

BUSINESS MEETING

Tuesday, June 22, 2021

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

The committee met, pursuant to notice, at 2:23 p.m., in Room SH-216, Hart Senate Office Building, Hon. Bob Menendez, chairman of the sub/committee, presiding.

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

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.

The bipartisan bills and resolutions we will be marking up reflect the priorities and hard work of many members of this committee, and I want to thank the ranking member and his staff for working with us to build today's agenda. I have a few items to bring to your attention up front.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

First, there have been requests for holdovers on S.J. Res. 10, S. 65, S. 1061, S. Res. 154, and all of the nominations on the agenda, and so I, as always, will honor that. We will take up the nominations, however, along with S. 65 and S. 1061 on Thursday, which is the next scheduled business meeting. With regard to S.J. Res. 10, I understand that some members of the committee are seeking additional information on the repeal of the 2002 AUMF. I am willing to work with those members to ensure that they get answers to their questions. To that end, my staff and I are available to engage on this critical matter and, if needed, to facilitate discussions with the Administration, and I urge those members who are interested to take advantage of that offer.

The Administration has already issued a formal Statement of Administration Policy, or SAP, supporting the repeal of the 2002 AUMF. Nonetheless, I am planning a members' briefing for the beginning of the July work period so we will all have an opportunity to hear directly from the Administration and to question State and Defense Department officials concerning the proposed repeal. We will continue to work with Senators Kaine, Young, and others, and with the ranking member to get a markup agenda soon thereafter.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Finally, I also want to mention one item that we will not be marking up today, but that is a priority for the ranking member and myself, and that is a global health bill. We are working on finalizing bill text for introduction this week, and we have agreed that we will be marking up the bill in the July work period. We look forward to sharing text with all of you as soon as it is ready and to move forward with a strong committee product.

Turning to the legislative items on our agenda, as you have heard me say before, I believe the only way for this committee to be truly relevant is to be legislating on the important issues of our time, and this agenda reflects many of those issues. Let me highlight a few of them.

I would like to commend Senator Cardin for his leadership on two very important pieces of legislation on the agenda today, Global Magnitsky Human Rights Accountability Reauthorization Act and the Combatting Global Corruption Act. This committee must address the challenges of human rights violations and the scourge of corruption around the world, and I look forward to moving both bills out of the committee. I have two bills on today's agenda that are priorities for me, and I appreciate, in particular, Senator Rubio's co-sponsorship on both items. The RENACER Act recognizes the need for the U.S. Government to send a clear message to the Ortega

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

regime, which is unleashing authoritarianism in a way that we have not witnessed in our hemisphere for decades. In a good news story, the Greek defense bill is a recognition of the strong bilateral relationship between the U.S. and Greece. It would bolster support for Greek military modernization and increase multilateral engagement among Cyprus, Greece, Israel, and the United States. I hope that both items receive strong support from the committee. Finally, I would also note that we have two important resolutions on the agenda, including in relation to unlawfully detained American citizens in Russia, Paul Whalen and Trevor Reed, and I look forward to a unanimous support on those.

With that, I recognize the distinguished ranking member for his remarks.

Senator Risch?

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

Senator Risch: Thank you, Mr. Chairman. First of all, like you, I was disappointed we were not able to include the global health legislation on this markup, but let me say, all of us have spent a lot of time on this. I truly believe everyone is working in good faith to get us to a good place. It is complicated, no question about that, and I hope we can, as you suggested, introduce it this week and have a business

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

meeting after we return from the 4th of July recess. I think a lot of us believe this could be one of the most significant things that this committee does in this Congress.

As to the 2002 AUMF -- the AUMF has always been vexing. I have sat through scores of hours of testimony in arguing on that amongst the lawyers, and politically, and everything else. But on today's agenda was Senate Joint Resolution 10, which would repeal the 2002 Authorization for the Use of Military Force. While I support the assertion of congressional authority over decisions to send American men and women into harm's way, the 2002 AUMF has long been used to address threats emanating from Iraq where our troops have been facing threats from the Islamic State and Iran-backed Shia militias over recent years. I am further concerned about the message that this repeal could send to the region. Indeed, I think that is the most important thing that we are doing when it comes to the 2002 AUMF, because both sides agree that the existence of the AUMF probably does not make that much difference when it comes to making a decision as to whether or not to use military force under certain circumstances, such as the Soleimani attack, which I thought was one of the best moves the last Administration made against the Islamic State. And I am particularly concerned about the message it would send as negotiators continue to gather in Vienna to jump back into the Iran

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Nuclear Deal. This action would send an unintended message that we are ceding security interests in Iraq to Iran.

