
Tuesday, September 19, 2017

BUSINESS MEETING

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

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COMMITTEE ON FOREIGN RELATIONS,
WASHINGTON, DC.

1 The committee met, pursuant to notice, at 10:13 a.m., in Room 419, 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, Cardin, Shaheen, Udall, Murphy, Kaine, Merkley, and
5 Booker.

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

6 **THE CHAIRMAN.** The business meeting of the Senate Foreign Relations
7 Committee will come to order. We have a number of items on the agenda today,
8 including three pieces of legislation and multiple nominations.

9 We have H.R. 390, the Iraq and Syria Genocide Emergency Relief and
10 Accountability Act of 2017. This bill is a priority for the House Foreign Affairs
11 Committee, and we are glad to work with them in that regard. It seeks to ensure that
12 adequate assistance reaches minority communities in Iraq who suffer acts of genocide at
13 the hands of ISIS. In particular, there is concern that communities who wish to relocate
14 their homes to Nineveh province and elsewhere receive appropriate support.

1 Moving this bill is also an opportunity for us to enact this committee's work on
2 Senator Cardin's Syrian War Crimes Accountability Act. We also thank Senator
3 Shaheen for her work on the Syria Study Group, which we are incorporating into H.R.
4 390.

5 We will consider the Trafficking Victims Protection Reauthorization Act of 2017.
6 The Trafficking Victims Protection Act of 2000 was where we as a country and the
7 world came to grips with the terrible reality of modern slavery.

8 This committee has conducted serious oversight of the State Department's
9 implementation of the Trafficking Victims Protection Act. The 2015 TIP Report was a
10 turning point. We came together in a united way to let the State Department know that
11 we and they must take the integrity of the report and its tier rankings seriously.

12 I want to thank Senator Cardin for his leadership. No doubt, your consistency
13 and passion is clear and remarkable, and I thank you for that. We also thank you for
14 the provisions on the child soldiers, recruiting fees, and reporting and strategy
15 requirements.

16 Senator Menendez and Senator Rubio have exercised real leadership here also in
17 our oversight efforts and contributed substantially to this bill.

18 The reauthorization of the Trafficking Victims Protection Act allows us to
19 reinforce our oversight in statute. It strengthens the integrity of the tier ranking system
20 in a constructive way.

1 We are also breaking new ground in requiring the State Department's regional
2 bureau Assistant Secretaries to work collaboratively with the TIP Ambassador and with
3 embassies in countries where tier rankings are elevated from Tier 3 to Tier 2 watch list
4 to prepare an action plan to get such countries on the path to Tier 2.

5 The bill authorizes the full 7 years for the End Modern Slavery Initiative we
6 approved in this committee.

7 We worked with the Appropriations Committee to authorize appropriations at
8 current levels for the duration of the bill. It is important that we take every opportunity
9 to fulfill our responsibilities to authorize appropriations.

10 We will also consider S. Res. 168, a resolution supporting respect for human
11 rights and encouraging inclusive governance in Ethiopia. The United States has an
12 important and ongoing relationship with the Government of Ethiopia, and we
13 cooperate with them on areas of mutual interest, including regional stability,
14 counterterrorism, and economic resilience in drought-prone and food-insecure regions.
15 Nonetheless, it is reasonable to raise legitimate concerns with our allies in private,
16 which we have for many years, but to do so more publicly when that fails.

17 There is great potential for Ethiopia, as well as great risk to this important
18 regional partner and to our own interests. This bipartisan resolution properly calls on
19 our friend Ethiopia to address longstanding tensions with the majority of Ethiopians
20 through transparent justice and necessary political reforms.

1 I thank Senator Cardin and others on the committee for bringing up this
2 resolution.

3 We will also vote on a number of nominees today. I thank my colleagues for
4 allowing the committee to take these steps forward today. I will read their names later.

5 Are there any other member comments?

6 Senator Cardin?

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

7 **SENATOR CARDIN.** Mr. Chairman, let me first thank you for this business
8 meeting. The three legislative matters that we have are all very, very important.

9 I am pleased that we are able to move forward on H.R. 390, the Genocide
10 Emergency Relief and Accountability Act. It was introduced by Congressman Smith
11 and passed the House of Representatives in June. It deals with circumstances in Iraq.

12 There is an agreed-to amendment that will include the accountability for war
13 crimes, the Syrian War Crimes Accountability Act. So we will be combining both Iraq
14 and Syria into one bill and providing accountability for war crimes.

