
Thursday, August 3, 2017

BUSINESS MEETING

U.S. SENATE
COMMITTEE ON FOREIGN RELATIONS
115TH CONGRESS, FIRST SESSION

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WASHINGTON, D.C.

1 The committee met, pursuant to notice, at 10:10 a.m., in Room SD-116, Dirksen
2 Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

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

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

6 **THE CHAIRMAN.** I thank everybody for being here on our last legislative day
7 before recess.

8 **SENATOR CARDIN.** Oh, that is good news.

9 **THE CHAIRMAN.** Huh?

10 **SENATOR CARDIN.** That is a good way to start.

11 **THE CHAIRMAN.** We have one semi-contentious nominee that takes all
12 Republicans to be here. We told everybody we would vote on that point right now over
13 the next two minutes. We are still waiting on a couple of Republican members, and I
14 apologize for that. We thought they were going to be here on the front end.

1 As soon as they get here, if it is okay, Ranking Member, we will vote on the
2 nominations. We will move away from the business we have. I know that Democrats
3 want to register a "no" on Murray in particular, and I appreciate and understand that,
4 and thank you all for working with us. So, what I thought we would do is go ahead and
5 move to opening comments, which will be very brief, move to the Taylor Force Act, and
6 then vote on nominations whenever we have all the Republicans present.

7 The business meeting of the Senate Foreign Relations Committee will come to
8 order. We are going to consider S. 1697, the Taylor Force Act, and I want to thank
9 Senator Graham for the work he has done on this bill and his work to highlight such an
10 important issue.

11 Taylor, a West Point graduate and veteran of wars in Iraq and Afghanistan,
12 represents the very best our country has to offer. He was tragically murdered over a
13 year ago by a Palestinian terrorist while in Tel Aviv studying an entrepreneurship.
14 There is no doubt that his murder and the murder of countless others was partly
15 motivated by financial reward. I think everyone who is here today fully knows the
16 Palestinian Authority has enshrined in law a system that pays Palestinians \$400 a month
17 if they are sentenced to 2 years in an Israeli jail, but \$3,500 if they are sentenced to 30
18 years. These payments clearly incentivize terrorism, and I do not think anybody has
19 even debated negatively against that.

1 At the same time, while we do not give the PA money directly, we do pay their
2 debts and fund projects which they would otherwise be responsible for. This bill is
3 relatively simple. If the PA does not stop the payments and revoke the law, then we
4 will stop sending money that directly benefits the PA. We cannot continue to send
5 taxpayer dollars, in my opinion, to support a government that incentivizes terrorism.

6 We will also vote on a number of nominees, as I mentioned, when everyone is
7 here. I know that Ranking Member Cardin would like to speak to these issues, and I
8 want to thank everybody again for being here today.

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

9 **SENATOR CARDIN.** Well, Mr. Chairman, thank you very much. First, let me
10 comment on the nominations because I know you are going to want to vote as soon as
11 we get the necessary members here. I support the three career nominees. One is from
12 the State of Maryland, which we are particularly proud of.

13 In regards to the nomination of Mr. Jay Patrick Murray of Virginia to be the
14 alternative representative to the United States of America to the United Nations, I
15 oppose that nomination. I want to thank Senator Merkley on our side who chaired that
16 nomination hearing. I have concern about Colonel's Murray's divisive rhetoric in both
17 his book and his published news columns. He has made highly offensive remarks about
18 members of Congress, including members of this committee.

1 His written statements have been deeply disturbing. In a *Newsmax* article
2 published in March 2016, not too long ago, Colonel Murray wrote that Muslims now
3 comprise almost 25 percent of Brussel's population. Most have not
4 assimilated and have no intention of doing so. At worst, they are planning to kill
5 their infidel neighbors. At best, they protect and harbor those who are doing the
6 killing.”

7 Publishing this type of inflammatory rhetoric is not befitting of an individual
8 who is seeking to represent the United States at the United Nations. In both in my
9 capacity as a United States senator and as a special representative on Anti-Semitism,
10 Racism, and Intolerance for the OSCE Parliamentary Assembly, I cannot support
11 Colonel Murray's nomination.

12 Mr. Chairman, in regards to the Taylor Force Act, first I want to thank all the
13 members of this committee for expediting the consideration of this bill. This is a very
14 important bill, and I think our members understand that. And I appreciate the
15 cooperation that the chair and ranking member has received so that we could take this
16 up without the normal notice requirements. And I thank you for that.

17 Our objective -- I also want to acknowledge, as you do, the tragic loss of Taylor
18 Force, an American citizen who was murdered by a terrorist in Israel. It was a tragic
19 episode and something that requires our action. This is the objective of the legislation:
20 we will not tolerate the Palestinian Authority paying prisoners who have participated in

1 terrorism or the families of those terrorists that have killed innocent people. All that
2 does is beget more violence, and we have to have a clear strategy for this practice to
3 end.

4 The legislation is aimed at doing that in two respects that I just want to
5 underscore. First, we want to exercise maximum leverage of U.S. assistance to end this
6 policy. Second, we do not want to penalize the innocent Palestinian people for which
7 our assistance is critically important.

8 I want to congratulate and thank the chairman because the changes have been
9 done since the original bill was introduced, thanks to the chairman's hard work with
10 Senator Graham, has made this bill a much more effective bill in carrying out those two
11 objectives: that is, maximum leverage so the policy can change, but recognizing –that
12 we do not want to penalize innocent Palestinians.

13 I want to make a couple of other points. First, no U.S. aid today goes to the direct
14 budgetary support for the Palestinian Authority. We have already taken steps on that
15 in the past, so there is no direct support to the administration of the Palestinian
16 Authority. Secondly, we have already cut funds that would go to the Palestinian people
17 in the amount of the funds that go for these payments that we want to get stopped. But
18 we can do more, and this legislation moves in that direction.

19 I want to thank my colleagues because I think there are amendments that we will
20 consider today that will strengthen this bill and the two objectives that I just mentioned,

1 first in making it more effective as a tool to bring about change, and I want to thank
2 Senator Kaine for his escrow amendment because I think that does that. It puts money
3 on the table for them to actually change, and they get rewarded. It is a carrot/stick
4 approach, and I think that is exactly what this bill should be doing. And secondly, to
5 protect the humanitarian needs of the innocent Palestinian people, particularly as we
6 look at ways that we can distribute our aid through NGOs, which is what we do
7 currently and which is not affected by this bill, but encouraging the funds to go through
8 NGOs so that the Palestinians do not lose that humanitarian aid, for peacekeeping
9 programs or education and economic progress rather than the radicalization of the
10 people. All of that, I think we can fine tune this bill to make it more effective in
11 accomplishing our objective and to end the practice, and to make sure that we
12 participate in peacekeeping efforts with the Palestinian people.

13 **THE CHAIRMAN.** Thank you. Listen, what I would like to do, I understand that
14 since we have more Republican members than Democratic members, and since I had
15 told several Republican members that it was important just to be here on the front end,
16 what I would like to do, with your agreement, is go ahead and move to the nominees.

17 What I would like to ask is that we move en bloc the following nominations --
18 Mr. Raynor, Ms. Brewer, Mr. Desrocher, and let us just move them en bloc, if that is
19 okay, and I understand you all want a roll call vote on Mr. Murray. And if there is a
20 motion to that effect?