I support Senator Romney and other members of the committee in their request for a public hearing and classified briefing on the ramifications of repealing the 2002 AUMF. These are important issues, and I believe some members, who have not been here for the past 10 years-plus of this debate, should feel confident in the potential ramifications of repealing the 2002 AUMF before they have to vote on such a measure. And I want to thank the chairman for working on making that happen, and I have confidence he will get that done.

On the Israel bill, I would like to thank Senators Portman, Booker, Cardin, Young, and Menendez for working with our staff on the Israel Relations Normalization Act. This bill underscores the importance of normalization agreements between Israel and its Arab neighbors. The Abraham Accords and the agreements like them have the potential to fundamentally change, and are beginning to do so, the region for better. This bill calls for a strategy to strengthen and expand the Accords, ensure that the agreements reap tangible economic and security benefits, and ensure that the State Department and other Federal agencies are appropriately resourced to drive additional

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

agreements forward. I understand that this bill will be held over and considered at the next mark up.

On the Uyghur Forced Labor bill, I was pleased to see Senate Bill 65 on the agenda today. I am proud to be an original co-sponsor of this bill, and I would like to commend Senators Rubio and Merkley for their efforts in promoting this legislation, which, if enacted, would have a meaningful impact on combating the use of forced labor in Xinjiang and throughout China. I also understand that this bill has been held over and will be considered at the next markup.

As far as Senator Cardin's anti-corruption bills, I would also like to recognize him for his leadership, and join the chairman in that regard, in highlighting the problems of global corruption and putting forward proposals to address these issues. The Global Magnitsky Act is a vital tool to combat corruption and human rights abuses around the world. I am eager to reauthorize it through Senate Bill 93. We have seen certain countries use corruption as a geopolitical weapon. In the provisions of Senate Bill 14, the Combatting Global Corruption Act, if enacted, will hopefully help our government expose and counter such efforts. I am also happy that we were able to take up the two resolutions on U.S. citizens and former Marines, Paul Whalen and Trevor Reed, both of whom have been arrested, falsely convicted, and imprisoned by the Russian

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Government. Russia must cease holding our citizens as political hostage, which is exactly what this is.

Finally, the resolution calling on all parties in Georgia to sign and fulfill the agreement made on April 19th is an excellent effort by Senators Johnson and Shaheen that I am proud to co-sponsor. All political parties in Georgia must put their disagreements in the past and fulfill their obligations under the agreement. This is the only path to improving Georgia's democratic institutions. I do not see Senator Shaheen here. She and I were there in 2012 when they had their initial elections. I think both of us had been happy with those elections to start with and have had disappointments along the way. We continue to meet with the various political parties, in my judgment, that over rely on the United States to move things forward. And every time I meet with them, my message is you, Georgians, need to figure this out and move this forward, and I will continue with that message.

With that, I yield back. Thank you, Mr. Chairman.

The Chairman: Thank you for your comments. Given that a vote has just started, I intend to take up a number of those items, those without amendments, en bloc, then I will turn to S. 93. And I realize that many of you want to discuss some of the items that were held over, and I support that discussion, but I would ask you to

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

hold off until after we have taken the committee votes since we have the appropriate quorum at this time.

With that, without objection, we will now consider seven bills and resolutions on the agenda, en bloc, as amended by the following noticed amendments, as well as a Foreign Service Officer promotion list: S. 1041, as amended by the manager's amendment; S. 2000, in the nature of a substitute; S. 14, as amended by the manager's amendment; S. Res. 67, S. Res. 165, as amended by the manager's preamble; S. Res 107, S. 176, as amended by Johnson's First Degree Amendment Number 1, Johnson First Degree Amendment Number 2, and the manager's resolving clause amendment; and FSO List, USAID, PN 479.