15 I was pleased to be the sponsor of the Syrian War Crimes Accountability Act that
16 passed this committee in June, so this is a matter that has already been before our
17 committee, in regard to Syria. For Iraq, it is the first opportunity.

18 Accountability for war crimes is critically important. We will all say, "Never
19 again." The only way "never again" will be realized is if we make sure that those who

1 commit atrocities are held fully accountable, and the United States must be in the
2 leadership.

3 This legislation will provide assistance for investigations, so that we can have the
4 information necessary to hold those who are responsible for these atrocities
5 accountable. And, secondly, it helps the victims.

6 Mr. Chairman, you were very kind in your comments in regard to the
7 reauthorization of the Trafficking in Persons, about the passion that I have on this issue.
8 I think we would all agree on this committee, there is no one who has shown greater
9 leadership on this issue than our chairman, so we thank you for your commitment to
10 end this modern-day slavery, this moral challenge to the United States. You have been
11 in the forefront in our country and globally on ending modern-day slavery.

12 I strongly support the reauthorization act.

13 I also want to acknowledge the work of Senators Menendez and Rubio.

14 And I thank you very much for recognizing two important points in this bill.

15 First, we want the facts to judge the tier rankings, not politics. Whether it is a
16 Democratic administration or a Republican administration, we want these
17 determinations to be made by the facts in the countries. Secondly, in regard to children,
18 I appreciate the issue in regard to child soldiers but also to forced labor that will require
19 Tier 3 rankings for countries that do not meet the minimum conditions, and that we

1 prohibit U.S. grants from including reimbursement on recruitment or placement fees,
2 because that becomes debt bondage.

3 Lastly, I want to thank you for bringing up S. Res. 168 that I authored with
4 Senator Rubio to make it clear that our counterterrorism partners do not get a free pass
5 on human rights and democracy, and this resolution is very clear about that.

6 I would ask, in regard to the nominees, that two of the nominees be separated for
7 discussion and vote. That would be K.T. McFarland and Mr. Manchester.

8 **THE CHAIRMAN.** I would be more than glad to separate those, and understand
9 that.

10 Senator Shaheen?

11 **SENATOR SHAHEEN.** Thank you, Mr. Chairman. Thank you for the work that
12 you and Senator Cardin have done on the Iraq and Syria genocide emergency relief act.

13 I also want to very much thank you and Senator Cardin for working to
14 incorporate into this legislation work that I have been doing on the study group on the
15 conflict in Syria. Even though the Syrian conflict has been pushed off the front pages of
16 the papers and the evening news, the fact is that the environment there is increasingly
17 complex.

18 On Saturday, we saw Syrian Democratic Forces and Russian Hezbollah-backed
19 Assad forces clash in Deir ez-Zor, where Russian forces bombed the American-backed
20 fighters tasked with clearing ISIS in the region.

1 So this is a conflict that continues. So far, we have not had a clear strategy for
2 how we address the region. And our troops and partners have been forced to jump
3 from one tactical maneuver to the next.

4 So the study required by this legislation, I hope, will help our troops and
5 diplomats prepare for contingencies in Syria. It does require government consultation
6 from both the Departments of State and Defense, and the review board would be
7 appointed by bipartisan members of House and Senate national security committees.

8 I think it will provide meaningful and actionable recommendations in the
9 manner of previously congressionally mandated commissions. That is its charge.
10 Hopefully, it will come out with a strategy that can be helpful as we look at ending this
11 years' long conflict.

12 So thank you very much, Mr. Chairman and Senator Cardin.

13 **THE CHAIRMAN.** Thank you.

14 Are there any other comments to be made about legislation?

15 **SENATOR KAINE.** Is this an appropriate time, Mr. Chair, to offer amendments?

16 **THE CHAIRMAN.** I will tell you what we will do. We have one member moving
17 down the hallway, who is actually here now, so why don't I move to the nominations,
18 and then we will move to the legislation, if that is okay.

19 I know there are some concerns about two of the nominees, so as the ranking
20 member requested, what I would like to do first is moved to the Honorable Barbara Lee

1 to be representative to the U.N. General Assembly; the Honorable Chris Smith to be
2 representative to the U.N. General Assembly; the Honorable Steve Mnuchin to be U.S.
3 Governor of the IMF, the African Development Bank, the Inter-American Development
4 Bank, the International Bank for Reconstruction and Development, the European Bank
5 for Reconstruction and Development, the African Development Fund, and the Asian
6 Development Bank; Mr. Stephen King to be Ambassador to the Czech Republic; and the
7 Honorable John Bass to be Ambassador to Afghanistan.