1 **SENATOR CARDIN.** So moved.

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

3 **SENATOR MENENDEZ.** Second.

4 **THE CHAIRMAN.** All in favor, say aye.

5 [A chorus of ayes.]

6 **THE CHAIRMAN.** All opposed?

7 [No response.]

8 **THE CHAIRMAN.** Thank you all for that. And then what I would like to do is have
9 a motion that we take up Mr. Murray separately and have a roll call vote.

10 **SENATOR CARDIN.** That is fine. I do not know whether Senator Merkley wants
11 to make comments or not.

12 **THE CHAIRMAN.** That's fine. Why do we not make a motion and second?

13 **SENATOR RUBIO.** So moved.

14 **SENATOR CARDIN.** So moved.

15 **THE CHAIRMAN.** Second?

16 **SENATOR MERKLEY.** Second.

17 **THE CHAIRMAN.** Thank you. Go ahead.

18 **SENATOR MERKLEY.** Well, I will just say very simply that I encourage people to
19 pay attention to the comments that this individual has made in his written work and his
20 articles. They are demeaning to members of Congress as a whole. Specific members of

1 this committee were attacked. I think the general nature -- I will not go through the
2 dozen or so most egregious comments. I simply think that ponder -- we should ponder
3 closely whether a person of this extraordinarily divisive nature, prone to insulting and
4 demeaning rhetoric, is appropriate in a key diplomatic post.

5 I believe it is not. I think if these comments were directed across the aisle, you all
6 would be telling us that this is totally inappropriate for this individual to be serving,
7 and I ask sometimes we need to step into each other's shoes. Thank you.

8 **THE CHAIRMAN.** Thank you. Any other comments?

9 [No response.]

10 **THE CHAIRMAN.** A roll call vote will begin.

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

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

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

14 **SENATOR RUBIO.** Aye.

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

16 **SENATOR JOHNSON.** Aye.

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

18 **SENATOR FLAKE.** Aye.

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

20 **SENATOR GARDNER.** Aye.

1 THE CLERK. Mr. Young?
2 SENATOR YOUNG. Aye.
3 THE CLERK. Mr. Barrasso?
4 SENATOR BARRASSO. Aye.
5 THE CLERK. Mr. Isakson?
6 SENATOR ISAKSON. Aye.
7 THE CLERK. Mr. Portman?
8 SENATOR PORTMAN. Aye.
9 THE CLERK. Mr. Paul?
10 SENATOR PAUL. Aye.
11 THE CLERK. Mr. Cardin?
12 SENATOR CARDIN. No.
13 THE CLERK. Mr. Menendez?
14 SENATOR MENENDEZ. No.
15 THE CLERK. Mrs. Shaheen?
16 SENATOR CARDIN. No by proxy.
17 THE CLERK. Mr. Coons?
18 SENATOR COONS. No.
19 THE CLERK. Mr. Udall?
20 SENATOR UDALL. No.

1 THE CLERK. Mr. Murphy?

2 SENATOR CARDIN. No by proxy.

3 THE CLERK. Mr. Kaine?

4 SENATOR KAINE. No.

5 THE CLERK. Mr. Markey?

6 SENATOR MARKEY. No.

7 THE CLERK. Mr. Merkley?

8 SENATOR MERKLEY. No.

9 THE CLERK. Mr. Booker?

10 SENATOR BOOKER. No.

11 THE CLERK. Mr. Chairman?

12 THE CHAIRMAN. Aye. The clerk will report.

13 THE CLERK. Mr. Chairman, the yeas are 11; the nays are 10.

14 THE CHAIRMAN. I want to thank everybody for cooperating and disagreeing

15 amicably, and I know some of the people here have other business. I thank everyone for

16 being here.

17 If we could, what I would like to do now is move to S. 1697, the Taylor Force Act.

18 I know people want to make comments about this piece of legislation. What I would

19 like to consider is going ahead and adopting amendments that we know everyone

1 agrees with and put those in place, and then begin the discussion because I think it will
2 be more relevant to some of the amendments that may be offered, if that is acceptable.

3 So, I would like to entertain a motion to consider Murphy 1 and Murphy 2
4 amendments, as well as the Young amendment en bloc by voice vote. To my
5 understanding, everybody is in agreement with that. Is there a motion to that effect?

6 **SENATOR CARDIN.** So moved.

7 **THE CHAIRMAN.** Second?

8 **SENATOR RUBIO.** Second.

9 **THE CHAIRMAN.** There has been a motion to approve those three amendments en
10 bloc and seconded.

11 All in favor, say aye.

12 [A chorus of ayes.]

13 **THE CHAIRMAN.** All opposed?

14 [No response.]

15 **THE CHAIRMAN.** Today is Murphy's birthday, so I am sure he will appreciate
16 that, although he is not here to --

17 **SENATOR CARDIN.** If he was here, we would not be voting.

18 **THE CHAIRMAN.** There you go. So now, look, we have had numbers of
19 discussions. I know there was a meeting last night with the State Department, I

1 understand, that did not go particularly well. But at this moment, I would be glad to
2 entertain any discussion or amendments.

3 Look, what I hope is going to happen is we are going to finish today with a bill
4 that we can have broad support for. I think most of us understand what is happening
5 with the Palestinians is egregious. To me, it is unbelievably offensive that the leader of
6 the Palestinians put this in place, and that we have a leader that truly incentivizes, pays
7 people money to inflict injury, heinous crimes on other people. That is -- to me, it is
8 almost a definition of a "war criminal." I am sorry. I am pretty worked up about this. It
9 is hard for me to understand that this is taking place, but hopefully today we will speak
10 with a loud voice towards this.

11 And I would be glad to --

12 **SENATOR UDALL.** Mr. Chairman?

13 **THE CHAIRMAN.** Yes, sir.

14 **SENATOR UDALL.** I believe you are -- are we are ready for amendments?

15 **THE CHAIRMAN.** Yes. Yes, sir.

16 **SENATOR UDALL.** Mr. Chairman, I would like to call up my amendment. It is a
17 first-degree amendment. And I first would like to thank Senator Cardin and Senator
18 Kaine for being co-sponsors of it.

19 Let me just first say that I think the Taylor Force Act has very good intentions,
20 and, you know, I do not think that we should have U.S. aid money going to terrorists or

1 going to terrorist activities. But the other side of this, and I think many of us know this
2 in traveling to the West Bank, there are very serious problems there. There is poverty.
3 There are a lot of checkpoints. There is hopelessness. And so, you kind of have the
4 conditions for terrorism on the ground.

5 So, what this amendment does is really follow the changes, Mr. Chairman, you
6 made earlier, like the exception for the East Jerusalem Hospital, and this amendment is
7 in the same spirit as allowing an exception under the Taylor Force Act for the East
8 Jerusalem Hospital. I would call it a humanitarian exception.

9 **THE CHAIRMAN.** Yeah.

10 **SENATOR UDALL.** The exception would allow for funding to continue for
11 programs that promote public health, prevent the spread of disease or infection. This
12 would include assistance to be food, water, medicine, health, sanitation needs, or basic
13 human sanitation. The amendment is supported by the Catholic relief services,
14 InterAction, an alliance of NGOs which includes the American Red Cross, Lutheran
15 World Relief, ONE, and others who have endorsed it.

16 And I would take it on a voice vote, but I am going to ask for a roll call if we do
17 not win on a voice.

18 [Laughter.]