Is there a motion to approve these items, en bloc, as amended by the noticed amendments I just referenced?

Senator Kaine: So moved.

The Chairman: It has been so moved. Is there a second?

Voice: Second.

The Chairman: Second. Yes?

Senator Cruz: Is there going to be an opportunity to call up amendments on these... [inaudible].

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

The Chairman: No amendments were filed on these bills, and so --

Senator Cruz: [Off audio.]

The Chairman: S. 93 is not in the en bloc group, yes. So, again, a motion has been made and seconded.

All those in favor will say aye.

[Chorus of ayes.]

The Chairman: All those opposed will say nay.

[No response.]

The Chairman: The ayes have it, and those bills and resolutions, as well as the Foreign Service List, are approved and sent to the Senate with a favorable recommendation.

Senator Markey. Mr. Chairman?

The Chairman: Senator Markey?

Senator Markey. Yeah, Mr. Chairman, if I could be recognized briefly on one of those bills that we just passed.

The Chairman: Could I ask you to withhold a moment, and then we will turn to a full conversation?

Senator Markey. Right.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

The Chairman: Let me turn to S. 93, the Global Magnitsky Human Rights Accountability Reauthorization Act. Before we have amendments on it, is there a motion to approve the substitute amendment?

Voice. So moved.

The Chairman: So moved. Is there a second?

Senator Kaine: Second.

The Chairman: Second. The motion has been made and seconded.

The question is on the motion to approve the substitute amendment.

All those in favor, say aye.

[Chorus of ayes.]

The Chairman: All those opposed, say no.

[No response.]

The Chairman: The ayes have it, and the amendment is agreed to.

With that, are there any further amendments? Senator Cruz?

Senator Cruz: Thank you, Mr. Chairman. I would like to call Cruz First Degree 1 and Cruz Second Degree to Cruz First Degree 1. What both of these amendments do is impose Global Magnitsky sanctions on the supreme leader of Iran, Ayatollah Khamenei, and the regime's recently elected president-elect, Ebrahim Raisi. Both of

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

them are currently and well-deservedly sanctioned right now under Executive Order 13876 because of their ties to the Office of the Supreme Leader, which sets Iran's foreign policy, including its repeated attacks on American troops, its global terrorism, its unacceptable actions in international waters, and, of course, its seemingly never-ending drive for nuclear weapons. However, just yesterday, Biden Administration officials were asked if they intended to keep those sanctions in light of Raisi's election. They reiterated that they were likely to revoke much of the Trump-era sanctions regime.

Both Khamenei and Raisi richly deserve to be sanctioned under Global Magnitsky for corruption and human rights abuses. Khamenei has used corruption, violence, and confiscation to amass a conglomerate of entities worth approximately \$200 billion, stolen from the Iranian people. His three most valuable possessions are: the execution of Imam Khamenei's orders, the Mostazafan Foundation, and the Astan Quds Razavi. These companies also conduct international business. The U.S. should use Global Magnitsky to isolate and freeze this business empire and to block the regime.

And as for Raisi, Raisi is a monster and a tyrant. He was one of the four judges on the death committees in 1988 responsible for the mass executions of thousands of political prisoners over 5 months. He then served as a prosecutor in Tehran and other judiciary positions which he used repeatedly and systematically to persecute Iranian

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

dissidents. And he has already said he intends to intensify crackdowns and increase Iran's military aggression. And so I would urge adoption of these amendments.

The Chairman: Thank you. Senator Cardin?

Senator Cardin: Thank you, Mr. Chairman. First, let me thank Senator Menendez and Senator Risch for bringing forward the Global Magnitsky Reauthorization Act. I also want to thank you for including in the package S. 14, the Combatting Global Corruption, because this committee has been a leader on fighting corruption. I want to thank Senator Young for his help on the Combatting Global Corruption where we will be able to evaluate every country's mission to fight corruption with tier ratings, and those that are not making significant enough progress will be subject to sanctions. But, more importantly, we will also have capacity in each mission to deal with how a country is dealing with corruption. The Global Magnitsky Reauthorization, S. 93, reauthorizes this program and it strengthens this tool. Senator Wicker is my co-sponsor, and I know it is supported by a lot of members of this committee.