8 All those in favor of an en bloc vote -- do we have a second on that?

9 **SENATOR CARDIN.** Second.

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

11 [A chorus of ayes.]

12 All opposed?

13 [No response.]

14 With that, the ayes have it.

15 Now we have two other nominations that we are going to vote on. Do you want
16 to vote on the two of them together?

17 **SENATOR CARDIN.** No, I would like to do that separately and make a brief
18 statement in regard to each, if I might.

19 **THE CHAIRMAN.** Okay. Next, I would like to call up --

1 **SENATOR YOUNG.** Mr. Chairman, with your indulgence, could I just say a brief
2 word about Mr. Bass? I just supported his nomination, obviously.

3 **THE CHAIRMAN.** Sure.

4 **SENATOR YOUNG.** I think he is eminently qualified with a distinguished record
5 of foreign service. But I submitted a question for the record to Mr. Bass, and it related
6 to something very important, the Kabul compact, which set a benchmark for reforms
7 developed by President Ghani and Chief Executive Abdullah.

8 In my question, I asked him, if confirmed, whether or not he would work with
9 General Nicholson through the State Department to provide my office or this committee
10 a detailed, specific, and written unclassified assessment of where the Afghan
11 Government is falling short on these commitments and how Kabul plans to address
12 these shortcomings. And the response I got was somewhat vague. I know he had a lot
13 of questions to respond to and so forth, so I still have confidence that he is going to
14 serve and serve very well, which is why I support his nomination. I think we need to
15 stay vigilant as a committee with respect to that issue moving forward.

16 **THE CHAIRMAN.** And maybe before it comes to the floor, you will get a better
17 response from him on that.

18 **SENATOR MERKLEY.** Mr. Chairman?

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

1 **SENATOR MERKLEY.** I wish to be recorded as a no vote on the nominations
2 related to Mr. Mnuchin.

3 **THE CHAIRMAN.** So ordered.

4 **SENATOR MERKLEY.** Thank you.

5 **THE CHAIRMAN.** Anyone else?

6 With that, we will move to roll call votes individually. The first vote will be on
7 Mr. Doug Manchester to be Ambassador to the Bahamas.

8 **SENATOR CARDIN.** Mr. Chairman, the Bahamas is a transit country for illicit
9 drugs bound for the United States, which means that our Ambassador must possess the
10 skills to advance strategic counternarcotics operations. In addition, a majority of the
11 estimated 5.6 million tourists visiting the Bahamas are from the United States, requiring
12 an unwavering attention to consular services.

13 I am concerned that Mr. Manchester lacks these requirements. He has been
14 described in a number of news reports as abrasive, a poor manager, and prone to verbal
15 tirades. Additionally, he has made a number of troubling statements during his
16 nomination hearings, including that the Bahamas is a protectorate of the United States
17 and that the United States would want to avoid a South China Seas situation with the
18 Bahamas. These statements indicate less than a thorough understanding of the basic
19 diplomatic and national security issues.

1 I note that U.S. has not had an Ambassador in Nassau since 2011, since we were
2 unable to confirm one during the Obama administration. Nevertheless, I cannot
3 support Mr. Manchester, and I just urge our committee that, if we have confidence that
4 the nomination process and the hearings are meaningful, I do not believe this person
5 deserves our support.

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

7 With that, we will have a roll call vote on his nomination. The clerk will call the
8 roll.

9 **THE CLERK.** Mr. Risch?

10 **SENATOR RISCH.** Aye.

11 **THE CLERK.** Mr. Rubio?

12 **SENATOR RUBIO.** Aye.

13 **THE CLERK.** Mr. Johnson?

14 **SENATOR JOHNSON.** Aye.

15 **THE CLERK.** Mr. Flake?

16 **SENATOR FLAKE.** Aye.

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

18 **SENATOR GARDNER.** Aye.

19 **THE CLERK.** Mr. Young?

20 **SENATOR YOUNG.** Aye.

1 THE CLERK. Mr. Barrasso?
2 SENATOR BARRASSO. Aye.
3 THE CLERK. Mr. Isakson?
4 SENATOR ISAKSON. Aye.
5 THE CLERK. Mr. Portman?
6 THE CHAIRMAN. Aye by proxy.
7 THE CLERK. Mr. Paul?
8 THE CHAIRMAN. Aye by proxy.
9 THE CLERK. Mr. Cardin?
10 SENATOR CARDIN. No.
11 THE CLERK. Mr. Menendez?
12 SENATOR CARDIN. No by proxy.
13 THE CLERK. Ms. Shaheen?
14 Senator Sheehan: No.
15 THE CLERK. Mr. Coons?
16 SENATOR CARDIN. No by proxy.
17 THE CLERK. Mr. Udall?
18 SENATOR UDALL. No.
19 THE CLERK. Mr. Murphy?
20 SENATOR MURPHY. No.

