

BUSINESS MEETING

Tuesday, May 25, 2021

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

The committee met, pursuant to notice, at 2:20 p.m., in Room SH-216, Hart Senate Office Building, Hon. Bob Menendez, chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Murphy, Kaine, Markey, Merkley, Booker, Schatz, Van Hollen, Risch, Johnson, Romney, Young, Cruz, and Rounds.

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

The Chairman: This business meeting of the Senate Foreign Relations Committee will come to order.

This afternoon, we consider two nominees who were held over from last week: Bonnie Jenkins to be the undersecretary for arms control and international security, and Jose Fernandez to be undersecretary for economic growth, energy, and the environment. These positions are critical to our security, diplomacy, our interests, and these two nominees are superbly qualified. I strongly support their

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nominations and urge my colleagues to work together towards their swift confirmation.

The undersecretary for arms control and international security is one of the most vital senior security positions in the Department of State. The portfolio ranges from nonproliferation of nuclear weapons to dealing with the legacies of unexploded munitions and land mines. It requires orchestrating global cooperation among both allies and adversaries on critical issues. I am pleased to be supporting Ambassador Jenkins' nomination for this position. Her extensive experience in the Department, her 22 years in the Air Force and Naval Reserve provide her with the type of background and knowledge required for juggling the multiple and complex duties of this office. I look forward to her close cooperation with this committee on our shared goals: the advancement and conservation of U.S. national security interests and promotion of our values in our oversight of these activities.

Similarly, I am pleased to support Mr. Jose Fernandez to be the next undersecretary for economic growth, energy, and environment. His years of service as the assistant secretary for economic growth in the Obama Administration, as well as his extensive experience in the private sector, provide him with the type of skills needed in this role. Mr. Fernandez understands the

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importance of economic diplomacy and statecraft to build lasting alliances. During his confirmation hearing, he emphasized that U.S. economic engagement that helps ensure equitable economic opportunity, built on partnerships, is critical to countering the exploitive and transactional international development pursued by malign actors on the global stage. As we prioritize competition with China and strive to restore U.S. leadership in the world, Mr. Fernandez's experience and vision for State's Economic Growth, Environment, and Energy Bureaus will be critical. He has my full support.

Finally, we have four lists with more than 800 Foreign Service officers on the agenda. These are hundreds of hardworking individuals who serve our country at great sacrifice and cost to themselves and their families, and I hope we can move their promotions expeditiously. With that, let me recognize the distinguished ranking member, Senator Risch, for his comments.

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

Senator Risch: Thank you, Mr. Chairman. Regarding the Fernandez nomination, the role of undersecretary for economic, growth, energy and environment will be critical in our mission to combat China's predatory economic practices. This includes countering Chinese subsidies and bad bilateral lending, improving the environment in which companies operate, and reducing barriers

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to investment around the world. I believe Mr. Fernandez has the requisite experience and insights necessary to tackle the challenges ahead. I believe he is sincere in his eagerness to engage with this committee often. I plan to support his nomination.

With regard to Ambassador Jenkins, this is more difficult. I commend her for her long career of service in the arms control space, and I appreciate her efforts to inspire a new expanded generation of national security professionals through her nonprofit work. I also appreciate her answers for the record on the Open Skies Treaty, stating that she believes that, "Congressional authorization would be required for the United States to rejoin the treaty in Open Skies." Should she be confirmed, I am inclined to hold her to that statement.

However, I am deeply concerned about her policy positions on the most basic and critical arms control issues. First and foremost, she consistently refuses to recognize the inextricable link between full modernization of the nuclear triad and arms control agreements. The New START Treaty was ratified in 2010, and only after the Obama Administration agreed and promised to modernize the nuclear triad and nuclear weapons complex. The bipartisan consensus on nuclear modernization ensures that, among other things, the U.S. is in a position of strength for further arms control talks. While she and other Biden

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Administration nominees cite support for "a credible modern deterrent," she refuses to specifically commit to full modernization. This position is out of step with commitments made by Secretary Austin and Deputy Secretary Hicks, both of whom have publicly voiced their support for full nuclear modernization. Platitudes and vague promises to consult with Congress on this topic simply will not do. It reminds me of my father when he told me, "we will see," when I asked him whether he was taking me to the fair or not.