The Global Magnitsky has worked. It was an initiative by Congress, resisted initially by the Administration, and has now become a global standard. We have gotten our allies to act on the Global Magnitsky framework. Canada, the U.K., Europe have all

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

followed America's leadership. We know that this discussion has been on the agenda of Mr. Putin. We certainly have reached him. So, Senator Cruz, you raised a very valid point about making sure we have sanctions against anyone who is violating these basic principles, but I oppose your amendment and I need to explain why.

It is very important that we are dealing not just with visa restrictions, but also banking restrictions and confiscating money, and there is a process that needs to be followed in each of these cases. And that has been one of the hallmarks of why Global Magnitsky has been so well received among the democratic states of the world because we have a process. We also have an unprecedented ability of Congress to make recommendations as to who should be sanctioned. We can do that under the Magnitsky law. So we are involved in this process already. We have never used the basic framework to single out an individual or individuals, and I think that is inconsistent with what we are trying to do with Global Magnitsky is to have a framework where we can consider individuals for sanctions. Congress plays a role, the Administration plays a role, there is a process, and we could have accountability. But for us to start naming people in the basic statute, I think, would be a mistake, and for that reason, I regrettably oppose your amendment, but I certainly do not oppose your passion to hold these individuals accountable.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

The Chairman: Anyone else wishing to be recognized? Senator Markey?

Senator Markey. Yes, thank you, Mr. Chairman, very much. Global Magnitsky is obviously a very important concept that we all agree upon, and it has become the standard by which we operate. And we saw in Senate 14 how we are going to be using it as a way of dealing with the Nord Stream project, bringing natural gas from Russia into Germany, and use it as way of sanctioning, you know, individuals who are engaging in corruption. And that is an important thing to do, and I support it.

But I just want to say here at this time that we should also take note of the fact that the United States imports 650,000 barrels of oil a day from Russia at \$70 a barrel, tens of billions of dollars over the course of a year. So it is difficult to preach temperance from a bar stool. If we are going to be telling Germany that they should not be importing natural gas from Russia, then we should not be importing oil from Russia either. We just should not be. And so to the extent to which those are corrupt individuals in Russia as part of this petrol oligarchy that exists there, we know it is the principal source of funding for their government, well, we are providing billions of dollars to Russia on a yearly basis. Tens of billions.

So I just want to say to my colleagues, I want to work with all of you in terms of backing out that 650,000, 700,000. We are at our highest level of imports from Russia in

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

10 years right now. It is getting higher and higher. So I would love to work with my colleagues, ensuring that we back out all that oil as we are asking Germany to do the same thing with natural gas. And, again, the same people who are being sanctioned, are being targeted under Global Magnitsky in the natural gas sector, will be pretty much the same people in the oil sector. And so I just would like say that I think it is a great opportunity for us to work together because we know at the heart of it, that so many of these regimes are just dependent upon the oil and gas revenue. And it gives us an opportunity to move in different directions domestically as well, that we break the addiction, but we also are sending a signal to the rest of the world that we are serious about it. We are not just going to preach, but we are also going to act.

So I thank you Mr. Chairman. I just wanted to take that opportunity to raise the issue as we are moving forward. I will be trying to take some action here, and I would love to do it on a bipartisan basis. I think it is an important message to send to Russia. Thank you.

The Chairman: Thank you. I will remember "temperance from a bar stool."

That is a keeper. So Senator --

Senator Risch: It sounds like John Kennedy.

Senator Cardin: Senator Cruz.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Senator Risch: Mr. Chairman, briefly?

The Chairman: Yes?

Senator Risch: I want to speak in favor of the amendments. First of all, I cannot tell you how much I appreciate Senator Cardin's working on this and the good work it has done. I think we can actually strengthen this by doing what we are doing here. I have been deeply disappointed by Administrations not doing what was intended by Magnitsky, and I think this pushes the envelope just a little bit further and actually strengthens what we are doing, and so I am going to support this. I do not think it in any way undercuts Magnitsky.

The Chairman: Senator Cruz, unless somebody else? After that, I will have a comment, and then we will go to a vote. Senator Cruz?

