 before the U.N. Assembly in September. We also have nominees on the agenda  
15 each for Libya, Mexico, the UAE, and the OECD. We need to get these noms to  
16 the floor as soon as possible. And with that, I will turn the floor over to Senator  
17 Menendez.

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

1           **SENATOR MENENDEZ.** Thank you, Mr. Chairman. Let me start off by  
2 saying I am very pleased that we were able to come together and reach an  
3 agreement on a path forward for the legislation on the agenda today as well as a  
4 package of nominations. And I also want to thank all of the other senators on  
5 this committee on both sides who worked to get us to the agreement today and  
6 who spoke out on the importance of maintaining the tradition of bipartisanship  
7 on this committee.

8           For many decades, this committee has stood alone in the Senate, a  
9 bipartisan haven in the midst of the tidal wave of partisanship. It is in this  
10 committee that senators from both parties have come together to craft critical  
11 pieces of legislation at times of great crisis in our country. We are the Senate  
12 Foreign Relations Committee. We represent America's face to the world, and it is  
13 always better when we can speak with one voice about America's foreign policy.  
14 That is why I am pleased we were able to come together on an agreement today  
15 on legislation and nominations.



1           Let me outline what that agreement is. We have agreed to place 13  
2   nominees, including Kelly Craft, the nominee to be ambassador to the United  
3   Nations, on the agenda. I would note that while I do not support a number of  
4   these nominees, we have completed their vetting process, and I supported  
5   adding them to the agenda. However, for Mr. Zuckerman and Mr. Manchester,  
6   we still had outstanding requests related to allegations of sexual harassment and  
7   a hostile work environment. I am glad that the chairman agreed to withdraw  
8   them until the White House responds to my letter requesting that Diplomatic  
9   Security conduct additional vetting. If the White House responds to my letters  
10   requesting additional vetting, both of those nominees will be cleared for a  
11   business meeting in early September.

12           I am also shocked that the White House has refused to provide the Senate  
13   Foreign Relations Committee with full and complete copies of the U.S.  
14   agreements with Mexico and Guatemala on migration. As was clear in our  
15   hearing yesterday where we had the State Department legal adviser that I was  
16   pursuing, the Administration is refusing to even answer basic questions about  
17   these agreements, including whether they are binding under international law. I

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1 appreciate that the chairman has agreed to hold an open hearing on Mexico in  
2 September and that he will be joining my request for the full Mexico and  
3 Guatemala agreements and implementing arrangements. Once those steps are  
4 completed, in spite of my deep concerns about Mr. Bremberg's policy positions,  
5 which are out of line with most Americans' and many Republican views, I will  
6 also agree to put Mr. Bremberg on a business meeting.

7 I also look forward to discussing with you, Mr. Chairman, in the weeks  
8 ahead a broader path forward on how we can get timely and full responses from  
9 the Administration on basic informational purposes so that we can maintain the  
10 bipartisan tradition that our predecessors so wisely chose. I sincerely hope that  
11 this broader discussion is a fruitful one, not just for the smooth running of the  
12 committee and this 116th Congress, but for the benefit of future Congresses and  
13 all Americans to come.

14 When the next war comes, when the next attack strikes America, the  
15 leaders of this committee will need to bring the two parties together, indeed, to  
16 bring the entire American people together, to respond to the crisis of their time.  
17 As senators we have a responsibility to nurture and strengthen the institutions

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1 that we are a part of. And our predecessors, Republicans and Democrats alike,  
2 left us a strong committee, one where Democrats and Republicans respect each  
3 other, where we work out our problems based on comity.

4 But I just want to make one observation about comity. Comity is not the  
5 mere acquiescence or capitulation to the will of the majority, whoever that  
6 majority may be at any given point. That is not comity. Comity is the deliberate,  
7 consultative, negotiated process in which the majority and the minority come  
8 together to form a pathway over to consensus. We may not agree, as we will not  
9 today, on legislation, we may not agree as it relates to the nominees, but we agree  
10 to a pathway forward. And that pathway forward has to also observe the rights  
11 of the minority, the rights that I have observed when I was the chairman of this  
12 committee. And there needs to be preserved a tradition that has continued  
13 today, and we see it continue today. It needs to be preserved going forward, and  
14 I look forward to working with the chairman and all members of the committee  
15 to do so.

16 I want to speak briefly concerning the legislation on the agenda. When we  
17 come to the Saudi bill, I will speak more extensively on it. But I would just say to

1 the chairman, with all due respect, and I appreciate that he is trying to do  
2 something that sends a message, I think it is a rather weak message. And I  
3 would also say that I do not believe that that bill can become law because I do not  
4 believe it will pass the House of Representatives as presently written.

5       Secondly, if we as senators and this committee start down a path in which  
6 the suggestion that a president, regardless of which president is sitting in the  
7 White House, will not sign something and that should be an automatic veto upon  
8 what we decide to do, that is a dangerous path. If that was the view, CAATSA  
9 would have never become law. When I and others joined together to write  
10 CAATSA, we were told the same thing, it will not become law, and then the  
11 Russians did what they did, and ultimately CAATSA became the law of land, a  
12 critical law at this point in time. I do not think we should be vetoing ourselves  
13 before we have an opportunity to pass legislation that we think is meaningful,  
14 and I will speak more directly about the choices as we move forward.

15       I appreciate Senator Cruz and Shaheen's leadership on the Nord Stream  
16 bill. I am opposed to the Nord Stream 2 pipeline project. It poses significant risk  
17 to European energy security. If completed, this pipeline will create a permanent

1 alternative export route to the Ukraine pipeline system. This means that Nord  
2 Stream 2 would further undermine Ukraine's economic security and potentially  
3 increase its vulnerability to further Russian military incursions. Putin has  
4 complete disregard for international rules. The Russian Federation has  
5 repeatedly used its energy resources as a lever of power. It would be foolish to  
6 think that Putin would not do so in the future and to give him another powerful  
7 lever to use it against the West. So I support that effort.

8 I support -- though a small country, North Macedonia has made notable  
9 contributions to international security missions. It has deployed more than 4,000  
10 troops to Iraq in support of U.S. efforts. In 2018, North Macedonia boosted its  
11 contribution to Afghanistan by 20 percent. It has also supported missions in  
12 Kosovo after its support to the International Counter ISIS Coalition. It is home to  
13 a military training ground unlike any other in Europe, which will be a critical  
14 asset for all of NATO. These are all strong arguments in favor of its inclusion in  
15 the alliance. Admission of North Macedonia into NATO would mark another  
16 important step towards fully integrating the Balkans into international

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1 institutions that have helped to contribute to peace and stability over the years,  
2 and I urge my colleagues to support the protocol.

3 Mr. Chairman, we have a number of nominations on the agenda. I  
4 support all of the nominations except for Craft and Rakolta, and I will speak  
5 about those two as well as some remarks I want to make prior to both. I am also  
6 pleased to see that we are moving nine Foreign Service Lists. It is absolutely  
7 critical that we move these expeditiously as the talented and dedicated men and  
8 women of the Foreign Service depend on it. Thank you, Mr. Chairman.

9 **THE CHAIRMAN.** Thank you. Let us start with the Craft nomination due to  
10 its importance. Is there a motion to --

11 **SENATOR MENENDEZ.** Mr. Chairman, I would like to speak on the Craft  
12 nomination.

13 **THE CHAIRMAN.** And actually there are two nominations. One is to the  
14 U.N. Security Council and the other is to represent the U.N. General Assembly.  
15 Is there a motion and a second?

16 **VOICE.** So move.

1           **THE CHAIRMAN.** It has been moved and seconded. Is there debate?

2   Senator Menendez.

3           **SENATOR MENENDEZ.** Mr. Chairman, thank you. Let me start by saying I  
4   oppose Ambassador Craft's nomination. I do not believe that Ambassador Craft  
5   has the foreign policy or diplomatic experience for a position as important as the  
6   U.S. ambassador to the United Nations. In fact, prior to serving in Ottawa, she  
7   had no relevant foreign policy experience at all. Given her excessive time away  
8   from the post while in Canada, which I believe is a dereliction of duty, I also  
9   believe that she lacks the seriousness and professionalism needed to be our U.N.  
10   ambassador.