19 **THE CHAIRMAN.** Thank you. I think the roll call may be necessary here. Let me
20 just say that if you add the exception for public health water and basic human needs,

1 you basically gut the bill. We have the ability through IDA and MRA to deliver these
2 services -- I know the senator knows that -- and just really renders this bill basically
3 useless. So, I thank you for your concerns as always. I strongly oppose this amendment
4 and hope others will join me in not gutting this piece of legislation.

5 **SENATOR CARDIN.** Mr. Chairman?

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

7 **SENATOR CARDIN.**

8 I would like to speak in support of Senator Udall's amendment. Let me just try to
9 give the numbers here so we know what we are talking about. It is a little bit difficult
10 because the Congress does not appropriate by specific use. It is the general category of
11 economic support funds.

12 And we know the Fiscal Year 2016 numbers. We do not yet know fully the Fiscal
13 Year 2017 numbers. So, the last numbers we can really work as to what impact this bill
14 has is the Fiscal Year 2016. And my understanding, it is \$260 million in total that is in
15 the economic support funds. Of that \$260 million, there is \$108 million that would fall
16 in the category of direct benefit to the Palestinian Authority or the Palestinian
17 government.

18 Of that \$108 million, \$25 million is for the East Jerusalem Hospital, which we
19 have carved out specifically as an exception in the bill. So it has already been carved
20 out. Therefore, we are talking about \$63 million that goes directly to the benefits and

1 \$45 million that goes to U.S. debt payment, which we all recognize would be cut off by
2 these bills. There is no effort made to say that that could be continued unless the
3 Palestinians cut off funding for prisoners.

4 So, we are really talking about the \$63 million that in Fiscal Year 2017 went to
5 programs similar to what Senator Udall is talking about. Not all of that went there, but
6 some of that money went there. So, there is going to be money cut off. It does gut the
7 bill.

8 The question is for those types of programs that deal with health, and clean
9 water, and sanitation, and education, the type of programs that Senator Udall is talking
10 about, those funds are important to prevent radicalization. It is important for the peace
11 between the Israelis and the Palestinians, and we expect that you will see a larger sum
12 of those monies going through NGOs. But the NGO funds or municipal government
13 funds would be able to continue because they do not go directly to benefit the
14 Palestinians.

15 So, all I am suggesting here is that what Senator Udall is saying, if the money is
16 going to help the Palestinians, yes, there are ways within this bill that they continue
17 through NGOs. That is acceptable. But there may be circumstances where the Secretary
18 of State believes it is best in the money going through the mechanisms that he currently
19 has, which is a more specific program.

1 I think this legislation is as clear as can be that we do not want the Palestinian
2 Authority to get any benefits from U.S. assistance unless they end this policy. And we
3 know there is going to be a price to pay, at least the fuel monies, if not a lot more than
4 that. And the aid may be configured in a totally different way, and that can be done.
5 But I do think the message is clear and the Udall amendment makes it clear to the
6 Palestinian people that we are not aiming at the programs that directly benefit the
7 Palestinian people.

8 So, I support the amendment.

9 **THE CHAIRMAN.** Let me just say, all of us are fully cognizant of the fact that the
10 Palestinian Authority uses these monies - or flow through them -- to build support for
11 themselves. The State Department knows full well that if they want these resources
12 flowing to the Palestinian people, they can do it through reprogramming to NGOs so
13 that we are not, again, propping up the Palestinian Authority's ability to have dominion
14 over people when they, in fact, are paying people to kill Israelis and other innocent
15 people. They are paying people to do that.

16 So, I strongly oppose this. I would love to hear any other comments people may
17 have. Senator Portman.

18 **SENATOR PORTMAN.** Mr. Chairman, first of all, I agree with the overall spirit of
19 the legislation that both of you talked about, which is to maximize and leverage, but

1 also to ensure that some of these humanitarian funds continue to flow. And I think
2 Senator Udall's amendment is well intended in that regard.

3 But to add to what Senator Cardin said, I think the number is \$105 million that
4 goes -- 40 percent of the ESF funding that goes to NGOs. So, because when I first looked
5 at this, I thought we were talking about, one, something bigger than ESF, we were just
6 talking about ESF. And second, 40 percent of it goes already outside of the PLA to
7 NGOs, primarily for humanitarian type projects, including infrastructure, health,
8 education, and so on.

9 So, I think this bill is a pretty good balance where Senator Corker and Senator
10 Graham have it. It is a -- some significant changes from Senator Graham's original bill
11 actually thanks to some of the compromises he was willing to make and some of the
12 things you were able to negotiate. So, I think it has got the right balance, and so I am
13 going to be opposing that amendment, again, understanding that I think the bill, in
14 effect, does this by having 40 percent of the funding continue to go through NGOs. And
15 as the chairman says, the State Department would have the ability to reprogram.

16 **THE CHAIRMAN.** Any other comments?

17 [No response.]

18 **THE CHAIRMAN.** I assume you would like a roll call vote --

19 **SENATOR MERKLEY.** Well, I would --

20 **THE CHAIRMAN.** We can defeat it by a voice vote or have a --

1 [Laughter.]

2 THE CHAIRMAN. The clerk will call the roll.

3 THE CLERK. Mr. Risch?

4 THE CHAIRMAN. No by proxy.

5 THE CLERK. Mr. Rubio?

6 SENATOR RUBIO. No.

7 THE CLERK. Mr. Johnson?

8 SENATOR JOHNSON. No.

9 THE CLERK. Mr. Flake?

10 SENATOR FLAKE. No.

11 THE CLERK. Mr. Gardner?

12 THE CHAIRMAN. No by proxy.

13 THE CLERK. Mr. Young?

14 SENATOR YOUNG. No.

15 THE CLERK. Mr. Barrasso?

16 SENATOR BARRASSO. No.

17 THE CLERK. Mr. Isakson?

18 SENATOR ISAKSON. No.

19 THE CLERK. Mr. Portman?

20 SENATOR PORTMAN. No.

1 THE CLERK. Mr. Paul?
2 SENATOR PAUL. No.
3 THE CLERK. Mr. Cardin?
4 SENATOR CARDIN. Aye.
5 THE CLERK. Mr. Menendez?
6 SENATOR MENENDEZ. Aye.
7 THE CLERK. Mrs. Shaheen?
8 SENATOR CARDIN. Aye by proxy.
9 THE CLERK. Mr. Coons?
10 SENATOR COONS. Aye.
11 THE CLERK. Mr. Udall?
12 SENATOR UDALL. Aye.
13 THE CLERK. Mr. Murphy?
14 SENATOR CARDIN. Aye by proxy.
15 THE CLERK. Mr. Kaine?
16 SENATOR KAINE. Aye.
17 THE CLERK. Mr. Markey?
18 SENATOR MARKEY. Aye.
19 THE CLERK. Mr. Merkley?
20 SENATOR MERKLEY. Aye.