1 THE CLERK. Mr. Kaine?

2 SENATOR KAINE. No.

3 THE CLERK. Mr. Markey?

4 SENATOR CARDIN. No by proxy.

5 THE CLERK. Mr. Merkley?

6 SENATOR MERKLEY. No.

7 THE CLERK. Mr. Booker?

8 SENATOR BOOKER. No.

9 THE CLERK. Mr. Chairman?

10 THE CHAIRMAN. Aye.

11 The clerk will report.

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

13 THE CHAIRMAN. The nomination is agreed to in committee and will be passed to
14 the floor.

15 The next vote will be on Ms. K.T. McFarland to be Ambassador to Singapore.

16 SENATOR CARDIN. Mr. Chair, if I could, just very briefly, Ms. McFarland is
17 very engaging person who clearly has a desire for public service, and I admire that in
18 her. However, given the range of strategic challenges across the globe that our country
19 faces, it is better that the U.S. Ambassador is seen as a unifying figure.

1 Following extensive consideration of Ms. McFarland's record, and taking into
2 account her statements during her nominations hearing, I have concluded that her past
3 record would make it very difficult for her to serve as that unifying force. For that
4 reason, I am unable to support her nomination.

5 I appreciate the nominee's efforts before the committee to explain her substantial
6 record of inflammatory statements. This includes stating that Vladimir Putin is the one
7 who really deserves the Nobel Peace Prize for his work in Syria; saying that
8 waterboarding, even if it is torture, it is probably worth doing; or saying of Saudi
9 Arabia, "They are Arabs. They are not going to say to your face something that they
10 know is going to upset you."

11 It does not appear that the nominee has been particularly careful or judicious in
12 the statements she has made in the past, and language is very important to be an
13 Ambassador.

14 Additionally, I have some concerns regarding the nominee's involvement as
15 deputy to General Flynn during the transition process. Unfortunately, her answers to
16 inquiries were not sufficiently responsive to meet all of my concerns.

17 For that reason, I will not support her nomination.

18 **THE CHAIRMAN.** Thank you. Are there any other comments?

1 I did think she tried to answer those questions and did so adequately. I know
2 she has been in the entertainment business in the past, and sometimes people say
3 things. But I thank you for your concerns.

4 With that, the clerk will call the roll.

5 **THE CLERK.** Mr. Risch?

6 **SENATOR RISCH.** Aye.

7 **THE CLERK.** Mr. Rubio?

8 **SENATOR RUBIO.** Aye.

9 **THE CLERK.** Mr. Johnson?

10 **SENATOR JOHNSON.** Aye.

11 **THE CLERK.** Mr. Flake?

12 **SENATOR FLAKE.** Aye.

13 **THE CLERK.** Mr. Gardner?

14 **SENATOR GARDNER.** Aye.

15 **THE CLERK.** Mr. Young?

16 **SENATOR YOUNG.** Aye.

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

18 **SENATOR BARRASSO.** Aye.

19 **THE CLERK.** Mr. Isakson?

20 **SENATOR ISAKSON.** Aye.

1 THE CLERK. Mr. Portman?
2 THE CHAIRMAN. Aye by proxy.
3 THE CLERK. Mr. Paul?
4 THE CHAIRMAN. Aye by proxy.
5 THE CLERK. Mr. Cardin?
6 SENATOR CARDIN. No.
7 THE CLERK. Mr. Menendez?
8 SENATOR CARDIN. No by proxy.
9 THE CLERK. Ms. Shaheen?
10 Senator Sheehan: No.
11 THE CLERK. Mr. Coons?
12 SENATOR CARDIN. No by proxy.
13 THE CLERK. Mr. Udall?
14 SENATOR UDALL. No.
15 THE CLERK. Mr. Murphy?
16 SENATOR MURPHY. Aye.
17 THE CLERK. Mr. Kaine?
18 SENATOR KAINE. No.
19 THE CLERK. Mr. Markey?
20 SENATOR CARDIN. No by proxy.