Senator Cruz: If I could briefly respond on a couple of things. One, Senator Markey's comments where he suggested a desire to decrease oil imports from Russia. I emphatically share that desire and would more than welcome Senator Markey's cooperation in pulling back on the policies of this Administration that are decreasing U.S. energy production. The reason we are importing more from Russia is because the Biden Administration has canceled the Keystone pipeline, has shut down new leases on Federal lands, has shut down new leases in offshore waters. And as we produce less,

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

that ends up sending billions of dollars to our enemies. And so the easiest way to take money out of Putin's pocket is for us to produce our own energy rather than importing it from Russia. That, I suspect, is a much longer and more extended debate which we will certainly have in this committee and other places.

Let me say more broadly on the specific issue before the committee right now, I share Senator Cardin's passion for Global Magnitsky. I think it is an incredibly important tool. I think it is a tool that America has used to protect human rights globally, and so I am an enthusiastic supporter of reauthorizing it. I also think there is an acute need here because the Biden Administration is foreshadowing their intention to lift sanctions on Khamenei and Raisi, two individuals currently sanctioned, two individuals whose human rights records are atrocious. They are not even a little bit bad. They are unspeakably bad. And the Biden Administration is foreshadowing an intention to lift sanctions on them in exchange for nothing, not in exchange for any agreement, not an exchange, but simply to lift sanctions on them unilaterally. And so this amendment is an opportunity for members of this committee on both sides of the aisle, Republicans and Democrats, to voice your opinion on whether Khamenei and Raisi should have sanctions lifted upon them or whether the same standard should apply to them that apply to other bad actors across the globe.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Senator Markey. Mr. Chairman?

The Chairman: Briefly. Senator Markey?

Senator Markey. Yes, thank you, Mr. Chairman.

The Chairman: I would just acknowledge for members that there is a vote that is ongoing.

Senator Markey. Yes, thank you. So just for the record, the number that I am using of 650,000 barrels a day imported from Russia is during the Trump Administration. Those are the most recent numbers, just so you understand, and this is as he is meeting with Putin and simultaneously saying that we have reached energy independence in the United States. Clearly, we had not under the Trump Administration. So this an inherited problem that President Biden has from the Trump Administration. And, of course, we know that President Trump never raised this issue about dependence upon oil coming in from Russia, but we know right where that oil went: out of the pockets of American consumers directly into the hands of those oligarchs. So I am just raising it because it is a continuation right from the Trump Administration, and Joe Biden, as he has with many other issues, just inherited the problem. Thank you, Mr. Chairman.

The Chairman: Thank you. Let me turn to the amendments at hand. I will oppose the amendment. First, these sanctions already are not sanctions under Magnitsky as it is. These individuals have been sanctioned for other reasons. First, the president-elect of Iran, Ebrahim Raisi, is already subject to human rights sanctions due to his involvement in the abuse and extrajudicial killings of protesters in 2019. More critically, this amendment, as I view it, does not enhance the Global Magnitsky Accountability Act, which is already the most comprehensive, targeted human rights and anti-corruption sanctions law in U.S. history. The law already provides a thorough, effective framework for State and Treasury to investigate cases and for the Administration to sanction individuals engaged in serious human rights abuses, and it provides a formal mechanism for Congress, a mechanism that I have invoked in the past with the former chairman, to recommend officials who have committed significant corruption or serious human rights abuses to be sanctioned. So I applaud the efforts of my good friend to strengthen and extend the Global Magnitsky framework. I am a strong supporter of sanctions as a tool. I have devised many of them against Iran, and I do believe that Raisi, under existing sanctions, should continue to be sanctioned, as well as the questions -- on to this -- the First Degree Amendment, which I will oppose for largely of the same reasons as I have just stated.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

With that, unless there are any other members who wish to speak to it -- do you seek a recorded vote?

Senator Cruz: Yes.

The Chairman: Okay. The clerk will call the roll. Now this is on the first degree amendment -- is it sufficient, a roll call vote? Are you looking for a roll call vote on both of them?

Senator Cruz: I'm looking for a roll call vote on both, but if by unanimous consent I could combine them, that is fine.

The Chairman: That is fine. Unanimous consent has been asked to combine both the first and second degree amendments into one vote. Is there any objection?