11           As U.S. ambassador to Canada, Ambassador Craft had one job: to  
12   represent the United States in Canada. Instead she spent 356, or 56 percent, of  
13   her time outside of Canada. Not within Canada traveling. Outside of Canada.  
14   Let me repeat that. During her 21 months assigned to Ottawa, she spent an  
15   entire year out of Canada. Let that sink in. Now for my colleagues who want to  
16   rush to say she was engaged in USMCA negotiations, I want to underscore that  
17   State Department records show she spent only 40 days of those 356 days on

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1 travel related to USMCA. Instead she spent 210 days in Kentucky or Oklahoma  
2 where she has homes. I repeat, she spent 7 of her 21 months at home in the  
3 United States. Last time I checked, not a single round of the USMCA  
4 negotiations took place in Kentucky or Oklahoma. Should she be confirmed as  
5 an ambassador to the United Nations, I would be concerned that when an  
6 international crisis arises, we will find her Kentucky instead of New York.

7       Perhaps most importantly, however, I do not believe Ambassador Craft  
8 has the necessary experience to represent us at the United Nations. This is a  
9 place where countries send the most seasoned individuals they have to pursue  
10 their country's interests on a global stage. Unlike previous nominees to this post,  
11 she does not possess the foreign policy, diplomatic, or experience in government  
12 of prior United Nations ambassadors. Her only professional experience was  
13 running her own consulting firm. Never in our Nation's history have we  
14 nominated such an underqualified person to this critical post simply for being a  
15 donor.

16       During her nomination hearing, Ambassador Craft displayed a lack of  
17 knowledge on basic foreign policy issues. When asked about the most pressing



1 issues the U.N. faces, Mrs. Craft did not mention North Korea's aggression, or  
2 nuclear proliferation, or ongoing threats from Iran, the challenges of China's  
3 growing influence, or the situation in Libya. When asked about the two-state  
4 solution, she could not articulate a viewpoint. I am convinced that Ambassador  
5 Craft has neither the experience nor the skill set to successfully challenge the  
6 world's most seasoned and often the most ruthless diplomats around the globe  
7 working on behalf of their countries at the United Nations.

8           This nomination underscores the Trump Administration's lack of respect  
9 for diplomacy, for our diplomats, and for the U.N. I will be voting against this  
10 nomination, and per committee rules, I will also be filing minority views on  
11 Ambassador Craft to be submitted to the clerk. Thank you, Mr. Chairman.

12           **THE CHAIRMAN.** Thank you. Further debate?

13           [No response.]

14           **THE CHAIRMAN.** If there is no further debate, there is a motion to adopt --

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

16           **THE CHAIRMAN.** The recorded vote has been requested. The clerk will call  
17 the roll.

1           **THE CLERK.** Mr. Rubio?

2           **SENATOR RUBIO.** Aye.

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

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

5           **THE CLERK.** Mr. Gardner?

6           **SENATOR GARDNER.** Aye.

7           **THE CLERK.** Mr. Romney?

8           **SENATOR ROMNEY.** Aye.

9           **THE CLERK.** Mr. Graham?

10          **SENATOR GRAHAM.** Aye.

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

12          **THE CHAIRMAN.** Aye by proxy.

13          **THE CLERK.** Mr. Barrasso?

14          **SENATOR BARRASSO.** Aye.

15          **THE CLERK.** Mr. Portman?

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

17          **THE CLERK.** Mr. Paul?

1           **SENATOR PAUL.** Aye.

2           **THE CLERK.** Mr. Young?

3           **SENATOR YOUNG.** Aye.

4           **THE CLERK.** Mr. Cruz?

5           **SENATOR CRUZ.** Aye.

6           **THE CLERK.** Mr. Menendez?

7           **SENATOR MENENDEZ.** No.

8           **THE CLERK.** Mr. Cardin?

9           **SENATOR CARDIN.** No.

10          **THE CLERK.** Mrs. Shaheen?

11          **SENATOR SHAHEEN.** Aye.

12          **THE CLERK.** Mr. Coons?

13          **SENATOR COONS.** Aye.

14          **THE CLERK.** Mr. Udall?

15          **SENATOR UDALL.** No.

16          **THE CLERK.** Mr. Murphy?

17          **SENATOR MURPHY.** Aye.

1           **THE CLERK.** Mr. Kaine?

2           **SENATOR Kaine.** No.

3           **THE CLERK.** Mr. Markey?

4           **SENATOR Markey.** No.

5           **THE CLERK.** Mr. Merkley?

6           **SENATOR Merkley.** No.

7           **THE CLERK.** Mr. Booker?

8           **SENATOR Menendez.** No by proxy.

9           **THE CLERK.** Mr. Chairman?

10          **THE CHAIRMAN.** Aye. Report?

11          **THE CLERK.** Mr. Chairman, the ayes are 15, and the noes are 7.

12          **SENATOR Menendez.** Mr. Chairman, I have a parliamentary inquiry, and

13 it is not because I will object, but I want to establish it for the future. I

14 understand that our dear friend and colleague, Senator Isakson, is ill and is not in

15 the Senate, and since this is a case of first impression, he is casting a proxy vote.

16 Most of the time proxy votes are for members who are in another meeting, but

17 within the Senate itself. So I assume that the rule will now forever be that any

1 member, even if they are ill and not in the Senate, will be able to cast a vote by  
2 proxy. Is that a fair statement?

3 **THE CHAIRMAN.** I think that is a fair statement. I mean, as a matter of  
4 comity, we have always allowed members to cast a proxy vote if they are not  
5 here.

6 **SENATOR MENENDEZ.** A lot of them cast proxy votes when they are not  
7 here in the committee, but as I -- if some of us have a Finance Committee markup  
8 going on right now or something else, Judiciary, that is when a proxy has taken  
9 place. But when they are not physically in the Senate, they have not been  
10 allowed. I am not challenging it. I just want to establish it as the rule for the  
11 future so when a future colleague on either side of the aisle is ill and is not  
12 present, that they will be allowed to file a proxy vote.

13 **THE CHAIRMAN.** Senator Menendez, my ruling is going to be that they can  
14 cast a proxy vote, whatever the reasons for absence. I do not think either the  
15 chairman or the committee or, for that matter, the Senate ought to be in the  
16 business of litigating whether it is an excused absence, or a good absence, or  
17 what have you.

1           **SENATOR MENENDEZ.** That is fine by me.

2           **THE CHAIRMAN.** But we are going to allow --

3           **SENATOR MENENDEZ.** I just want to make sure that there is not an  
4 objection in the future.

5           **THE CHAIRMAN.** Thank you very much for establishing that. So did we  
6 announce the vote? What was the vote?

7           **VOICE.** Fifteen-7.

8           **VOICE.** So we are headed for Bermuda now.

9           [Laughter.]

10          **THE CLERK.** Fifteen-7 is the vote.

11          **THE CHAIRMAN.** Leave your proxy. All right. The roll call is 15-7, and the  
12 motion has been adopted.

13                What I would like to do now is to take the rest of those -- since we have  
14 got so much business to do this morning, I would like to do the rest of them by  
15 voice vote with people being able to record a no vote if they want to. Is that  
16 acceptable to you, Senator Menendez?

1           **SENATOR MENENDEZ.** Mr. Chairman, I would only ask for a recorded vote  
2 on Mr. Rakolta. I am willing to accept all the others as a voice vote.

3           **THE CHAIRMAN.** Well, let us --

4           **SENATOR MENENDEZ.** And then I have some remarks I want to be  
5 included in the record on Marks.

6           [The remarks referred to by Senator Menendez follow:]

Mr. Chairman, South Africa is a strategic partner of the United States, particularly in the areas of health, security, and trade. It is in our interest to strengthen this relationship due to our countries' shared interests.

The U.S. has not had an Ambassador in South Africa since the beginning of the Trump Administration, and it is past time that we send one.

I intend to vote for Ms. Marks, but I must note for the record, Mr. Chairman, that Ms. Marks has an extensive legal history, with a significant amount of litigation listed in her nomination materials, including a case filed by her sibling in South Africa Civil Court. My staff questioned Ms. Marks on her legal history, and were assured by Ms. Marks that the South Africa case is "Dormant" and will not be taken up again. If that is incorrect, and this lawsuit comes to life again, that will be a problem, both for her and the United States, if Ms. Marks is ultimately confirmed to serve as our ambassador.

The only information we have on this matter is that which was provided by Ms. Marks, and from a review of media.

I will support her nomination with the understanding that her

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answers to my staff were accurate. If I find otherwise, I will ask Ms. Marks to provide a written explanation, and if she is already serving in South Africa, the State Department will need to explain to us how they plan to manage this situation.