1 THE CLERK. Mr. Booker?

2 SENATOR BOOKER. Aye.

3 THE CLERK. Mr. Chairman?

4 THE CHAIRMAN. No. The clerk will report.

5 THE CLERK. Mr. Chairman, the noes are 11; the yeas are 10.

6 SENATOR KAINÉ. Mr. Chair?

7 THE CHAIRMAN. The amendment is not adopted.

8 SENATOR KAINÉ. Mr. Chairman?

9 THE CHAIRMAN. Yes, sir.

10 SENATOR KAINÉ. Mr. Chair, if I could call Kaine Amendment 2. I have -- I have
11 two amendments pending. Number one deals with how we define what the
12 presentation of the underlying laws that generate the payments are. I am not going to
13 call that one up now. If Kaine 2 passes, I am going to drop 1.

14 Kaine 2 is geared at what are we trying to do get at here, and I view this as a
15 friendly amendment. I think the activity is outrageous, and we are trying to grapple
16 with it. And I think the hearing that we had with our two witnesses about it helped me
17 crystalize this idea. Is our main goal to punish bad behavior, or is it to end the bad
18 behavior? And I would hope it would be -- I think we have to try to end the bad
19 behavior.

1 My worry about the drafting of the bill as is is withholding the money, I think a
2 message that will be sent to many on the Palestinian side is that money is never coming
3 back. They know that many here -- all of us are opposed to the behavior, but I think
4 also some of them are very skeptical about whether there really is support for the PA at
5 all. And they also recognize that there is a significant attack on all foreign aid in the
6 foreign aid budget. And so, if the money is just withheld, I worry that a message they
7 take from that is the money is not coming back, and then there is no incentive -- no
8 strong incentive to improve the behavior.

9 So, if what we want to do is to improve the behavior, one of our witnesses at the
10 hearing suggested why not consider an escrow account. So, what Kaine Amendment 2
11 would do is instead of just withholding the money, it would take the money sort of for a
12 two-year period. We would put the money in an escrow account, and the monies could
13 be released from the escrow account if the Secretary of State determines that the
14 payments have stopped.

15 They do not have to be released from the escrow account. It gives the Secretary
16 of State the ability to release and may if the payments have stopped, and I think that
17 actually creates the incentive to end the behavior. And it also gives the Secretary of
18 State, and I say God love the Administration for trying for what seems impossible,
19 which is having a dialogue with Israel and Palestine about cessation of violence and
20 negotiation. Moving forward, I think it gives the Secretary of State a bit of leverage, the

1 two-year accumulation of these funds, that could potentially be used in a productive
2 way in discussions.

3 So, the behavior is outrageous. We ought to try to stop it. I think we are more --
4 in a targeted way, we are more likely to stop it if we use an escrow mechanism than just
5 withholding the funds. And so, that is the -- that is the purpose of this. And if at the
6 end of the two years they have not done what they need to do, the money is
7 reprogrammed for other purposes, but it -- but it would continue then to accumulate in
8 two-year segments as an -- as an ongoing incentive for the folks to change their
9 behavior.

10 **THE CHAIRMAN.** If I could speak to the amendment. I had a conversation with
11 Senator Kaine prior to the meeting, and I appreciated that. And in the spirit of what
12 Senator Portman just outlined, and that is trying to seek a balance that is appropriate
13 and draw enough support to actually pass a piece of legislation.

14 As I understand your proposal, Senator Kaine, is you would drop the other
15 amendment you have relative to causing them only to have taken steps.

16 **SENATOR Kaine.** Right. If my first -- if my first degree passes.

17 **THE CHAIRMAN.** And if your first degree passes improved by Corker second
18 degree, then, in fact, that would alleviate your concerns. Is that --

19 **SENATOR Kaine.** If the second-degree passes, I think I may still want to offer
20 Kaine Amendment 1. So, my -- if Kaine Amendment 2 passes without modification, I

1 will drop my Amendment 1. If it -- if the Corker second-degree amendment to mine
2 passes, I will probably still offer Kaine Amendment 1.

3 **THE CHAIRMAN.** A little different understanding than I thought. Senator Coons?

4 **SENATOR COONS.** I just want to speak in support of this amendment. I think it
5 focuses and sharpens the bill, and provides a more credible mechanism to encourage
6 and incentivize a change away from this despicable practice by the Palestinian
7 Authority.

8 **SENATOR YOUNG.** Can I just -- I am inclined not to be supportive, but I appreciate
9 the thoughtfulness. I certainly like the psychology of this amendment, at least the
10 psychology from the standpoint of the Palestinian Authority. But there are two
11 components to this Taylor Force Act. One is concrete and substantive. We pull away
12 funds for bad behavior. The other is expressing its message. And I have concerns that
13 this undermines the strong message we are trying to send. It is nuanced, right, and
14 nuance is lost sometimes in international affairs.

15 So, this is the same, frankly, concern I was going to articulate when we got to
16 Merkley. And so, maybe you could speak to that. It is a threshold issue for me, and I do
17 not think you are going to get me there, but I want to give you an opportunity.

18 **THE CHAIRMAN.** Let me -- before he does that --

19 **SENATOR YOUNG.** Yeah.

20 **THE CHAIRMAN.** -- let me ask this for discussion.

1 **SENATOR Kaine.** Yes.

2 **THE CHAIRMAN.** The second-degree amendment that we have takes that escrow -
3 - a two-year escrow and makes it a one-year escrow. It also reinserts the strong
4 language that says they have to revoke the law. I think we know this was in place by
5 presidential decree.

6 **SENATOR Kaine.** Yeah.

7 **THE CHAIRMAN.** I mean, President Abbas just did this, okay? He is, what, 10 or
8 12 years into a 5-year term, and basically -- he is ruling by decree, in essence.

9 **SENATOR Kaine.** Right.

10 **THE CHAIRMAN.** So, I would love to see what the response would be among
11 members on both sides relative to considering the thrust that Kaine is looking at, but
12 not giving near that much time, or whether members, particularly on the Republican
13 side, feel like that that just continues to erode this bill in such a manner that makes it
14 ineffective.

15 **SENATOR CARDIN.** Mr. Chairman, if I could just --

16 **SENATOR Kaine.** It may be the latter.

17 **SENATOR CARDIN.** Could I just respond before we get into that because I think
18 Senator Kaine's amendment makes the bill a stronger bill, and let me explain why.
19 Under the current configuration as the chairman has explained, funds could be --

1 "reprogrammed" may not be the legal term, but can be reprogrammed through NGOs,
2 which is what we all understand.

3 Under the Kaine approach, the money is put into a lockbox and cannot be
4 released unless the law is changed. So, it is actually a stronger provision, but offers the
5 real carrot out there that we thought could bring about a change, because we know the
6 Palestinians' needs for resources. So, it actually makes the bill stronger.

7 SENATOR YOUNG. I understand how you are characterizing it. I mean, my only
8 concern is that, just to be a little more specific here, I am not sure if it would be
9 perceived as stronger. My concern that I want to give the good senator from Virginia an
10 opportunity to respond to, is that there will be a perception that the money has not
11 really been cut, right, so.

12 SENATOR CARDIN. It cannot be spent.

13 SENATOR Kaine. So, just, I mean, I have talked to interest groups who strongly
14 support the Taylor Force bill about this.

15 SENATOR YOUNG. Yeah.

16 SENATOR Kaine. And they like the escrow, and a couple have said to me I am
17 not so sure, you know. Does that send the right message?

18 SENATOR YOUNG. Yeah.

19 SENATOR Kaine. But when I walked through the reason, they actually said, oh, I
20 actually kind of like it. So, this is not a scientific sample. This is, you know, the four or

1 five groups that I have chatted with about it. Even the ones who had some initial
2 concern, as I walked through the reason, they said, okay, I see what you are doing.