[No response.]

The Chairman: Without objection, so ordered.

The clerk will call the roll.

The Clerk: Mr. Cardin?

Senator Cardin: No.

The Clerk: Mrs. Shaheen?

The Chairman: No by proxy.

The Clerk: Mr. Coons?

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Senator Coons: No.

The Clerk: Mr. Murphy?

Senator Murphy: No.

The Clerk: Mr. Kaine?

Senator Kaine: No.

The Clerk: Mr. Markey?

Senator Markey: No.

The Clerk: Mr. Merkley?

Senator Merkley: No.

The Clerk: Mr. Booker?

The Chairman: No by proxy.

The Clerk: Mr. Schatz?

The Chairman: No by proxy.

The Clerk: Mr. Van Hollen?

Senator Van Hollen: No.

The Clerk: Mr. Risch?

Senator Risch: Aye.

The Clerk: Mr. Rubio?

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Senator Risch: Aye by proxy.

The Clerk: Mr. Johnson?

Senator Johnson: Aye.

The Clerk: Mr. Romney?

Senator Romney: Aye.

The Clerk: Mr. Portman?

Senator Risch: Aye by proxy.

The Clerk: Mr. Paul?

Senator Paul: No.

The Clerk: Mr. Young?

Senator Young: Aye.

The Clerk: Mr. Barrasso?

Senator Risch: Aye by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: Aye.

The Clerk: Mr. Rounds?

Senator Rounds: Aye.

The Clerk: Mr. Hagerty?

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Senator Hagerty: Aye.

The Clerk: Mr. Chairman?

The Chairman: No.

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

The Chairman: And the amendment fails.

The question -- therefore, unless there are any other amendments which I am unaware of --

Senator Paul: Mr. Chairman?

Senator Cardin: Senator Paul.

The Chairman: I am sorry. Senator Paul?

Senator Paul: For over a decade, I have been talking about countries that have blasphemy laws that lead to the death penalty. I first advocated for Asia Bibi back in 2011. In Pakistan, they are still putting people to death for blasphemy. Shagufta Kausar and her husband, Shafqat Emmanuel, are Christians in Pakistan. They have been on death row for 7 years. My amendment would have the President to submit a report to our committee detailing countries that have the death penalty or life imprisonment for anti-apostasy laws, anti-blasphemy laws, or laws prohibiting marriage between individuals of different religions. If countries were found to be on

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

this list, they would then be prohibited from getting foreign aid from us, and that is the extent of the bill. And I would request a recorded vote, if possible.

Senator Cardin: Mr. Chairman?

The Chairman: Okay. Senator Cardin?

Senator Cardin: Just briefly in opposition to the amendment. I certainly share Senator Paul's concerns about this type of behavior, and it should have consequences. We are dealing with the Magnitsky sanctions here, which are individual sanctions against human rights violators. This is not a country-sanctioned regime, so I think you are putting into a bill an amendment that is really not germane to the structure of the Global Magnitsky, and I would urge my colleagues to oppose.

The Chairman: I share Senator Paul's concerns about religious freedom. I am also concerned that religion should never be used as a pretext for persecution or denying anyone's basic rights. I think there are other venues for this which I would look to work with the Senator on, but -- Magnitsky, as was pointed out, is about individuals, not country specific. So I will oppose the amendment for that reason.

Senator Risch: Mr. Chairman?

The Chairman: Senator Risch?

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Senator Risch: I want to agree with those exact remarks. In addition to that, I want to state that putting this in here is going to cause us some real unintended consequences and difficulties with some nations that we have relationships with that are delicate, to say the least. I in no way denigrate the efforts to try to obtain religious freedom, but this is a very difficult way to go about it, so I am going to oppose this amendment.

The Chairman: Is there any other -- Senator Cruz?

Senator Cruz: Mr. Chairman, I am going to support this amendment. I recognize the concerns that Senator Risch just raised, and there are certainly countries that their current law includes this, and we have strategic interests for working and cooperating with them. That being said, I think Senator Paul is exactly right that enforcing so-called blasphemy laws and, in particular, opposing the death penalty because of someone's choice of religious faith is an abomination. And I do not think we should ignore the impact of U.S. law on helping change the policies of other countries. If Senator Paul's amendment were adopted, I think we would see some of these countries have a very serious consideration about repealing those laws, and I think when it comes to U.S. aid, we ought to use it in a way that supports our interests and

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

supports our values. And so I will be supporting Senator Paul's amendment, even though he did not support my amendment.