1           **THE CHAIRMAN.** Okay. Well, let us start with Rakolta and take that one.

2           **SENATOR RUBIO.** Mr. Chairman? And I do not object to the voice vote on  
3 all the other nominees. I do want to point to one thing. There are two Western  
4 Hemisphere nominees here, one for Colombia, one for Mexico. I am not going to  
5 hold that up or object to it. But I did want to point something out, and that is we  
6 have been working now for the better part of a month to schedule a hearing for  
7 the State Department on Western Hemisphere topics. We agreed to delay one a  
8 few weeks ago because they could not send us a witness. They were going to be  
9 traveling with the Secretary. And then again now we cannot get a -- we cannot  
10 get a witness. We cannot get a State Department witness from the Western  
11 Hemisphere to appear before the subcommittee for reasons that no one will  
12 explain to us. They are just -- they are never available. And it just cannot be that  
13 we sit here forever and can never hold hearings on the Western Hemisphere  
14 because they refuse to show up. So I am not going to hold up these nominees



1 today because of that. These are important posts. But I got to tell you, they are  
2 testing at least my patience, so --

3 **THE CHAIRMAN.** Thank you, Senator. I will -- I know a couple of people  
4 that would be interested in that message, and I will see that they do that. It is a  
5 valid consideration. So is there a -- on the --

6 **SENATOR YOUNG.** Mr. Chairman, I just -- I want to publicly go on record  
7 and indicate to Senator Rubio that if indeed you feel like you reach that point, we  
8 will stand in solidarity with you and do whatever it takes to get the State  
9 Department --

10 **THE CHAIRMAN.** I think we all will.

11 **SENATOR YOUNG.** I have had some previous challenges, so.

12 **THE CHAIRMAN.** I think we all do. All right. So let us -- you wanted a roll  
13 call vote or --

14 **SENATOR MENENDEZ.** I would like to speak first on that.

15 **THE CHAIRMAN.** Please.

16 **SENATOR MENENDEZ.** Okay. And I share Senator Rubio's concern, not  
17 only the Western Hemisphere, but his challenges as the chairman of the

1 subcommittee in getting Administration witnesses is a challenge we collectively  
2 face when we are trying to get witnesses before the full committee from the State  
3 Department. So I am happy to join him in that.

4 **THE CHAIRMAN.** Senator Menendez, before you speak on Rakolta, can we  
5 have a motion to send that to the floor, the past nomination?

6 **VOICE.** So moved.

7 **THE CHAIRMAN.** It has been moved and seconded that Rakolta be sent to  
8 the floor. Senator Menendez.

9 **SENATOR MENENDEZ.** Mr. Chairman, the United Arab Emirates continues  
10 to be an important partner of the United States in a part of the world where we  
11 need reliable, capable partners. The Emirates host the Al Dhafra Air Force Base  
12 and have made significant positive reforms. I do have some serious concerns  
13 with their foreign policies over the past few years, including their military  
14 involvement in Yemen and associated concerns over detainees as well as their  
15 ongoing support for various actors across Libya and Sudan, although I do  
16 applaud them for moving out of Yemen as they have stated that they will leave.  
17 That is part because of what this committee and individuals have done as well.

1 I believe that we are best served with qualified, capable, and transparent  
2 ambassadors promoting American interests around the world. I also believe Mr.  
3 Rakolta is a successful, competent person who will represent and advocate for  
4 the United States. However, I have serious concerns about Mr. Rakolta's failure  
5 to be fully transparent to this committee. When asked in this committee's  
6 questionnaire, Mr. Rakolta initially failed to list more than 50 companies on  
7 whose boards he sits. Now, you might be able forget one or two, but you cannot  
8 forget 50 of them.

9 He also did not initially disclose that he served on the board of a nonprofit  
10 that was the subject of a Federal investigation. While serving on that board, in 1  
11 year he approved \$150,000 in payments to the organization's executive director,  
12 who was also a government employee that was already receiving \$180,000 salary  
13 for doing the same work that the nonprofit reported to do. During and after Mr.  
14 Rakolta approved those payments, that same government official oversaw the  
15 development of the budget and bidding process for a \$220 million government  
16 contract, and then ultimately guided the selection of the winning bidder, his  
17 construction company. An independent audit later found that the contract

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1 award process appeared to have been designed to provide an unfair advantage  
2 to Mr. Rakolta's company.

3 As we have discussed, so many of the challenges we are having with some  
4 of the nominees before this committee are related to the White House's apparent  
5 lack of thorough vetting, yet here we are. I appreciate that Mr. Rakolta  
6 cooperated in following up with our questions, but I believe we must be the ones  
7 to hold our nominees accountable. I will be voting against this nomination, and  
8 per committee rules, I will also be filing the minority view for Mr. Rakolta. I will  
9 be submitting to the clerk by Monday.

10 **THE CHAIRMAN.** Thank you, Senator Menendez. Is there further debate?

11 **SENATOR ROMNEY.** Mr. Chairman, yes.

12 **THE CHAIRMAN.** Senator Romney.

13 **SENATOR ROMNEY.** I think it is helpful to offer some background on the  
14 many companies upon which Mr. Rakolta serves as a board member. He is the  
15 chief executive officer and owner of one of the largest construction companies in  
16 the world that provides -- builds airports, hospitals, and factories all over the  
17 world. And any time they begin any project, they form an LLC or a similar entity

1 for a particular project. And over his lifetime, he has literally been on hundreds  
2 of boards of entities. And when he was asked to write down the name of the  
3 entities where he served as a board member, my understanding is he put down  
4 all those where he is a board member of an entity that is currently operating, but  
5 did not think to put down some where the project has been long completed, the  
6 project is no longer underway.

7           And so it would be quite impossible to have a memory to delve back into  
8 all those LLCs. He ultimately engaged in an effort to try and find all the LLCs  
9 where the entity had not been closed, but where he still is shown as a -- as a  
10 board member. I would also note that he is a person of high integrity and great  
11 capability. I have a personal connection there in that he is -- by law he is an  
12 extended family, if you will. He was the brother-in-law of my brother before the  
13 divorce.

14           [Laughter.]

15           **THE CHAIRMAN.** We are going to need a legal opinion on that.

16           [Laughter.]

1           **SENATOR ROMNEY.** That is a truly attenuated relationship, but I have -- I  
2 have a great deal of personal respect for Mr. Rakolta and for the ethical conduct  
3 of his business practices, and the formation of many, many LLCs associated with  
4 the type of business that he participates in. Thank you, Mr. Chairman.

5           **SENATOR MENENDEZ.** Mr. Chairman, a brief comment.

6           **THE CHAIRMAN.** Yes, Senator.

7           **SENATOR MENENDEZ.** Number one, I see that you are -- I appreciate your  
8 warmth that you can speak so highly of him notwithstanding the present  
9 relationship.

10           [Laughter.]

11           **SENATOR MENENDEZ.** But I would just simply say that if we could on a  
12 tertiary look find the 50 companies, that I am sure he could have as well. Thank  
13 you, Mr. Chairman.

14           **SENATOR SHAHEEN.** Mr. Chairman? Mr. Chairman?

15           **THE CHAIRMAN.** Yes?

16           **SENATOR SHAHEEN.** Can I just get a clarification from Senator Romney as  
17 to whose divorce it was?

1 [Laughter.]

2 VOICE. Not yours.

3 SENATOR SHAHEEN. I am just kidding.

4 [Laughter.]

5 SENATOR ROMNEY. That would be complicated.

6 SENATOR RUBIO. But no matter what, Mr. Chairman, anyone with those  
7 kind of relationships should never be allowed to vote by proxy.

8 [Laughter.]

9 THE CHAIRMAN. We will put that as a footnote, sir. Okay. The motion  
10 has been made to accept Mr. Rakolta. The clerk will call the roll.

11 THE CLERK. Mr. Rubio?

12 SENATOR RUBIO. Aye.

13 THE CLERK. Mr. Johnson?

14 THE CHAIRMAN. Aye by proxy.

15 THE CLERK. Mr. Romney?

16 SENATOR ROMNEY. Aye.

17 THE CLERK. Mr. Gardner?

1           **SENATOR GARDNER.** Aye.

2           **THE CLERK.** Mr. Graham?

3           **SENATOR GRAHAM.** Aye.

4           **THE CLERK.** Mr. Isakson?