3 And, you know, to give an additional tool to the Secretary of State, which my
4 escrow account does to, okay, I am involved in these very tough discussions that they
5 are trying to have with Israel and Palestine right now. If you stop the payments, I have
6 the ability to release. So, it is not a national security waiver. It is an escrow release
7 mechanism, but it gives the Secretary of State the ability to do it.

8 And I think that that is -- and I understand one of the reasons that the staff
9 briefing was not so good yesterday is the Administration really did not kind of tell us
10 what their position is. But to give the Administration a tool, whether it is one year or
11 two years. I like two years better, but it is not the one year or two years that really
12 matters to me about the escrow account, but to give them a tool so that the Palestinians
13 know the money is there if the behavior improves, and the Secretary of State has the
14 ability to utilize that in these tough discussions.

15 As I have explained it to people who have raised questions about, well, what is
16 the message, they seem to be oh okay, well, I get it.

17 **SENATOR YOUNG.** I think I will be opposing just to let you know, and only
18 because it requires that explanation, right, that you had the opportunity to privately
19 discuss with others, and I am just afraid that nuance will be lost. But I may critically
20 reassess this in the future, and this may be a good model for us.

1 **SENATOR MENENDEZ.** Mr. Chairman.

2 **THE CHAIRMAN.** Senator Johnson.

3 **SENATOR JOHNSON.** First of all, I completely agree with your premise that what
4 we should be trying to do here is not punish, but actually end the practice, so I am
5 intrigued by your concept. I would rather have it be 2 years. I would rather not spend
6 the money to put it in escrow. I would be willing to accrue it for a year. And then I am
7 not particularly trusting of just a Secretary of State determination. I would like to have
8 Congress make that determination.

9 So, if you would just accrue the money for one year, and it involved Congress, so
10 we actually make the determination in consultation with the Administration so we
11 know it is rock solid that this thing has ended, I think -- I think it is a pretty good
12 concept.

13 **SENATOR MENENDEZ.** Mr. Chairman.

14 **SENATOR PAUL.** Quick question.

15 **THE CHAIRMAN.** Yes, sir.

16 **SENATOR PAUL.** If you do not have this fund, the money that is being taken away
17 from the Palestinian Authority can be reprogrammed to the NGOs? Is that what we are
18 saying? So, this would be something that would lessen that ability to give it to the
19 NGOs, right?

1 **THE CHAIRMAN.** That is correct actually. At least that -- based on the way you
2 posed the question, I think that would be true. If you are escrowing the money that is
3 going to the PA, then, yes, that would lessen your ability during that period of time to
4 reprogram --

5 **SENATOR PAUL.** The Secretary of State has the ability to reprogram. That is what
6 you all are saying, right?

7 **THE CHAIRMAN.** That is right.

8 **SENATOR PAUL.** Which may be for some of us the way we would rather the
9 money be spent in the first place.

10 **THE CHAIRMAN.** Yeah. Yeah. Senator Menendez.

11 **SENATOR MENENDEZ.** Mr. Chairman, I clearly support the underlying essence of
12 Taylor Force, and I think it is abhorrent practice whether it is happening by the
13 Palestinian Authority or any other place in the world in the 21st century. And so, I am
14 ultimately going to support that.

15 But I think Senator Kaine's amendment makes this a far more compelling effort
16 to achieve the goal. To achieve the goal. And our goal is to change the Palestinian
17 Authority leadership's position, both in law and in practice, at the end of the day, not to
18 punish the Palestinian people. Because if what we are trying to do is to punish the
19 Palestinian people, then I am not there, and I take a back seat to no one in terms of my
20 support for the State of Israel.

1 So, I think that Senator Kaine achieves that goal and strengthens it, because it
2 sends a very clear message. You have lost the money unless you change your practice
3 in fact and you change the law. If, in fact, you do not do that, then you do not get the
4 money, and the people of Palestine can look to you as to why they are suffering because
5 you have been unwilling to change the law and the practice. And, therefore, we look to
6 you as the reason why we are being hurt, not to the United States of America.

7 And so, I think it is actually a more compelling effort. It is something that I had
8 suggested to Senator Graham early when we were having discussions, and I strongly
9 support either the version that you have as is. I can see Senator Johnson's view, and I
10 am happy to support that as well. It might be a way to get a bipartisan effort. And I
11 strongly believe that this is the right way to go.

12 **THE CHAIRMAN.** If I could, I do not think you were here when Senator Cardin
13 made his opening comments. I concur a hundred percent with what he said. The
14 purpose here certainly is not to punish the Palestinian people. It is to punish a
15 government, a government, just like with Russia. We are trying to punish the
16 government, not the people of Russia. But we are trying to punish a government that is
17 paying people to kill other people. So, I concur a hundred percent with those portions
18 of your comments.

19 If I could before Senator Portman speaks, first of all, our staff believes that the
20 State Department could actually be reprogramming the money, so I want to correct the

1 record there. They could be reprogramming it in that 2-year period, okay? So, I want to
2 -- and, Johnson, if I could, just to get clarity, what is it you are saying that you believe
3 would be an improvement over the Kaine amendment?

4 **SENATOR JOHNSON.** Well, I would certainly agree the shortened time period puts
5 more pressure on them because we want to end -- we want to end it. You know, rather
6 than actually spend the funds and put them in an escrow account, I would just accrue it,
7 and this is available to you if you end the practice. And I would want to have more
8 than the Secretary of State declaring whether the practice has been ended. We have
9 seen in the past where that -- you know, those declarations could be a little loosey-
10 goosey. I would like Congress' involvement in some way, shape, or form, whether this
11 committee has to pass a resolution which passes the Senate saying, no, we do confirm
12 the fact that these practices have been ended, and we will expend the funds.

13 **THE CHAIRMAN.** Well, I will say on that note, and I will move to Senator
14 Portman. The Corker second degree, which was done to try to improve this legislation,
15 makes it real clear they have to amend it and they have to revoke the law. So, that
16 would not need to have any congressional input. We would have revoked the law and
17 stopped the payments. So, maybe that would accommodate the senator's concerns.

18 **SENATOR JOHNSON.** Okay.

19 **THE CHAIRMAN.** Does anybody -- go ahead, Senator Portman.

1 **SENATOR PORTMAN.** That is exactly -- that is exactly what I was going to ask you
2 about, if you could explain the second degree, because my understanding is it makes
3 the amendment offered by Senator Kaine consistent with the underlying bill --

4 **THE CHAIRMAN.** That's correct.

5 **SENATOR PORTMAN.** -- and specifically on the revocation.

6 **SENATOR JOHNSON.** Okay.

7 **SENATOR PORTMAN.** Because I think Senator Johnson raises a good point. That
8 is exactly what I was going to ask you to do is explain the second degree.

9 **THE CHAIRMAN.** So, with the --

10 **SENATOR CARDIN.** Mr. Chairman, before you do that, let me make sure we --
11 everyone understands the state of play in regards to reprogramming because I think
12 your clarification is absolutely accurate. The money in the bill that we have now before
13 us, as I understand it, assuming the Palestinians do not end the practice, these funds
14 cannot be spent, even for humanitarian purposes, if it is under the auspices of the
15 Palestinian Authority, so because it directly benefits the Palestinians, the government.