In any event, with a modernized Russian arsenal, the Chinese racing to build a robust stockpile, plus many other actors seeking to acquire nuclear weapons, the arms control landscape for the next 20 years will be even more intricate and complex than what we have experienced before. The United States must have a credible deterrent that meets today's threat environment. We will not have successful arms control talks without it, period.

Second, she has publicly advocated for the United States to adopt a no first use policy without requiring the same from Russia and China. This is also a non-starter. The commander of U.S. Strategic Command, Admiral Charles Richard, recently commented that the exceptions in China's no first use policy are large enough to drive a truck through. Without full reciprocity from Russia and

China, such a policy would undermine our allies' confidence in our commitment to extend deterrence, especially in the Indo-Pacific.

Third, she supports declassifying the topline number of the total U.S. nuclear stockpile. We tried this repeatedly during Obama Administration, and it failed repeatedly as Russia and China never reciprocated by declassifying their topline stockpile numbers. It is delusional to think they would do that or that they would tell the truth if they did it. These failed unilateral transparency measures not only make the U.S. more vulnerable, they will leave our closest allies out to dry, like the U.K., which recently stopped publishing its stockpile numbers in response to increased threats.

For these reasons, these policy reasons, I cannot support her for this position. I will, however, support the list as indicated by the chairman. Thank you, Mr. Chairman.

The Chairman: Thank you, Senator Risch. I have one question. Did your dad take you to the fair?

Senator Risch: He did not.

The Chairman: He did not? What did you do not to be able to -- we will not go into that right now.

Senator Risch: The sins were multiple. The sins were --

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[Laughter.]

The Chairman: Okay. Thank you for your --

Senator Risch: Could I get a roll call vote on the -- not the list, at the end of --

The Chairman: Absolutely. Any other member wishing to speak to these nominations?

[No response.]

The Chairman: If not, a roll call vote has been requested on the nomination of Ambassador Bonnie Jenkins to be undersecretary for arms control and international security to be favorably reported.

The clerk will call the roll.

The Clerk: Mr. Cardin?

Senator Cardin: Aye.

The Clerk: Mrs. Shaheen?

Senator Shaheen: Aye.

The Clerk: Mr. Coons?

Senator Coons: Aye.

The Clerk: Mr. Murphy?

Senator Murphy: Aye.

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The Clerk: Mr. Kaine?

Senator Kaine: Aye.

The Clerk: Mr. Markey?

Senator Markey: Aye.

The Clerk: Mr. Merkley?

Senator Merkley: Aye.

The Clerk: Mr. Booker?

Senator Booker: Aye.

The Clerk: Mr. Schatz?

Senator Schatz: Aye.

The Clerk: Mr. Van Hollen?

Senator Van Hollen: Aye.

The Clerk: Mr. Risch?

Senator Risch: No.

The Clerk: Mr. Rubio?

Senator Risch: No by proxy.

The Clerk: Mr. Johnson?

Senator Johnson: No.

The Clerk: Mr. Romney?

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Senator Romney: No.

The Clerk: Mr. Portman?

Senator Risch: No by proxy.

The Clerk: Mr. Paul?

Senator Risch: Aye by proxy.

The Clerk: Mr. Young?

Senator Young: No.

The Clerk: Mr. Barrasso?

Senator Risch: No by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: No.

The Clerk: Mr. Rounds?

Senator Rounds: No.

The Clerk: Mr. Hagerty?

Senator Risch: No by proxy.

The Clerk: Mr. Chairman?

The Chairman: Aye.

The Clerk: Mr. Chairman, the ayes are 12; the noes are 10.

The Chairman: And the nomination is favorably reported to the Senate for its consideration.

The next vote -- I will ask for a voice vote unless there is a request -- Jose W. Fernandez to be undersecretary for economic growth, energy, and the environment.