5           **THE CHAIRMAN.** Aye by proxy.

6           **THE CLERK.** Mr. Barrasso?

7           **SENATOR BARRASSO.** Aye.

8           **THE CLERK.** Mr. Portman?

9           **SENATOR PORTMAN.** Aye.

10          **THE CLERK.** Mr. Paul?

11          **SENATOR PAUL.** Aye.

12          **THE CLERK.** Mr. Young?

13          **SENATOR YOUNG.** Aye.

14          **THE CLERK.** Mr. Cruz?

15          **SENATOR CRUZ.** Aye.

16          **THE CLERK.** Mr. Menendez?

17          **SENATOR MENENDEZ.** No.



- 1           **THE CLERK.** Mr. Cardin?
- 2           **SENATOR CARDIN.** No.
- 3           **THE CLERK.** Mrs. Shaheen?
- 4           **SENATOR SHAHEEN.** Aye.
- 5           **THE CLERK.** Mr. Coons?
- 6           **SENATOR COONS.** Aye.
- 7           **THE CLERK.** Mr. Udall?
- 8           **SENATOR UDALL.** No.
- 9           **THE CLERK.** Mr. Murphy?
- 10          **SENATOR MURPHY.** Aye.
- 11          **THE CLERK.** Mr. Kaine?
- 12          **SENATOR KAINE.** No.
- 13          **THE CLERK.** Mr. Markey?
- 14          **SENATOR MARKEY.** No.
- 15          **THE CLERK.** Mr. Merkley?
- 16          **SENATOR MERKLEY.** No.
- 17          **THE CLERK.** Mr. Booker?

1           **SENATOR MENENDEZ.** No by proxy.

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

3           **THE CHAIRMAN.** Aye.

4           **THE CLERK.** Mr. Chairman, the ayes are 15; the nays are 7.

5           **THE CHAIRMAN.** The motion has been adopted. Let us move to -- what I  
6 would like to do now is consider the other nominations and the 650-plus service  
7 officers on the nine Foreign Service Lists. Is there -- and we will allow anyone to  
8 register a no vote on any individual if that is okay.

9           **VOICE.** Motion to consider en bloc.

10          **THE CHAIRMAN.** Okay. To adopt en bloc.

11          **VOICE.** And to adopt en bloc.

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

13          **VOICES:.** Second.

14          **THE CHAIRMAN.** All right. It has been moved and seconded that we adopt  
15 en bloc. Is there debate?

16          [No response.]

1           **THE CHAIRMAN.** There being none, all those in favor, signify by saying  
2 aye.

3           [A chorus of ayes.]

4           **THE CHAIRMAN.** Opposed, nay.

5           [No response.]

6           **THE CHAIRMAN.** The ayes have it. Is there anyone who wants to be  
7 recorded as a no on any of these?

8           **SENATOR MENENDEZ.** Mr. Chairman, I just want my remarks on Ms.  
9 Marks to be included as if I had made them.

10          **THE CHAIRMAN.** They will be included. Senator Merkley?

11          **Mr. Udall.** Mr. Chairman, I would record myself as a no on Marks.

12          **THE CHAIRMAN.** Senator Udall will be recorded as a no on Marks. Any  
13 further additions, subtractions?

14          **SENATOR MARKEY.** Mr. Chairman, could I be recorded as no?

15          **THE CHAIRMAN.** Yes, Senator Markey will be recorded as a no on Marks.

16 All right. Having gotten that behind us, let us move to the North Macedonia

1 Treaty, and I think this one has been talked about at great length. Is there debate  
2 on the treaty?

3 **SENATOR MENENDEZ.** Mr. Chairman?

4 **THE CHAIRMAN.** Senator Menendez.

5 **SENATOR MENENDEZ.** I have to cast a vote in the Finance Committee and I  
6 will go cast it and come right back. Will you please hold the Saudi --

7 **THE CHAIRMAN.** Yes, I will wait until you get here. I will do so.

8 **SENATOR MENENDEZ.** Thank you.

9 **VOICE.** That is where I will be going as well.

10 **THE CHAIRMAN.** Okay.

11 **SENATOR PAUL.** I have an amendment. Do you want me to talk about that  
12 now or do you want to talk just --

13 **THE CHAIRMAN.** Senator Paul, if you want to offer an amendment, now is  
14 the time.

15 **SENATOR PAUL.** All right. As most of the members of the committee  
16 know, I have not been for expanding NATO. I do not think it adds to our  
17 national security. North Macedonia spends about \$120 million a year on their

1 defense, 8,000 soldiers. I see North Macedonia and these small countries'  
2 addition to NATO really more as being tripwires to war and less of an asset to  
3 our national security. To put North Macedonia's military spending in  
4 perspective, Bryce Harper has a contract for \$330 million from the Phillies, and  
5 North Macedonia spends \$120 million. That is about 1 percent. I think like most  
6 of the other people we add to it, they will never pay the 2 percent that we  
7 request.

8       And the amendment that I have to offer is an amendment that would be  
9 put in as a reservation, and it is an amendment to point out really the problem I  
10 see in us picking up all of the money to pay for NATO. We pay about 70 percent  
11 of NATO's costs now. The President has railed against this often. And I think  
12 really we ought to pay proportional to our voting privileges, and if there is 28  
13 people in NATO, we ought to pay 1/28th of the bill.

14       And so that is what my amendment essentially would do is change our  
15 NATO fees to be proportional to our voting percentage in NATO. And I ask for  
16 a roll call vote.

17       **THE CHAIRMAN.** Are you moving to adopt Paul 1st?

1           **SENATOR PAUL.** I do not know what the number is. It is the one that  
2 makes --

3           **THE CHAIRMAN.** We know which one it is.

4           **SENATOR PAUL.** Okay.

5           **THE CHAIRMAN.** And this requires everyone to pay the same amount to  
6 NATO.

7           **SENATOR PAUL.** Everybody would pay the same amount to NATO.

8           **THE CHAIRMAN.** Okay. Everybody understand it? Any further debate?  
9 Any questions?

10           [No response.]

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

12           **SENATOR PAUL.** I would like a roll call vote.

13           **THE CHAIRMAN.** Okay. A roll call has been requested on Paul First  
14 Degree regarding payments. Senator Paul, you have not made a motion yet to  
15 adopt. Do you want --

16           **SENATOR PAUL.** Motion to adopt.

17           **THE CHAIRMAN.** There has been a motion to adopt. Is there a second?

1           **SENATOR RUBIO.** For purposes of a vote, yes.

2           **THE CHAIRMAN.** There has been a motion and a second to adopt the Paul  
3 First Degree. The clerk will call the roll.

4           **THE CLERK.** Mr. Rubio?

5           **SENATOR RUBIO.** No.

6           **THE CLERK.** Mr. Johnson?

7           **THE CHAIRMAN.** No by proxy.

8           **THE CLERK.** Mr. Gardner?

9           **SENATOR GARDNER.** No.

10          **THE CLERK.** Mr. Romney?

11          **SENATOR ROMNEY.** No.

12          **THE CLERK.** Mr. Graham?

13          **SENATOR GRAHAM.** No.

14          **THE CLERK.** Mr. Isakson?

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

16          **THE CLERK.** Mr. Barrasso?

17          **SENATOR BARRASSO.** No.

1 THE CLERK. Mr. Portman?

2 THE CHAIRMAN. No by proxy.

3 THE CLERK. Mr. Paul?

4 SENATOR PAUL. Aye.

5 THE CLERK. Mr. Young?

6 THE CHAIRMAN. No by proxy.

7 THE CLERK. Mr. Cruz?

8 SENATOR CRUZ. No.

9 THE CLERK. Mr. Menendez?

10 VOICE. No by proxy.

11 THE CHAIRMAN. No by proxy.

12 THE CLERK. Mr. Cardin?

13 VOICE. No by proxy.

14 THE CHAIRMAN. No by proxy.

15 THE CLERK. Mrs. Shaheen?

16 SENATOR SHAHEEN. No.

17 THE CLERK. Mr. Coons?



- 1           **SENATOR COONS.** No.
- 2           **THE CLERK.** Mr. Udall?
- 3           **SENATOR UDALL.** No.
- 4           **THE CLERK.** Mr. Murphy?
- 5           **SENATOR MURPHY.** No.
- 6           **THE CLERK.** Mr. Kaine?
- 7           **SENATOR KAINE.** No.
- 8           **THE CLERK.** Mr. Markey?
- 9           **SENATOR MARKEY.** No.
- 10          **THE CLERK.** Mr. Merkley?
- 11          **SENATOR MERKLEY.** No.
- 12          **THE CLERK.** Mr. Booker?
- 13          **VOICE.** No by proxy.
- 14          **THE CHAIRMAN.** No by proxy. The clerk will report.
- 15          **THE CLERK.** Mr. Chairman?
- 16          **THE CHAIRMAN.** No.
- 17          **THE CLERK.** Mr. Chairman, the ayes are 1; the nays are 21.