16 If prior to the end of the Fiscal Year the Administration were to use those funds
17 through an NGO or municipality, that would be permitted under the bill that we have
18 before us. There are funds that go directly through NGOs that are used for this
19 purpose. Under the -- under the original bill, if the money is not spent by the end of the

1 year, they cannot spend it, it reverts back to the State Department. Those funds can be
2 reprogrammed.

3 Admittedly, there are notifications to Congress, et cetera, but those funds could
4 be reprogrammed, could end up going to help the Palestinians. Could be. Under the
5 Kaine amendment, and the reason I say it is tougher, if they are not reprogrammed by
6 the end of the Fiscal Year, the funds must go into the lockbox and then cannot be spent
7 unless the law is changed. So, the Kaine bill gives us a stronger club to get the change in
8 behavior. That is the reason that I was pointing that out.

9 **THE CHAIRMAN.** So, in listening to the discussion, in order to move this along, I
10 think the Corker second degree does make the Kaine first degree much stronger, and
11 much clearer, and much more consistent with the law that we have here before us and
12 the intent of this law. So, for that reason I am going to offer the Corker second degree. I
13 hope it will be seconded. I will be glad to have any discussion, and hopefully we will
14 have a vote.

15 **SENATOR KAINE.** Mr. Chairman?

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

17 **SENATOR KAINE.** This might short circuit it procedurally a little bit. Would you -
18 - I would drop my first degree if you would change your second degree to 2 years
19 rather than 1. Well, I guess I got to keep my first degree to have a second degree. But
20 your second degree with 2 years rather than 1. I could support that. I may still --

1 **THE CHAIRMAN.** You mean with 1 year -- you mean with 2 years versus 1.

2 **SENATOR KAINE.** As your draft, I would support that. I would still like to make
3 then my argument about Kaine Amendment Number 1 and how we can define
4 "notification," and we could go up or down.

5 **THE CHAIRMAN.** I appreciate it, but I think, you know, we have had multiple
6 discussions about this, and I think I will just leave it like it is and let it lay however the
7 vote comes out. Is the Corker second degree seconded?

8 **SENATOR PORTMAN.** Second.

9 **THE CHAIRMAN.** Anymore discussion?

10 [No response.]

11 **THE CHAIRMAN.** Would you like a roll call vote?

12 **SENATOR CARDIN.** It is the second degree, not --

13 **SENATOR KAINE.** Yeah. Yeah.

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

15 **THE CLERK.** Mr. Risch?

16 **SENATOR RISCH.** This is on Corker second?

17 **THE CHAIRMAN.** Yeah.

18 **SENATOR RISCH.** Aye.

19 **THE CLERK.** Mr. Rubio?

20 **SENATOR RUBIO.** Aye.

1 THE CLERK. Mr. Johnson?
2 SENATOR JOHNSON. Aye.
3 THE CLERK. Mr. Flake?
4 SENATOR FLAKE. Aye.
5 THE CLERK. Mr. Gardner?
6 THE CHAIRMAN. Aye by proxy.
7 THE CLERK. Mr. Young?
8 SENATOR YOUNG. Aye.
9 THE CLERK. Mr. Barrasso?
10 THE CHAIRMAN. Aye by proxy.
11 THE CLERK. Mr. Isakson?
12 SENATOR ISAKSON. Aye.
13 THE CLERK. Mr. Portman?
14 SENATOR PORTMAN. Aye.
15 THE CLERK. Mr. Paul?
16 SENATOR PAUL. Aye.
17 THE CLERK. Mr. Cardin?
18 SENATOR CARDIN. No.
19 THE CLERK. Mr. Menendez?
20 SENATOR MENENDEZ. Aye.

1 THE CLERK. Mrs. Shaheen?

2 SENATOR CARDIN. No by proxy.

3 THE CLERK. Mr. Coons?

4 SENATOR COONS. No.

5 THE CLERK. Mr. Udall?

6 SENATOR UDALL. No.

7 THE CLERK. Mr. Murphy?

8 SENATOR MURPHY. No.

9 THE CLERK. Mr. Kaine?

10 SENATOR KAINE. No.

11 THE CLERK. Mr. Markey?

12 SENATOR MARKEY. No.

13 THE CLERK. Mr. Merkley?

14 SENATOR MERKLEY. No.

15 THE CLERK. Mr. Booker?

16 SENATOR BOOKER. No.

17 THE CLERK. Mr. Chairman?

18 THE CHAIRMAN. Yes.

19 THE CLERK. Mr. Chairman, the yeas are 12; the noes are nine.

1 **THE CHAIRMAN.** Thank you. The amendment carries. I would prefer the base bill
2 be as it was. I think the arguments that have been made by Senator Kaine certainly have
3 caused some members of our committee on both sides of the aisle to reflect upon it.
4 And for that reason, I will be supporting the Kaine amendment as amended by the
5 Corker amendment in order to create comity, and also to try to accommodate the
6 concerns of members of the committee that we try to incent behavior over this next year
7 before the funds are fully known to be gone. And for that reason I will support it. I do
8 not know if there any other comments that members would like to make.

9 **SENATOR KAINE.** I also would -- I would have preferred mine, but with this one,
10 I support it, and I will make a brief argument about Kaine Amendment 1 after the vote.

11 **THE CHAIRMAN.** Okay.

12 **SENATOR CARDIN.** Voice vote?

13 **THE CHAIRMAN.** Is a voice vote acceptable?

14 **SENATOR KAINE.** Yes.

15 **THE CHAIRMAN.** All in favor of the Kaine amendment amended by the Corker
16 amendment, say aye.

17 [A chorus of ayes.]

18 **THE CHAIRMAN.** All opposed?

19 [No response.]

1 **THE CHAIRMAN.** It carries the day. Thank you so much. Hopefully there are no
2 other amendments.

3 [Laughter.]

4 **THE CHAIRMAN.** Mr. Murphy?

5 Mr. Merkley: Mr. Chairman.

6 **THE CHAIRMAN.** By the way, happy birthday. We did your business while you
7 were gone.

8 **SENATOR MURPHY.** I appreciate it.

9 **SENATOR CARDIN.** You got your amendments done quickly.

10 Mr. Merkley: Mr. Chairman, I do have another amendment. And essentially
11 what this boils down to is that the economic circumstances in Gaza and the West Bank
12 are, quite frankly, extraordinarily difficult. Unemployment is very high, and much of
13 the infrastructure is shattered. You can take that and take it to another order of
14 magnitude in Gaza where there are, I think, conditions you might describe as desperate
15 just in terms of the fundamental access to any medical care or to clean water.

16 What my amendment says is that the funds that are removed from the PA basket
17 will be put into the NGO basket so that the humanitarian role continues. Now, the way
18 this would interact with the amendment just adopted, as I understand it, is that the
19 electric funds, the \$45 million that would continue to go into the escrow account side,

1 but that the funds, the \$85 million, that go through the PA and go through a variety of
2 humanitarian purposes would be put into the third basket, which is the NGO basket.

3 A number of my colleagues have said we do not want to punish the Palestinian
4 people. This does reinforce the notion of an unambiguous message to the PA by taking
5 the funds away from the PA, but also does not punish the Palestinian people by
6 redirecting it to NGOs under very extraordinarily difficult circumstances. That
7 summarizes it, I think, sufficiently.