[Laughter.]

The Chairman: Very gallant of you. Senator Paul?

Senator Paul: Well, what to say? In response to those who are worried about our strategic relationship with countries that put people to death for blasphemy, this would only prevent foreign aid, not military sales of weapons, alliances, going to war with people. So if you still want to fight arm-in-arm with those people, killing people for blasphemy, you would be allowed to under this. This is just foreign aid. I think at the very least we can limit gifts to people and say, for goodness sakes, you cannot put people to death, you know, for intermarriage of faiths or blasphemy. And the reason we put it on this vehicle is because this vehicle will pass. If we put it on another vehicle, then it will become symbolic and never become law. Thanks.

The Chairman: The clerk will call the roll on the Paul Amendment.

The Clerk: Mr. Cardin?

Senator Cardin: No.

The Clerk: Mrs. Shaheen?

The Chairman: No by proxy.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

The Clerk: Mr. Coons?

Senator Coons: No.

The Clerk: Mr. Murphy?

Senator Murphy: No.

The Clerk: Mr. Kaine?

Senator Kaine: No.

The Clerk: Mr. Markey?

Senator Markey: No.

The Clerk: Mr. Merkley?

Senator Merkley: No.

The Clerk: Mr. Booker?

The Chairman: No by proxy.

The Clerk: Mr. Schatz?

The Chairman: No by proxy.

The Clerk: Mr. Van Hollen?

Senator Van Hollen: No.

The Clerk: Mr. Risch?

Senator Risch: No.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

The Clerk: Mr. Rubio?

Senator Risch: No by proxy.

The Clerk: Mr. Johnson?

Senator Johnson: Aye.

The Clerk: Mr. Romney?

Senator Risch: No by proxy.

The Clerk: Mr. Portman?

Senator Risch: No by proxy.

The Clerk: Mr. Paul?

Senator Paul: Yes.

The Clerk: Mr. Young?

Senator Young: No.

The Clerk: Mr. Barrasso?

Senator Risch: No by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: Aye.

The Clerk: Mr. Rounds?

Senator Rounds: No.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

The Clerk: Mr. Hagerty?

Senator Hagerty: Aye.

The Clerk: Mr. Chairman?

The Chairman: No.

The clerk will report.

The Clerk: Mr. Chairman, the ayes are 4; the nays are 18.

The Chairman: And the amendment is not agreed to.

The question is on the motion to approve S. 93, as amended.

All those in favor will say aye.

[Chorus of ayes.]

The Chairman: All those opposed will say nay.

[No response.]

The Chairman: The ayes have it, and S. 93 is reported favorably to the Senate.

Now, my understanding is that this vote will only be held open until 3:00

because the Vice President is waiting to cast a vote, and so I am happy to come back and entertain remarks. If somebody can do it in a minute, I am happy to consider that.

Senator Kaine?

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Senator Kaine: In 1 minute, just with respect to S. J. Res. 10, the AUMF, we were anxious to move to that today because the 1991 and 2002 AUMFs were AUMFs to authorize military action against a government of Iraq that no longer exists. They were not to authorize action in Iraq. We toppled the government of Saddam Hussein, and Iraq is now a strategic partner. However, I do think the comity provision in this committee that allows something to be postponed for one meeting makes sense, and I also believe that the request for a briefing on the topic is a good faith request. And so I believe, together with my co-sponsor Senator Young, look forward to that discussion.

The Chairman: Thank you very much. Senator --

Senator Young: Mr. Chairman, I have some remarks along those lines that I just ask be submitted for the record.

The Chairman: Absolutely. Without objection, they shall be submitted.

[The information referred to follows:]

Statement Submitted by Senator Young

AUMF REPEAL / HOLD-OVER

I appreciate, and share, the comments and sentiments expressed by my colleagues concerning the need for this Committee to conduct rigorous oversight while jealously guarding our war powers authorities.