1           **THE CHAIRMAN.** The amendment has failed. Is there -- I would like --  
2 Senator Menendez is not here, but I will offer Menendez First Degree, Number 3,  
3 and that is the sense of the Senate regarding NATO. Oh, okay. Well, that is fine.  
4 If he does not want it, then I will withdraw it. I will withdraw that.

5           [Laughter.]

6           **THE CHAIRMAN.** Anyone else? Now is the time.

7           [No response.]

8           **THE CHAIRMAN.** There being none, is there a motion to adopt the protocol  
9 to the North Atlantic Treaty?

10          **SENATOR SHAHEEN.** So move.

11          **VOICES.** Second.

12          **THE CHAIRMAN.** It has been moved and seconded that the protocol be  
13 adopted.

14          All those in favor, signify by saying aye.

15          Opposed, nay?

16          **SENATOR PAUL.** No. Mr. Chairman, can you just record me as a no?

1           **THE CHAIRMAN.** Senator Paul will be recorded as voting no. The ayes  
2 have it and the protocol has been adopted, and the matter will be referred to the  
3 clerk.

4           Let us move to the -- Senator Cruz's bill, Senate 1441, Protecting Europe's  
5 Energy Security --

6           **SENATOR PAUL.** Mr. Chairman, I have a point of inquiry.

7           **THE CHAIRMAN.** The senator may inquire.

8           **SENATOR PAUL.** We placed a formal request to hold this bill over before  
9 the start of the meeting. I am just inquiring as to why we would be bringing it  
10 up.

11          **THE CHAIRMAN.** I am sorry. I did not realize there was a formal request to  
12 do that. Are you requesting that now, Senator Paul?

13          **SENATOR PAUL.** Yes.

14          **THE CHAIRMAN.** Okay. There has been a request that this be held until the  
15 next business meeting. Is that correct?

16          **SENATOR PAUL.** Yes.

1           **THE CHAIRMAN.** Okay. First of all, I do not want to set a precedent with  
2 this, but it is discretionary with the chairman. And there has been a tradition, I  
3 guess, in this committee where that was honored under usual circumstances.  
4 This is an unusual circumstance in that this is a matter of urgency. And, Senator  
5 Cruz, if you want to speak to that, you can.

6           Having said that, I am still going to honor Senator Paul's request.  
7 However, we are not going to hold this until after the -- after the September  
8 recess. Senator Menendez and I will negotiate for a time for a business meeting  
9 next week, and we will take it up next week and have a vote on that next week.  
10 Senator Cruz, are you all right with that?

11           **SENATOR CRUZ.** Mr. Chairman, if we can follow through and get it done --

12           **THE CHAIRMAN.** We will get it done.

13           **SENATOR CRUZ.** As you noted, there is considerable urgency in terms of  
14 the timing of this because Russia is proceeding rapidly with building Nord  
15 Stream 2, and every day of delay benefits Russia at the expense of the United  
16 States.

1           **THE CHAIRMAN.** I understand that. With that, I will hold this over, and  
2 Senator Menendez and I will in good faith get a hearing set for your bill next  
3 week.

4           **SENATOR CRUZ.** Thank you.

5           **THE CHAIRMAN.** A business meeting set. Okay. With that, we are down  
6 to just -- yeah. With that we are down to two bills. One is Senator Menendez's  
7 bill, and the other is a number of ours bill. And Senator Menendez has asked us  
8 to wait, and that is a tough deal because everybody has got other commitments.  
9 He indicated to me he was just going to cast a vote and come back, so can we be  
10 patient for Senator Menendez?

11          **SENATOR RUBIO.** Can we start debating?

12          **THE CHAIRMAN.** You know, his is the first -- I want to run his first. I think  
13 we will be able to move through. Lock the doors, Bertie.

14          [Laughter.]

15          **VOICE.** [Off audio.]

16          [Laughter.]

17          **THE CHAIRMAN.** Senator Shaheen?

1           **SENATOR SHAHEEN.** Have we voted on the two Foreign Service Lists?

2           **THE CHAIRMAN.** We did. You were recorded as an aye.

3           **SENATOR SHAHEEN.** Okay, I did not realize that. Yes, I did, but I did not  
4 realize that was for -- wrapped into all of the other noms.

5           **THE CHAIRMAN.** Well, we did -- I thought I was pretty clear that we put  
6 all those together.

7           **SENATOR SHAHEEN.** That is fine. I just wanted to make sure --

8           **THE CHAIRMAN.** Is there somebody on the 650 that you did not like?

9           **SENATOR SHAHEEN.** No. No. No.

10          **THE CHAIRMAN.** Senator Murphy?

11          **SENATOR MURPHY.** Mr. Chairman, I sort of know how this is going to play  
12 out, so I am happy to offer my remarks right now.

13          **THE CHAIRMAN.** Well, if you know something --

14          [Laughter.]

15          **THE CHAIRMAN.** -- could you put that in a sealed envelope and --

16          **SENATOR MURPHY.** Well, I guess -- I guess there may be somebody who  
17 would want to offer general remarks on the legislation.

1           **THE CHAIRMAN.** Yeah, okay. Well, let us go there.

2           **SENATOR MURPHY.** Maybe this is the time to -- maybe this is the time to  
3 do that.

4           **THE CHAIRMAN.** This would be a wonderful time.

5           **SENATOR MURPHY.** Okay.

6           **THE CHAIRMAN.** We will all listen intently.

7           **SENATOR MURPHY.** Mr. Chairman, thank you very much for bringing this  
8 process to the committee. I hope that we are going to report out the strongest bill  
9 possible. I would associate myself with the remarks of Senator Menendez. I do  
10 think we have an independent responsibility as the Article I branch to be able to  
11 come to our own determination as to what lies in the best interests of American  
12 national security.

13           And in this case, I think there is bipartisan consensus that the  
14 Administration's policy, both with respect to Yemen and Saudi Arabia, has lost  
15 its way. And I would rather that we come to an agreement, Republicans and  
16 Democrats, about what that new policy should be regardless of whether the

1 executive is prepared to sign it or not, and I think we could do that. That would  
2 be messy I certainly understand, messier for members of the President's party.

3 But I think the stakes are so important in Yemen where we have a  
4 humanitarian catastrophe like we have seen nowhere else in the world, and with  
5 our relationship with Saudi Arabia, that we should have taken that course. I  
6 understand that is not where we are today, but I still believe it is our better  
7 option to report out as strong a bill as possible so as to not give the impression  
8 that we are simply endorsing the Administration's policy on Saudi Arabia, but to  
9 continue to send the message that both parties want a new direction, both in  
10 Yemen and in the bilateral relationship.

11 The Saudis, importantly, have had a number of opportunities to right the  
12 ship. Senator Durbin and I met with the new ambassador yesterday, and she  
13 recognized that she is dealing with what she called an oil spill. And the problem  
14 is that the Saudis, instead of cleaning it up, have just poured more oil out over  
15 the course of the last few months. They have continued their campaign of  
16 repression, locking up women and journalists and political activists at a rate that  
17 we had not seen even before relationships here went sour. They still have not

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1 fulfilled their commitment to the United Nations. U.N. programs, food  
2 programs, health programs are shutting down as we speak inside Yemen because  
3 of the Saudis, and also the Emirates have not made good on their commitment.

4 And so I am at the point where I believe only with a relationship by  
5 Congress are we going to be able to change their behavior, and I think the way to  
6 do that is to report out the strongest bill possible this morning. So I just wanted  
7 to offer that as the reason for why my vote will be to strengthen your bill, Mr.  
8 Chairman, and then to vote out Senator Menendez's bill. I am glad, though, that  
9 this committee has turned its full attention, not just to the relationship with Saudi  
10 Arabia, but also to the war in Yemen.