Is there a motion to recommend -- to vote out the nomination by voice vote?

Senator Risch: So moved.

The Chairman: So moved. Seconded?

Senator Cardin: Second.

The Chairman: All those in favor will say aye.

[Chorus of ayes.]

The Chairman: Opposed will say no.

[No response.]

The Chairman: The ayes have it, and Mr. Fernandez --

Senator Risch: Mr. Chairman, Senator Barrasso would like to be recorded as "no" on this, please.

The Chairman: Mr. Fernandez is favorably reported out to the Senate for the undersecretary for economic growth, energy, and the environment, and ~~Mr.~~—
—Senator Barrasso will be listed in the negative.

Finally, I ask a motion to favorably report the nominations of the FSO list.

Is there a motion to that effect?

Senator Risch: I would so move.

The Chairman: So moved by Senator Risch. Is there a second?

Senator Cardin: Second.

The Chairman: Second by Senator Cardin.

All in favor will say aye.

[Chorus of ayes.]

The Chairman: Opposed will say no.

[No response.]

The Chairman: The ayes have it, and the nominations on the FSO list are agreed to.

If there is no further discussion --

Senator Shaheen: Mr. Chairman?

The Chairman: Yes, Senator Shaheen?

Senator Shaheen: I have an issue I would like to raise before the committee, and I think it is something that all of us should be concerned about. You know, I have introduced a bipartisan resolution that condemns the attack on the girls' school in Kabul, Afghanistan. When we had our hearing on Afghanistan, virtually everyone on this committee, Republican and Democrat, expressed concern about the attack and about what was happening to women and girls. In my conversations with women in Afghanistan, one of the things they ask of the United States is if we could continue to speak out about what is happening in Afghanistan and against the Taliban for their actions.

Now, I am feeling really frustrated because we submitted this resolution. We have been told we cannot hotline it. We have been told the committee was not going to consider anything other than nominations at this meeting. And so we have got a resolution that, by the time we can get it through the Senate, is really going to be outdated and it is going to get less attention. And it undermines the credibility of this committee, Mr. Chairman, in terms of our ability to weigh in on world events if we cannot get something as simple as a bipartisan resolution on an issue like the attack on the girls' school in Afghanistan through this committee. So I do not know what we are going to do about it, but I can tell you I am one unhappy member today.

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The Chairman: I appreciate Senator Shaheen's leadership on this. I understand her concern. I was willing to put it on this markup for a vote. Unfortunately, we could not get an agreement to do that. Hotlining is a challenge. Dispensing the committee of resolutions in general is a challenge because what is the rhyme or reason? I understand this, but I have challenges with dozens of members, both on and off the committee, who want to bypass the committee and go straight to the floor. In some cases, they are rather simple, but still important. In other cases, the resolutions need a little work in order to get it to a point that we can get agreement on.

And so I understand your incredible passion on this. I share it. I was willing to put it on this agenda. I could not get an agreement. When I bypass the committee, I end up setting a standard. "Well, you did it in this case, why not in this case?" It is as compelling as that. It is not that simple, and that is the frustration I have in terms of it. So I am happy to have more robust business meetings, but we must get concurrence with the ranking member, and in the absence of that, I have to respect comity at the end of the day. Sometimes it works to my detriment. I complained about it in the past. I am willing to live by it now. So I will do everything I can to work with the senator to try to make this happen.

Senator Shaheen: I appreciate that. I hope both the majority and the minority feel this way. And, again, I would just say as fast as events are happening in the world today, when this committee cannot make a statement on what is happening in the world, I think it undermines our ability to influence events. And so, I do not know what else to say other than how disappointed I am that we could not reach agreement to get a simple resolution condemning this action through this committee in a timely fashion. Thank you, Mr. Chairman.

The Chairman: Thank you.

Senator Risch: Mr. Chairman? I agree with you, Senator Shaheen. I want to work every way we can to try to do this. I appreciate that.