8 **THE CHAIRMAN.** Thank you. I oppose the amendment. I do think we obviously
9 acknowledge that permissively, the State Department, should they see fit, have the
10 ability where appropriate for reprogramming. But to make that mandatory to me is an
11 inappropriate step, and we can address what it is what we are trying to do here. But I
12 would entertain any other comments.

13 Mr. Merkley: Mr. Chairman, I would ask for, just in terms of a clarification, I
14 believe because of the amendment we just adopted, the State Department would not
15 any longer have the ability to redirect those funds to the humanitarian basket.

16 **SENATOR CARDIN.** They can do it prior to the end of the year.

17 **THE CHAIRMAN.** I do not think there is any -- I think staffs on both of the aisle
18 did not believe that to be true.

19 Mr. Merkley: In that case, the direct impact of this would be to tell the State
20 Department to make that redirection so that the NGO support continues.

1 THE CHAIRMAN. Would you like a roll call vote?

2 Mr. Merkley: Yes, please.

3 THE CHAIRMAN. The clerk will call the roll.

4 THE CLERK. Mr. Risch?

5 SENATOR RISCH. No.

6 THE CLERK. Mr. Rubio?

7 SENATOR RUBIO. No.

8 THE CLERK. Mr. Johnson?

9 SENATOR JOHNSON. No.

10 THE CLERK. Mr. Flake?

11 SENATOR FLAKE. No.

12 THE CLERK. Mr. Gardner?

13 THE CHAIRMAN. No by proxy.

14 THE CLERK. Mr. Young?

15 SENATOR YOUNG. No.

16 THE CLERK. Mr. Barrasso?

17 THE CHAIRMAN. No by proxy.

18 THE CLERK. Mr. Isakson?

19 SENATOR ISAKSON. No.

20 THE CLERK. Mr. Portman?

1 **SENATOR PORTMAN.** No.

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

3 **SENATOR PAUL.** No.

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

5 **SENATOR CARDIN.** Aye.

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

7 **SENATOR MENENDEZ.** Aye.

8 **THE CLERK.** Mrs. Shaheen?

9 **SENATOR CARDIN.** Aye by proxy.

10 **THE CLERK.** Mr. Coons?

11 **SENATOR COONS.** Aye.

12 **THE CLERK.** Mr. Udall?

13 **SENATOR UDALL.** Aye.

14 **THE CLERK.** Mr. Murphy?

15 **SENATOR MURPHY.** Aye.

16 **THE CLERK.** Mr. Kaine?

17 **SENATOR KAINE.** Yes.

18 **THE CLERK.** Mr. Markey?

19 **SENATOR MARKEY.** Aye.

20 **THE CLERK.** Mr. Merkley?

1 **SENATOR MERKLEY.** Aye.

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

3 **SENATOR BOOKER.** Aye.

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

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

6 **THE CLERK.** Mr. Chairman, the noes are 11; the yeas are 10.

7 **THE CHAIRMAN.** The amendment fails. Are there any other amendments?

8 **SENATOR KAINE.** Quickly, Mr. Chair, Kaine Amendment 1. So, this is an
9 amendment that, again, I consider it friendly, and I think it is a little controversial. But it
10 is trying to maximize the effect on behavior rather than just set an insuperable bar that
11 they will not be able climb.

12 So, right now if you look at the base bill, Section 4 says they have to do four
13 things, they have to -- PA. They have to take credible steps to end acts of violence
14 against Israeli citizens and U.S. citizens. They have to terminate payments for the actual
15 terrorism. They have to revoke any law, decree, or regulation. And then there was a
16 fourth that was added by Senator Young's amendment that came in, condemn violence
17 and help in the investigation actions. So, that is what the base bill is now.

18 My Amendment 1 deals with this issue of the revocation. This was in discussions
19 with the State Department. If you require that they have revoked any law, decree,
20 regulation, or document pertaining or implementing the system of compensation,

1 obviously they are going to have to stop all the payments. I worry about the fractious
2 nature of their legal system, with Hamas and others being part of it, whether it is a
3 bridge too far to stay stop payments and actually revoke all the laws, you know. We
4 have a hard time passing laws. The Knesset has a hard time passing laws. I suspect the
5 PA has a very difficult time.

6 So, I would not want to punish them if they have actually stopped the payments,
7 and they are condemning violence, and they are involved in investigations, and they are
8 doing all the other things. So, what I have proposed is a slight amendment to Section 3
9 to just say that they should have initiated a process to revoke it. If they stop the
10 payments, and they are condemning violence, and they are doing the investigations,
11 and they have initiated the process to revoke, I think that should be enough knowing
12 how challenging the politics of the situation is.

13 So, it is a fairly narrow little amendment just in that provision, but I think makes
14 a little more realistic. And I worry that the outright complete revocation is such a high
15 hurdle, that they will just never be able to get over it, and then we do not have any
16 incentive of changing behavior. So, that is it.

17 **THE CHAIRMAN.** I appreciate, again, the good faith that we have all displayed
18 here, and I talked to you a little bit about this in advance. Again, this law was put in
19 place by presidential decree, which is how they are governing themselves now. I do not

1 think this is a hurdle that is too high to overcome. I oppose the amendment, but
2 certainly look forward to any other input people may have.

3 Again, I just think we are getting to a place where we are beginning to speak in
4 an unclear way. And I do think that he obviously has the ability by himself by decree to
5 make much happen. If 9 months from now we feel like there are issues, we ourselves
6 may wish to deal with it in another way. I oppose the amendment. Any other
7 discussion?

8 [No response.]

9 **THE CHAIRMAN.** Would you like a roll call vote?

10 **SENATOR KAINE.** A voice vote is okay.

11 **THE CHAIRMAN.** Okay. All in favor of the Kaine amendment, say aye.

12 [A chorus of ayes.]

13 **THE CHAIRMAN.** All opposed?

14 [A chorus of noes.]

15 **THE CHAIRMAN.** I think the amendment does not carry. With that -- yes, sir?

16 **SENATOR BOOKER.** I would like to, first of all, withdraw all my amendments
17 except for one. I just would like to speak for a moment on one that I am withdrawing,
18 which is Booker Amendment Number 1. Having been over, as most of us have, into the
19 West Bank to see their incredible work on creating the Palestinian high-tech sector,
20 which is a non-ideological, really pragmatic way to create change, our investments in

1 the same way that we do the Israeli tech sector would be a great idea and something I
2 will -- I will work on later.

3 But maybe this is just sort of my concern on the one that I do not want to pull
4 back. It is Booker Amendment Number 2. I understand there is a lot of resistance
5 around the national security waiver in Section 4, but I worry that if we -- if we do not
6 include a national security waiver in Section 5 as I read it and the Secretary of State is
7 not able to make the certification, that we actually are talking about zeroing out all
8 humanitarian funding, even the funding that was -- that my colleagues have told me
9 that we would like to see reprogrammed into direct support.

10 And so, this is my concern. Yesterday in the staff meeting -- the staff reading, the
11 Secretary -- the State staff said that they could not answer if the Secretary would be able
12 to make that certification every 180 days. The bill language is very clear. Every 180
13 days thereafter, the Secretary of State certifies in writing to the appropriate
14 congressional meetings that the Palestinian Authority is taking credible and verifiable
15 steps to end acts of violence against Israeli citizens and United States citizens that are
16 perpetuated by individuals.