11 I raised this issue first 4 years ago on the Senate floor when not very many  
12 people in this country knew what was happening in Yemen, and it does -- and it  
13 is meaningful to me that members of both parties recognize that the U.S. has a lot  
14 to do with the world's worst humanitarian catastrophe, that al-Qaeda and ISIS  
15 are getting stronger inside Yemen. And I am also grateful to the Administration  
16 that I think just in recent days and weeks has recognized that there is a unique  
17 role to play for us for this country in trying to bring a political settlement. And I

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1 am hopeful that that will bear fruit in the coming days and weeks. So those are  
2 my general comments as to the way forward.

3 **THE CHAIRMAN.** Senator Murphy, thank you. Thank you for those  
4 remarks, and there is very little of that that I disagree with. This relationship, as  
5 you have pointed out, is on the wrong trajectory, and if it does not correct, the  
6 relationship is not repairable. And they are going to find another partner, and  
7 we are going to have to live with that. My bill attempts to give them one last  
8 opportunity to course correct. I suspect that the more punitive bill, I suspect that  
9 there are sufficient votes on this committee that the bill is going to go out of here.  
10 I am hoping we can send both bills out. Like I said, there is very little I disagree  
11 with there. Senator Rubio was next and then, of course, Senator Coons.

12 **SENATOR RUBIO.** Just for the -- in the interest of time for the same general  
13 comments, I would acknowledge at the outset that our alliance with Saudi  
14 Arabia is among the most difficult and tenuous of those anywhere in the world.  
15 It is clear that we do not share common values on many issues with those who  
16 govern that nation. This is a country whose treatment of women is abhorrent.

1 There is zero religious tolerance. There is a series of policies internally that are  
2 just not acceptable.

3 Their practices as well. I mean, this is a crown prince who kidnapped the  
4 prime minister in Lebanon, which is an amazing thing to say. He kidnapped a  
5 head of government from another nation. Obviously we know of the murder of  
6 Mr. Khashoggi, which I have no doubt could never have been orchestrated  
7 without the knowledge and/or approval of the crown prince, not to mention it is  
8 a nation that has shown -- a government that has shown tolerance and, even in  
9 many cases, I think, contributed to the spread of Sunni-based terror, whether it is  
10 through its incitement of textbooks or allowing the folks to operate. So we have a  
11 lot that makes this relationship very difficult.

12 What complicates it, however, is the situation in the Middle East today as  
13 it stands is extraordinarily dangerous, the role the Saudis play in confronting not  
14 just a dangerous, but something that is really a tinderbox, which is what the  
15 activities are. I cannot emphasize enough how every single day we are at a -- we  
16 are one or two actions away from a broader regional conflict that I do not think

1 anyone has totally thought through in terms of its implications and what it could  
2 mean.

3         And they do serve a role. As an example, the U.S. has increased its  
4 defensive posture in the region. We have additional military personnel stationed  
5 there now. They provide a valuable role in that regard. So this balance between  
6 human rights, of which I believe, without overstating it I hope, that my  
7 commitment to human rights is, I think, equal to that of anybody on this  
8 committee or, frankly, in Congress. And there are human rights issues that we  
9 have not been deeply involved in, but sometimes that has to be balanced by some  
10 pragmatic, real-world realities. That has always been true of foreign policy. It  
11 remains true in this era, and that is the balance we are trying to strike.

12         And so I would just say the bills that are up before us today, particularly  
13 the one you have worked on which I am happy to co-sponsor, I think takes some  
14 pretty concrete steps forward dealing, in my view, pretty strongly with someone  
15 who with a nation, with a government that also happens to be a key linchpin of  
16 our regional strategy in the Middle East. But I think we have to always do so  
17 with the acknowledgment that we also have to measure some of it, at least in the

1 short- to mid-term, because of the realities of what we are living with in that  
2 region.

3       And so I hope we all keep that in mind that is it is possible to condemn the  
4 things that the crown prince has done, his recklessness, which I actually think  
5 makes the region more dangerous, while at the same time not seeking to  
6 completely implode a strategic alliance, at least at the given moment, that is  
7 critical to our national security. It is a tough balance. Oftentimes with foreign  
8 policy, we do not get a choice between a really good option and a really bad one.  
9 We get a choice between multiple terrible options, and we are trying to pick  
10 which one is the least terrible. And I certainly think this comes to mind when  
11 viewing these two issues that we are about to confront.

12       So I just wanted that to be on the record. That is going to be the chorus on  
13 some of my amendments and explanations, and I think we are just saving some  
14 time. So thank you for the opportunity.

15       **THE CHAIRMAN.** Thank you, Senator Rubio. The list I have got is Senator  
16 Coons, Senator Gardner, Senator Kaine, Senator Paul. I am going to start with  
17 Coons.

1           **SENATOR COONS.** Thank you, Mr. Chairman. First, let me just express my  
2 appreciation that you and the ranking member have worked a way for us to  
3 move forward while respecting the decades-long comity. We have moved  
4 through a number of important ambassadors, and we need to continue  
5 supporting and processing qualified ambassadors. Yet we are standing for the  
6 fact that this committee needs and expects witnesses for hearings, background  
7 information on nominees regardless of who the President is or the party in  
8 control.

9           There were many, many amendments filed for today. I wanted to briefly  
10 speak to one.

11           **THE CHAIRMAN.** Two hundred and fifty, give or take.

12           **SENATOR COONS.** Two hundred and fifty, give or take. Having talked to a  
13 number of members, I recognize that the structure and the language of this  
14 particular -- it is Coons First Degree Number 1 -- that many members may not  
15 have appreciated the way in which I think. This particular amendment, which I  
16 got directly from Congressman Malinowski in the House, strikes a good balance.  
17 It is just a tick tougher in terms of accountability, reporting, and under what

1 conditions the President can waive sanctions against those responsible for the  
2 murder of Khashoggi, than the Risch bill which I have co-sponsored.

3 And I think many of us are looking for that point that is the strongest  
4 possible imposition of requirements of reporting and sanctions that has a shot of  
5 passing the Senate and conceivably being signed. Whether it takes passing it by  
6 a veto-proof majority or whether it takes further engagement, this is in the  
7 NDAA. In the House it got 400 votes. I think it strikes the right balance. But,  
8 Mr. Chairman, I understand you are willing to make a commitment if I did not  
9 advance this for a vote today. Is that correct?

10 **THE CHAIRMAN.** I am.

11 **SENATOR COONS.** And what is that?

12 [Laughter.]

13 **THE CHAIRMAN.** Well, what is your understanding?

14 [Laughter.]

15 **THE CHAIRMAN.** We are you going to have -- you are going to introduce it  
16 as a standalone, and we are going to have a vote on it. Is that your  
17 understanding?

1           **SENATOR COONS.** That is my understanding because that then allows  
2 members the chance out of the 250 amendments filed today to take a moment  
3 and read it --

4           **THE CHAIRMAN.** Fair.

5           **SENATOR COONS.** -- and process it, and think it through because I think  
6 today we have a fairly stark choice between legislation that goes full bore after  
7 accountability for the murder of Khashoggi and the role of the Saudis and a  
8 number of other things we are troubled about, and a bill that is carefully crafted  
9 to be enactable. And we may not achieve enactment of -- passage of an enactable  
10 bill today.

11          **THE CHAIRMAN.** I think you have got that --

12          **SENATOR COONS.** And so I will leave this on the table, if I might.

13          **THE CHAIRMAN.** And I will make that commitment.

14          **SENATOR ROMNEY.** Mr. Chairman, could you repeat the deal was?

15          **THE CHAIRMAN.** This is a side deal.

16          [Laughter.]



1           **SENATOR COONS.** No one is getting divorced here. It is on a need-to-  
2 know basis.

3           [Laughter.]

4           **THE CHAIRMAN.** Yeah, it has nothing to do with the divorce. It has got  
5 nothing to do --

6           **SENATOR ROMNEY.** Proxies?

7           **THE CHAIRMAN.** Senator, what we have agreed to is that he is going to  
8 introduce the bill as a standalone bill, and we are going to have a vote on it in  
9 this committee.

10          **SENATOR ROMNEY.** Excellent.

11          **THE CHAIRMAN.** Fair enough?

12          **SENATOR ROMNEY.** Excellent.

13          **THE CHAIRMAN.** Let us see. Next I had Senator Gardner.

14          **SENATOR GARDNER.** Mr. Chairman, is this open mic time, or are we  
15 sticking to Saudi Arabia?