1 THE CLERK. Mr. Merkley?

2 SENATOR MERKLEY. No.

3 THE CLERK. Mr. Booker?

4 SENATOR BOOKER. No.

5 THE CLERK. Mr. Chairman?

6 THE CHAIRMAN. Aye.

7 The clerk will report.

8 THE CLERK. Mr. Chairman, the yeas are 12; the nays are 9.

9 THE CHAIRMAN. The nomination is passed and will move to the floor.

10 I thank all of you for participating. With that, we will move to legislation.

11 We will move to H.R. 390. Senator Cardin, would you like to speak to this? Or
12 any other member?

13 I will entertain a motion to consider the substitute amendment and the Kaine-
14 Corker-Murphy amendment, en bloc, by a voice vote.

15 SENATOR CARDIN. So moved.

16 THE CHAIRMAN. Is there a second?

17 SENATOR KAINE. Second.

18 THE CHAIRMAN. So moved and seconded.

19 The question is on the motion to approve the substitute amendment and the
20 Kaine-Corker-Murphy amendment, en bloc by voice vote.

1 All those in favor, say aye.

2 [A chorus of ayes.]

3 Opposed?

4 [No response.]

5 With that, the ayes have it. The amendments are agreed to.

6 Are there any further amendments?

7 Seeing none, is there a motion to approve the legislation as amended?

8 **SENATOR CARDIN.** So moved.

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

10 **SENATOR RISCH.** Second.

11 **THE CHAIRMAN.** So moved and seconded.

12 The question is on the motion to approve H.R. 390, as amended.

13 All in favor, say aye.

14 [A chorus of ayes.]

15 Opposed?

16 [No response.]

17 The ayes have it. The legislation, as amended, is agreed to.

18 Next, we will move to the Trafficking Victims Protection Reauthorization Act of

19 2017.

20 Senator Cardin, would you or any other member like to speak to this?

1 **SENATOR CARDIN.** I have already spoken. I am fine.

2 **THE CHAIRMAN.** First, I would like to entertain a motion to consider the Flake
3 No. 1 and revised Flake No. 3 amendments, en bloc by voice vote.

4 **SENATOR CARDIN.** So moved.

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

6 **SENATOR RISCH.** Second.

7 **THE CHAIRMAN.** So moved and seconded.

8 The question is on the motion to approve Flake No. 1 and revised Flake No. 3
9 amendments, en bloc by voice vote.

10 All those in favor, say aye.

11 [A chorus of ayes.]

12 Opposed?

13 [No response.]

14 With that, the ayes have it. The amendments are agreed to.

15 Are there any further amendments?

16 Seeing none, is there a motion to approve the legislation, as amended?

17 **SENATOR CARDIN.** So moved.

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

19 **SENATOR RISCH.** Second.

20 **THE CHAIRMAN.** So moved and seconded.

1 The question is on the motion to approve TVPA authorization, as amended.

2 All in favor, say aye.

3 [A chorus of ayes.]

4 Opposed?

5 [No response.]

6 With that, the ayes have it. The legislation, as amended, is agreed to.

7 Next, we will move to S. Res. 168.

8 Senator Cardin, would you or any other member like to speak to this?

9 **SENATOR CARDIN.** I have already spoken.

10 **THE CHAIRMAN.** First, I will entertain a motion to consider substitute
11 amendments en bloc by voice vote.

12 **SENATOR CARDIN.** So moved.

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

14 **SENATOR RISCH.** Second.

15 **THE CHAIRMAN.** So moved and seconded.

16 The question is on the motion to approve the substitute amendments en bloc by
17 voice vote.

18 All those in favor, say aye.

19 [A chorus of ayes.]

20 Opposed?

1 [No. response.]

2 With that, the ayes have it. The amendments are agreed to.

3 Are there any further amendments?

4 Seeing none, is there a motion to approve the legislation, as amended?

5 **SENATOR CARDIN.** So moved.

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

7 **SENATOR RISCH.** Second.

8 **THE CHAIRMAN.** Thank you. So moved and seconded.

9 The question is on the motion to approve S. Res. 168, as amended.

10 All in favor, say aye.

11 [A chorus of ayes.]

12 Opposed?

13 [No response.]

14 With that, the ayes have it. The legislation, as amended, is agreed to.

15 That completes the committee's business. I ask unanimous consent that staff be

16 authorized to make technical and conforming changes. Without objection, so

17 authorized.

18 With that, and without objection, the business meeting will stand adjourned.

[Whereupon, at 10:34 a.m., the meeting was adjourned.]