17 Now, I share the consensus -- bipartisan consensus here about the payments that
18 are being made. The heinous terrorist acts, I condemn that, and it is awful, but I am not
19 sure if this is really our intention. If the Secretary of State fails to make this certification
20 every 180 days, it is my reading of this that we will see all -- even direct payments to

1 some of the humanitarian efforts that we have all thought, or at least expressed, that
2 would continue to happen would end. So, correct me if I am wrong, but if not, I would
3 like to offer my amendment.

4 **THE CHAIRMAN.** You are welcome to call it up. I oppose the amendment. And I
5 think, you know, Congress has spoken, in particular, to national security waivers. That
6 is the way this bill began. We just put congressional review in the Russia bill, and we
7 have moved away from national security waivers of this type. So, look, if they cannot
8 demonstrate that they have taken any steps whatsoever to end terrorist activities, it
9 seems to me that we have got a significant problem. Yes, sir?

10 **SENATOR CARDIN.** I just want to review the state of play so people understand
11 this because obviously there is uncertainty as to how this Administration will handle
12 certain policies globally, including the policies in Israel and with the Palestinians.

13 As part of the annual appropriation process, there is a certification requirement
14 for the release of funds. So, this is not inconsistent, I would say, with what the
15 Appropriations Committee has done in the past. So, I just really want to point that out.
16 But I think Senator Booker's concerns are legitimate concerns regarding, not getting a
17 clear statement from this Administration as to what their policies will be in regards to
18 the Palestinians.

19 **SENATOR BOOKER.** And it is very troubling. I do not -- I actually do not need a
20 vote because I can see clearly how that would end.

1 **THE CHAIRMAN.** Okay.

2 **SENATOR BOOKER.** But I just want to express my concern.

3 **THE CHAIRMAN.** I appreciate that very much. Are there any other amendments?

4 Mr. Merkley: Mr. Chairman?

5 **THE CHAIRMAN.** Yes?

6 **SENATOR MERKLEY.** I do not have an amendment. I just want to comment on
7 Senator Booker's position. As I understand it, I thought that for the previous discussion,
8 folks were supporting the current basket number three -- that is, the funds that are
9 directed through the ESF to -- through nonprofits, and that we were talking about
10 wanting to stop the funds that go to the Palestinian Authority organizations, to send a
11 message to the Palestinian Authority.

12 But my team also from this staff meeting yesterday, which was extremely -- the
13 State Department was very unprepared, seemed to indicate that as written, this bill
14 would, in fact, cut off the funds to the nonprofits as well. And that is the concern I
15 believe my colleague is raising.

16 **SENATOR BOOKER.** A hundred percent.

17 **SENATOR MERKLEY.** And if we do want to have this bill be a direct attack on the
18 Palestinian people who are already under difficult circumstances, I think we need to --
19 we need to fix this. And I know my colleague has withdrawn his amendment, but I feel,
20 unless I am misunderstanding the conversation, that we are on the verge of ending up

1 with a product that is different than we thought. And, again, this was a very confusing
2 staff meeting, but that was what the State Department seemed to indicate.

3 **THE CHAIRMAN.** Yeah. I think Senator Cardin --

4 **SENATOR BOOKER.** And that -- let me just add, it was hard to determine, but that
5 is what I am seeing. I am hearing language saying on the -- on the record one thing, but
6 clearly the print of the bill is indicating it is going to go a different way, especially if the
7 State Department is not willing to do that.

8 **THE CHAIRMAN.** I think Senator Cardin's comments cleared that up, and I agree
9 with those. With that, any additional amendments?

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

11 Mr. Murphy: I do not -- I do not have an amendment, but, I am sorry, I was not
12 here for the opening comments. I know there have been a number of people discussing
13 this clause about restricting money that directly benefits the Palestinian Authority. I just
14 want to put it on the record before we go to a vote here that there is going to be a
15 myriad of interpretations as to what that means. And that does not in many of our
16 minds mean that any ancillary benefit to the Palestinian Authority that they may get by
17 virtue of a grant made to an NGO deems that they are --

18 Now, other people may read that differently, but I just want to reserve for
19 potentially future Administrations the ability to read that as money going directly to the

1 Palestinian Authority and not have to come up with an argument that there is zero
2 benefit, even a political benefit.

3 **THE CHAIRMAN.** Thank you. I appreciate that comment. Without further ado,
4 and seeing no more hands raised, I would like to have a vote on the bill, as amended.
5 And I assume we want a roll call vote.

6 **SENATOR CARDIN.** So moved.

7 **THE CHAIRMAN.** So moved. And seconded?

8 **VOICE:** Second.

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

10 **THE CLERK.** Mr. Risch?

11 **SENATOR RISCH.** Aye.

12 **THE CLERK.** Mr. Rubio?

13 **SENATOR RUBIO.** Aye.

14 **THE CLERK.** Mr. Johnson?

15 **SENATOR JOHNSON.** Aye.

16 **THE CLERK.** Mr. Flake?

17 **SENATOR FLAKE.** Aye.

18 **THE CLERK.** Mr. Gardner?

19 **THE CHAIRMAN.** Aye by proxy.

20 **THE CLERK.** Mr. Young?

1 **SENATOR YOUNG.** Aye.

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

3 **THE CHAIRMAN.** Aye by proxy.

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

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

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

7 **THE CHAIRMAN.** Aye by proxy.

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

9 **THE CHAIRMAN.** Aye by proxy.

10 **THE CLERK.** Mr. Cardin?

11 **SENATOR CARDIN.** Aye.

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

13 **SENATOR MENENDEZ.** Aye.

14 **THE CLERK.** Mrs. Shaheen?

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

16 **SENATOR CARDIN.** No by proxy.

17 [Laughter.]

18 **VOICE:** She's still on our side.

19 **THE CLERK.** Mr. Coons?

20 **SENATOR COONS.** Aye.

1 THE CLERK. Mr. Udall?

2 SENATOR UDALL. No.

3 THE CLERK. Mr. Murphy?

4 SENATOR MURPHY. No.

5 THE CLERK. Mr. Kaine?

6 SENATOR KAINE. Aye.

7 THE CLERK. Mr. Markey?

8 SENATOR MARKEY. Aye.

9 THE CLERK. Mr. Merkley?

10 SENATOR MERKLEY. No.

11 THE CLERK. Mr. Booker?

12 SENATOR BOOKER. No.

13 THE CLERK. Mr. Chairman?

14 THE CHAIRMAN. Aye.

15 THE CLERK. Mr. Chairman, the yeas are 17; the noes are four.

16 SENATOR MENENDEZ. Mr. Chairman?

17 THE CHAIRMAN. The bill is passed. Yes, sir, additional comments?

18 SENATOR MENENDEZ. I just -- I just want to have you recognize that it was

19 Democrats who gave you a quorum here.

20 [Laughter.]

1 **THE CHAIRMAN.** Thank you so much for saying that. The amendment is agreed
2 to. The legislation is agreed to. That completes our business. I ask unanimous consent
3 that staff be authorized to make technical and conforming changes.

4 Without objection, so ordered.

5 I thank all of you very, very much for being with us. Have a great recess. We are
6 adjourned.

7 **SENATOR CARDIN.** Good work. That was good work.

[Whereupon, at 11:05 a.m., the hearing was adjourned.]