16          **THE CHAIRMAN.** Yeah, let us --

1           **SENATOR GARDNER.** If it is open mic, I will talk about another important  
2 matter I think the committee ought to pick up, and that is in light of the action  
3 that Kim Jong-un has taken again out in North Korea yesterday with the two  
4 additional missiles firing, and his obvious failure in negotiations to live up to the  
5 promises he made originally in Singapore.

6           So I would hope that we could move the LEED Act. We moved it last  
7 Congress. The Secretary of State supports the LEED Act. It is Senator Markey's  
8 and I legislation that we have teed up, and hopefully that is something that this  
9 committee could move forward, tee it up, and get it out because of the continued  
10 intransigence of North Korea.

11           **THE CHAIRMAN.** We will discuss that further. I think there is some  
12 information we need. Thank you, Senator. Senator Kaine.

13           **SENATOR KAINE.** Thank you, Mr. Chairman. Thank you for doing the  
14 work to bring this to a head. I will support the strong -- the strongest versions of  
15 the bills before, and I just wanted to say why quickly. One of the things I admire  
16 about members of the committee and I have noticed over the years is committee  
17 members are really tough for their own people. So if you have got a -- if you

1 have got a pastor who is imprisoned somewhere, Mr. Chair, you have been very,  
2 very active for that. And I think of Rob Portman on behalf of the Warmbier  
3 family, Otto Warmbier.

4 Jamal Khashoggi was a legal resident of Virginia. Aziza al-Yousef, one of  
5 the primary leaders of the women's rights movement in Saudi Arabia, has been  
6 repeatedly imprisoned, was a legal resident of Virginia for a long time studying  
7 at Virginia Commonwealth University. Aziza al-Yousef's son, Zalil Habir, who  
8 has been in prison for supporting women's rights, is a legal resident of Virginia.  
9 And these are people who are entitled to the home State senator going to bat for  
10 them. The horrible way they have been treated, even if they were from another  
11 State, I think I would be for the tough version of the bill. But they are Virginians,  
12 and I want to go bat for them, and so that is why I am going to support the  
13 stronger version.

14 I will say one other thing. I think it is always important for the committee  
15 leadership to try to work with the White House to find items of common accord,  
16 but I will sort of second the statement of Senator Menendez. There are some  
17 points where -- that the White House might beat on something. That does not

1 trouble me. I remember introducing the Iran Nuclear Review Act in February  
2 2015, and President Obama both had me to the Oval Office and got me on the  
3 phone the day of introduction and said you are my friend, do not introduce this,  
4 and I guarantee you I will veto it. And I said you got to do what you got to do,  
5 but I got to do what I got to do.

6 And, you know, and what happened was that it obtained such strong  
7 support in the body that they could not veto it. They could not, and they had  
8 back down. And so sometimes a veto threat is a threat. Sometimes we got to do  
9 what we can do and send a strong message, and presidents can learn from that.  
10 But I think this is one where we got to do what we got to do. Thank you.

11 **THE CHAIRMAN.** Thank you, Senator Kaine. I appreciate those remarks.  
12 Senator Paul.

13 **SENATOR PAUL.** I am going to support the Menendez amendment. I think  
14 the very least we can do is suspend arms sales to Saudi Arabia until we see a  
15 change in behavior. In fact, I think our arms sales to everybody ought to be  
16 conditional on behavior. I do think there is a fatal flaw in the wording, though,  
17 that will make this amendment not really work that well.

1           The point is that there is a waiver in there where the President can resume  
2 arms sales if there is any evidence that Iran is supporting the Houthis. Well,  
3 there is evidence every week of that. I mean, there is a U.N. report to the  
4 Security Council within the last 6 months that says intervention is illegally  
5 providing fuel to the Houthis. I mean, there is evidence almost every day of that.  
6 So if you write in there that we have to stop arms unless Iran is helping the  
7 Houthis, well, we are really not stopping arms, and so I think it will not work.  
8 And my only recommendation is that if we get a veto, if you will look at the  
9 language, I think we can do better on making the waiver less loose.

10           We always complain -- we do stuff, and then we complain when the  
11 President does not listen to us and he takes advantage of a waiver, but the  
12 problem is we gave him the waiver. So anyway, that is just a thought, but I will  
13 support the amendment.

14           **THE CHAIRMAN.** Thank you, Senator Paul. Senator Menendez.

15           **SENATOR MENENDEZ.** Mr. Chairman, first of all, I want to thank you. We  
16 had a markup on prescription drug pricing in the Finance Committee, so it was a  
17 particularly important vote that we were dealing with. So I appreciate the

1 courtesy of allowing members to speak. Procedurally, is there any one of the two  
2 bills presently up before us or are we speaking in general.

3 **THE CHAIRMAN.** We were waiting for you.

4 **SENATOR MENENDEZ.** Okay.

5 **THE CHAIRMAN.** It was open mic. Some of it was on this subject and some  
6 of it was not, but we will now take up Senate Bill 398, your bill, so.

7 **SENATOR MENENDEZ.** If I may.

8 **THE CHAIRMAN.** You may.

9 **SENATOR MENENDEZ.** Mr. Chairman, for the past few years, we have  
10 watched new Saudi leadership come to power. Many of us were hopeful that  
11 new leadership would bring welcome change and reform to the Kingdom. The  
12 United States and Saudi Arabia have a complicated, but ultimately important,  
13 strategic partnership. And I think most of us would like to course correct this  
14 partnership in order to feel confident that we are effectively promoting our  
15 interests and our values.

16 So I have called on my colleagues to do -- over the past year or so to look  
17 at some of the actions the Kingdom has taken. The imposition of a blockade on

1 Qatar has done nothing to promote our interests in our security. In fact, we can  
2 all agree that Iran has benefitted the most, and I am concerned about the negative  
3 implications for regional security and military integration. The Saudi leader  
4 effectively kidnapping a Lebanese prime minister has done nothing to diminish  
5 the influence of Hezbollah in Lebanon. In fact, Hezbollah now has more political  
6 support.

7 I could spend a whole meeting talking about Saudi Arabia's atrocious  
8 human rights record, but let me just focus on its disastrous campaign in Yemen,  
9 which has left 15 million people on the brink of starvation, displaced 3 million,  
10 left tens of thousands dead. The Houthis, who bear a responsibility as well for  
11 these horrifying numbers, have only been emboldened throughout this conflict,  
12 and Iran's influence in Yemen has only grown. And then finally, in October of  
13 this year, the Saudi government and the U.N. special rapporteur just came out  
14 with her report. I met with her, I think it was yesterday. It became very clear  
15 that this is a state-sponsored murder. A state-sponsored murder, ordered the  
16 brutal murder of American resident and journalist, Jamal Khashoggi, in the Saudi  
17 consulate in Istanbul.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

**Business Meeting**

*Thursday, July 25, 2019*

1           This Administration and we need to respond. The Administration cannot  
2 or will not seriously evaluate our partnership with this country and then align  
3 with the gentle embrace of autocrats in rejection of democratic values and human  
4 rights. The President seems incapable of condemning the crown prince for his  
5 actions. So when the President will not, Congress must.

6           And I am proud to have worked across the aisle with Senators Young,  
7 Reed, Graham, Shaheen, Collins, and Murphy on crafting a bill that does not  
8 throw away our partnership with Saudi Arabia, but also sends a strong signal  
9 that our partners cannot act with impunity. The bill carefully calibrates the  
10 sentiment that I just expressed while continuing to support Saudi Arabia's  
11 legitimate security concerns. The bill limits the sales of the kinds of weapons the  
12 Kingdom has used to slaughter civilians in Yemen. We believe we should,  
13 however, continue to support Saudi Arabia's legitimate defense and needs.

14           While we have stopped now, we affirm that we should no longer refuel  
15 Saudi coalition aircraft for operations in Yemen, clearly correlated with the rise in  
16 civilian casualties. And we have to do what we can do all we can to support the  
17 U.N.-led political process in Yemen and impose exacting costs on those who are

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

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1 working against it and who are blocking humanitarian access and providing  
2 material support to the Houthis. And finally, this bill reaffirms that the  
3 Administration must follow the letter of the Global Magnitsky Law and must  
4 take a firm stance for these human rights when it comes to Saudi Arabia.