Most members around this room will recall a debate we had last Congress (May 2019) during the Caesar Syria bill. I was inclined to support an Amendment offered by former Senator Udall concerning the 2001 AUMF

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

and its applicability to Iran. The only reason I ended up opposing that amendment is because then-Chairman Risch made a commitment to hold a hearing on the topic. True to his word, that hearing was held in July 2019.

I supported then, as I do now, the prerogatives of this Committee to engage on these issues.

However, I think the provision before us today is quite a bit different. Unlike last Congress, where we were dealing with potentially expanding authorities in the 2001 AUMF, we have before us this week a resolution to repeal and take back the authorities that we have granted the Executive Branch that are no longer required.

I do not support calling the Secretary of State or others from the Administration to appear before this Committee to discuss this topic because we already know where they stand.

We have a Statement of Administration Policy [SAP] that clearly articulates the Administration's support for repeal -- "As the United States has no ongoing military activities that rely solely on the 2002 AUMF as a domestic legal basis, and repeal of the 2002 AUMF would likely have minimal impact on current military operations."

I brought up this very topic to Secretary Blinken during his confirmation hearing. To my question about the applicability of the 1991 and 2002 AUMF he replied "I think it is long past time that we revisit and review them. I think in many instances they have been cited and used in countries or against groups that were not part of the original authorization."

Taken together, it is clear that the Administration supports this Committee taking this action. Delaying for additional hearings with members of the Administration is not necessary given the support they have expressed.

That said, I do support my colleagues' expressed desire to better understand these issues in a classified setting.

I would like to see the Committee hold such a briefing before we move forward with a vote.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

Mr. Chairman, I would request that we work together get a classified briefing accomplished before this repeal is considered by this Committee or is moved on the Senate Floor.

Thank you.

Senator Coons: I look forward to working with you and the ranking member on the health bill. I think it is critical we partner with State and AID to make sure we know their perspectives and we are well prepared for the pandemic. I would ask to be joined as a co-sponsor to S. 2000 and S. Res. 67, 154, and 176. Thank you, Mr. Chairman.

The Chairman: Without objection, so ordered.

Senator Cruz: Mr. Chairman?

The Chairman: Senator Cruz?

Senator Cruz: I likewise have some remarks that I would ask be submitted to the record on the committee's adoption of my amendments concerning Nord Stream 2 pipeline, on S. 14, the Combating Global Corruption Act. And so I would ask that they be submitted for the record.

The Chairman: Without objection.

[The information referred to follows:]

Statement Submitted by Senator Cruz

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

I'd like to thank the Chairman, Ranking Member, and Senator Cardin on working with my team to include this important provision into this crucial bill, S. 14, Combatting Global Corruption Act.

Putin's Nord Stream 2 pipeline will be a generational geopolitical catastrophe if it comes online.

It is also one of the most corrupt infrastructure projects in the world. In 2018 there was a report published by Sberbank, the largest bank in Russia and Central Europe, about that corruption. No one will be surprised to learn that the report was very quickly pulled down.

The report was damning regarding the pervasive levels of corruption around Nord Stream 2 and the company ultimately building it, Gazprom. It said that that Nord Stream 2 was "deeply value-destructive," "foisted on the company by the government pursuing a geopolitical agenda," and "employ[s] a closely knit group of suppliers in Russia, with little outside supervision." It repeatedly outlined how Nord Stream 2 has been used as an excuse to pay companies to expand Russian energy infrastructure internally, and bids went to that small group of oligarchs including shareholders under US sanctions.

This Committee has led the fight to block it and impose costs on the companies building the pipeline. It has been a multi-year, bipartisan push. I'm proud that we are again taking action.

Today's vote will send a strong signal: United States will not allow Russian corruption to continue without accountability. As long as Nord Stream 2 remains under planning, construction, and operation, those efforts will be extended and deepened. Anyone involved in this project should understand that their reputation and credibility are being put in breathtaking danger – and will continue to be – by the endemic corruption that surrounds it.

The Chairman: With that, unless there is any other member seeking recognition, this completes the committee's business.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021

I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

And with that, the committee stands adjourned.

[Whereupon, at 2:58 p.m., the committee was adjourned.]

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, June 22, 2021