Senator Romney: Well, if that is the case, may I make a motion that we consider this resolution and vote on it?

Senator Schatz: Second the motion.

Senator Booker: Second the motion.

The Chairman: Hold on a second.

[Laughter.]

The Chairman: I do not know that we can do it --

Senator Risch: Well, unanimous consent, we certainly could do it.

Senator Young: I will indicate I would consent to it, but I can think of countless times in the last couple of years -- I will be general and nonpartisan -- where I have had matters of great urgency that I had wished would be considered by this committee, but they would not be waived, and the excuse was always there were other issues that were holding it up, so.

The Chairman: Well --

Senator Young: But I am fulsomely supportive of the gentlelady from New Hampshire.

The Chairman: I am sorry. Well, what I could say is if we can take a minute, get a copy of the resolution to everybody so that they know what they are agreeing to. And if the request is by unanimous consent, which is the only way we could consider it, then if no one objects to the unanimous consent request, then we could consider it. Otherwise, it would not be possible until it was formally listed for a future meeting.

Senator Risch: Would you change your request to a unanimous consent, Senator Romney?

Senator Romney: Yes.

The Chairman: All right.

Senator Romney: If that is the only way it could be considered, yes.

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The Chairman: There is a unanimous consent request that has been made.

Senator Cruz: Mr. Chairman?

The Chairman: Senator Cruz?

Senator Cruz: I expect I will consent, but it would be --

The Chairman: You need to see the resolution.

Senator Cruz: I would like to see the resolution first.

The Chairman: So we will take 2 minutes and get our staff to get a copy of this and circulate it to every member. But let me ask, assuming that the copy is satisfactory, is there any objection, because if there is, then there is no need to make copies.

[No response.]

The Chairman: Okay. So we will --

Senator Coons: Mr. Chairman, would it be faster to simply read the resolution?

The Chairman: Would it be faster to read the resolution? That is --

Senator Risch: How many pages is it?

The Chairman: I think we can get this -- you know.

Senator Booker: Does this give us time to hear Ranking Member Risch's stories about his childhood?

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[Laughter.]

The Chairman: If he so desires.

Senator Risch: No.

[Laughter.]

The Chairman: He reserves the right on that. Senator Merkley?

Senator Merkley: Mr. Chairman, while we are waiting for copies

[inaudible].

Senator Shaheen: I would be happy to do that. I just gave my only copy to the staff.

[Laughter.]

The Chairman: But maybe, Jeanne, what you can do, because we presume that everybody knows, but you can just describe the events that took place and what you are trying to do.

Senator Shaheen: Yes. As I am sure people are aware, several weeks ago there was a bombing of a girls' school in Afghanistan. It was over the weekend, and initially, it was reported that it killed about 50 people, mostly girls who were attending school. Ultimately, they determined that it killed over 80 people and the Taliban was responsible. And I saw one young girl interviewed, and I think

she was about 14, and they asked her about the bombing, and she said, well, it is because the Taliban does not want girls to go to school.

So this was all about part of the Taliban's continued effort to limit the ability of women and girls to live full lives in Afghanistan. And, as I said, one of the reasons I feel so strongly about this is because in conversations that I have had with women from Afghanistan, women leaders, and asking them what can we do -- we are withdrawing our troops, which, as I am sure everyone here knows, I have reservations about, but that is happening. And I said, okay, what else can we do to help given that, and one of the things that they talked about was the importance of the United States speaking out against atrocities by the Taliban and other terrorist groups.

We know that what we say in Congress sends a strong message to people around the world, and this is an opportunity for us to send a message that this is not acceptable and that it is important for girls to have an opportunity to go to school. So that is what the resolution is about. Thank you.

Senator Cruz: Mr. Chairman? My staff just sent me a copy of the resolution. I read it. I have no objection to our taking it up and passing it. And, in fact, I would ask unanimous consent that I be added as a co-sponsor.

Senator Shaheen: Thank you. I appreciate that.

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The Chairman: Without objection, we will add you as a co-sponsor.

Senator Romney: May I be added to that list of co-sponsors?