5       So I urge my colleagues to support the bill, and in the interest of time, I  
6 know the chairman will be calling up his bill. Here is our problem. If at the end  
7 of the day the only thing that goes to the floor is something less than the type of  
8 consequence in which you will not have MBS high-fiving Putin at the next  
9 summit, then we need to have a bill that has serious consequences. I think that  
10 the chairman has tried to create a piece of legislation that is an expression and I  
11 appreciate that, but when the White House -- when it has supposedly been  
12 negotiated with the White House, it tells you everything about what the bill does  
13 or does not do. It is the same White House that has refused to condemn the  
14 crown prince for his role in the murder of Jamal Khashoggi, the same White  
15 House that in the face of the mounting civilian deaths and humanitarian disaster  
16 in Yemen saw fit to try to subvert congressional authorities and push more

1 weapons to the Kingdom and into this deadly conflict, the same White House  
2 that has been silent about Saudi Arabia's gross human rights abuses.

3           So while I appreciate the chairman's bill recognizes that there is some  
4 reckless behavior, as the bill suggests, if at the end of the day the crown prince  
5 can walk away and say to himself, you know what, all I got was at best -- at the  
6 very best, classified a slap on the wrist, because the bill largely gives the  
7 President permission to do all the things he can already do. All the things he can  
8 already do. And that is why I will be offering the bipartisan legislation that I  
9 understand the chairman wants to vote on first as an addition -- the substitute,  
10 but as an addition to the chairman's mark. And in the interest of time, I will  
11 consolidate --

12           **THE CHAIRMAN.** Thank you, Senator. Is there further debate?

13           [No response.]

14           **THE CHAIRMAN.** Would you like to make a motion to adopt, Senator?

15           **SENATOR MENENDEZ.** I so move.

16           **THE CHAIRMAN.** Is there a second?

17           **SENATOR KAINE.** Second.

1           **THE CHAIRMAN.** The motion has been made and seconded that the  
2 committee adopt Senate Bill 398. Do you want a roll call?

3           **SENATOR MENENDEZ.** Roll call.

4           **THE CHAIRMAN.** A roll call vote has been requested. The clerk will call  
5 the roll.

6           **THE CLERK.** Mr. Rubio?

7           **SENATOR RUBIO.** No.

8           **THE CLERK.** Mr. Johnson?

9           **SENATOR JOHNSON.** No.

10          **THE CLERK.** Mr. Gardner?

11          **SENATOR GARDNER.** No.

12          **THE CLERK.** Mr. Romney?

13          **SENATOR ROMNEY.** No.

14          **THE CLERK.** Mr. Graham?

15          **THE CHAIRMAN.** Aye by proxy.

16          **THE CLERK.** Mr. Isakson?

17          **THE CHAIRMAN.** No by proxy.

1           **THE CLERK.** Mr. Barrasso?

2           **SENATOR BARRASSO.** No.

3           **THE CLERK.** Mr. Portman?

4           **THE CHAIRMAN.** No by proxy.

5           **THE CLERK.** Mr. Paul?

6           **SENATOR PAUL.** Aye.

7           **THE CLERK.** Mr. Young?

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

9           **THE CLERK.** Mr. Cruz?

10          **SENATOR CRUZ.** No.

11          **THE CLERK.** Mr. Menendez?

12          **SENATOR MENENDEZ.** Aye.

13          **THE CLERK.** Mr. Cardin?

14          **SENATOR MENENDEZ.** Aye by proxy.

15          **THE CLERK.** Mrs. Shaheen?

16          **SENATOR SHAHEEN.** Aye.

17          **THE CLERK.** Mr. Coons?

- 1           **SENATOR COONS.** Aye.
- 2           **THE CLERK.** Mr. Udall?
- 3           **SENATOR UDALL.** Aye.
- 4           **THE CLERK.** Mr. Murphy?
- 5           **SENATOR MURPHY.** Aye.
- 6           **THE CLERK.** Mr. Kaine?
- 7           **SENATOR KAINE.** Aye.
- 8           **THE CLERK.** Mr. Markey?
- 9           **SENATOR MARKEY.** Aye.
- 10          **THE CLERK.** Mr. Merkley?
- 11          **SENATOR MERKLEY.** Aye.
- 12          **THE CLERK.** Mr. Booker?
- 13          **SENATOR MENENDEZ.** Aye by proxy.
- 14          **THE CLERK.** Mr. Chairman?
- 15          **THE CHAIRMAN.** No.
- 16          **THE CLERK.** Mr. Chairman, the yeas are 13 and the nays are 9.

1           **THE CHAIRMAN.** The motion has been adopted. Senate Bill 398 will be  
2 sent to the floor.

3           I have before the committee Senate Bill 2066, the Saudi Arabia Diplomatic  
4 Review Act, SADRA. There is no sense dragging this out. The first amendment I  
5 am going to consider after our agreement with Senator Menendez is Senator  
6 Menendez's First Degree Amendment Number 82, as modified by the second  
7 degree filed to it, which reflects the content of Senate Bill 398.

8           And so, look, we have had a long discussion about this. Everybody knows  
9 what is in here. Again, like I said, if this is added, it is no longer my bill. I will be  
10 withdrawing my bill and the meeting will be over. No hard feelings to anyone.  
11 It is not sour grapes, but it is -- I am interested in spending time on something we  
12 can actually do, and there is certainly a lot of discussion that can be had on the  
13 floor. So with that, Senator Menendez, did you --

14           **SENATOR MENENDEZ.** I have spoken to it. I will move the amendment.

15           **THE CHAIRMAN.** Okay. The amendment has been offered, Menendez First  
16 Degree Number 82. Has anybody got any comments or questions?

17           **SENATOR YOUNG.** I do.

1           **THE CHAIRMAN.** Yes, Senator Young.

2           **SENATOR YOUNG.** Mr. Chairman, I just do not want my vote to be  
3   misconstrued. I have already spoken with the ranking member about offering  
4   this piece of legislation, which he and I worked together on, and I would -- I  
5   would much prefer it to the chairman's, though I do appreciate the chairman's  
6   handiwork in trying to produce something that the President will actually sign  
7   into law. I think that is important work. But my intention is to vote no on this  
8   because I do not believe it would sink your efforts. Thank you, Mr. Chairman.

9           **THE CHAIRMAN.** Thank you, Senator. Is there further debate? Further  
10   comments?

11          **SENATOR MENENDEZ.** So move.

12          **THE CHAIRMAN.** The motion has been made and it has been seconded.  
13   The clerk will call the roll on Menendez First Degree 82.

14          **THE CLERK.** Mr. Rubio?

15          **SENATOR RUBIO.** No.

16          **THE CLERK.** Mr. Johnson?

17          **SENATOR JOHNSON.** No.

1 THE CLERK. Mr. Gardner?

2 SENATOR GARDNER. No.

3 THE CLERK. Mr. Romney?

4 SENATOR ROMNEY. No.

5 THE CLERK. Mr. Graham?

6 THE CHAIRMAN. Aye by proxy.

7 THE CLERK. Mr. Isakson?

8 THE CHAIRMAN. No by proxy.

9 THE CLERK. Mr. Barrasso?

10 SENATOR BARRASSO. No.

11 THE CLERK. Mr. Portman?

12 THE CHAIRMAN. No by proxy.

13 THE CLERK. Mr. Paul?

14 SENATOR PAUL. Aye.

15 THE CLERK. Mr. Young?

16 SENATOR YOUNG. No.

17 THE CLERK. Mr. Cruz?



1           **SENATOR CRUZ.** No.

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

3           **SENATOR MENENDEZ.** Aye.

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

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

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

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

8           **THE CLERK.** Mr. Coons?

9           **SENATOR COONS.** Aye.

10          **THE CLERK.** Mr. Udall?

11          **SENATOR UDALL.** Aye.

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

13          **SENATOR MURPHY.** Aye.

14          **THE CLERK.** Mr. Kaine?

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

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

17          **SENATOR MARKEY.** Aye.

1 THE CLERK. Mr. Merkley?

2 SENATOR MERKLEY. Aye.

3 THE CLERK. Mr. Booker

4 SENATOR MENENDEZ. Aye by proxy.

5 THE CLERK. Mr. Chairman?

6 THE CHAIRMAN. No.

7 THE CLERK. Mr. Chairman, the yeas are 12; the nays are 10.

8 THE CHAIRMAN. The motion has passed, and with that I am going to  
9 withdraw the bill. Thank you, everyone, for your, I think, good faith  
10 participation in this. And the committee is adjourned.

**[Whereupon, at 11:49 a.m., the committee was adjourned.]**