The Chairman: Senator Romney will be added as a co-sponsor.

Senator Cardin: I think everyone will be --

Senator Shaheen: Yeah.

Senator Cruz: And if Mitt and I agree and Jeanne agrees, my guess is the rest of us agree, too.

Senator Shaheen: Thank you. I appreciate that.

Voice: Are we getting copies?

The Chairman: We are getting copies. This is S. Res. 229 that we are considering for Senator Shaheen, Senator Collins, and for all of those who have been added to the resolution and who wish to be added, we are happy to do that. While we get copies here, maybe I can just read through this.

"Recognizing the devastating attack on a girls' school in Kabul, Afghanistan on May 8, 2021, and expressing solidarity with the Afghan people: whereas on May 8, 2021, a car bomb and several other mechanisms were detonated at the front gates of the Sayed Ul-Shuhada High School in Kabul, killing more than 85 people, many of whom were girls attending the school; whereas, the attack took place as the girls and their families prepared to celebrate

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Eid al-Fitr; whereas the school provides education to the Dasht-e Barchi neighborhood, an underserved area of Kabul where many members of the Hazara minority community live; whereas the Hazara in Dasht-e Barchi have been the target of extremist violence for many years; whereas on March 12, 2020, assailants attacked a maternity hospital in Dasht-e Barchi, killing 24 people including two newborn babies, mothers, and members of the hospital staff; whereas, one of those killed in the attack on the hospital was Maryam Noorzad, who was a midwife serving the Hazara community, who dedicated her life to providing access to healthcare to women in remote parts of Afghanistan, who was murdered after refusing to leave the bedside of a patient in labor, and whose bravery was recognized by the Department of State with an honorary International Women of Courage award; whereas, Afghan girls were restricted from accessing an education under the Taliban, forcing some girls to dress up as boys in order to attend secret schools and continue their education; whereas, according to a report by the Office of the Director of National Intelligence, there are approximately 3,500,000 girls among the 9,000,000 children who are enrolled in school in Afghanistan, only 17 percent of girls in rural parts of Afghanistan attend school, while 45 percent of girls in urban areas in Afghanistan attend school, 80 percent of Afghan women older than 15 years of age are illiterate, and

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schools are increasingly being forced to close due to rising insecurity; whereas, the education of girls is a necessary requirement for any country to achieve long-term stability and peace; whereas the attack coincides with an escalation of violence in Afghanistan, perpetrated by the Taliban, the Islamic State of Iraq and the Levant -- ISIS -- and other terrorist organizations; whereas the recent escalation in violence has disproportionately impacted women, who have been targeted while working as reporters, administering vaccines, serving in prominent positions, and helping their communities:

Now, therefore, be it resolved, that the Senate extends its heartfelt condolences to and stands with the people of Afghanistan and the Hazara community; condemns all forms of violence against women and girls in Afghanistan; supports United States and international efforts to ensure that girls in Afghanistan are able to safely attend school; affirms that the United States should continue to provide assistance to support the rights of women and girls to achieve an education; calls on the Government of Afghanistan to support girls' education and to ensure that girls are able to safely attend school; calls for international condemnation of violence against Afghan women and girls, and asks the international community to devote the resources and attention necessary to provide for the continued safe education of girls in Afghanistan."

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That is the resolution, S. Res. 229. There is a unanimous consent. Is there any objection?

[No response.]

The Chairman: Without objection, the resolution will be reported favorably.

Senator Johnson: May I be added as a co-sponsor?

The Chairman: Add Senator Johnson as a co-sponsor, Senator Coons, Senator Kaine, Senator Van Hollen, Senator Risch, Senator Rounds, Senator Cardin -- excuse me -- Senator Murphy, Senator -- let us put it this way. If you do not want to be added on, let us know.

[Laughter.]

The Chairman: Very good. Thank you, Senator Shaheen. The resolution is favorably reported to the Senate, and this hearing is -- this meeting is adjourned.

[Whereupon, at 2:42 p.m., the committee was adjourned.]