

BUSINESS MEETING

Thursday, June 24, 2021

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

The committee met, pursuant to notice, at 11:16 a.m., in Room SD-106, Dirksen Senate Office Building, Hon. Bob Menendez, chairman of the committee, presiding.

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

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

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

Today we will be taking up two bills and nine nominations that were held over from our business meeting on Tuesday. And before I turn to the agenda, I would like to make some brief remarks about our committee and its practices.

I am a believer in the ability of senators on this committee to hold over an item. As chair, I have always honored holdover requests, but we are seeing a new and unfortunate trend on the committee, one that is different than anything I have seen

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during my 14 years on the Foreign Relations Committee, one that is putting additional burdens on all of your time, and one that I find to be counterproductive to our collective cause: advancing the foreign policy and national security of the United States. I cannot recall a time when there was a blanket holdover on career nominees, people who have sacrificed to serve their country and then are held in limbo, presumably because of unhappiness over a policy that has nothing to do with the positions for which they have been nominated and over which they have no influence. I do not recall any Democratic member doing that during the Trump Administration. I certainly did not, and I would not have supported it despite deeply problematic policies and behavior at the most senior levels of that Administration.

Similarly, I cannot remember any situation that is analogous to the holdovers of the Uyghur Forced Labor Act and the Israel Normalization Act. Both of these bills have been co-sponsored by 50 or more senators. Think about that: half of the Senate or more is on these bills, yet amendments on both with 7 days' notice would, for some reason, not have been sufficient to move them out of committee without a holdover. We need to return to a place where we are moving strong bipartisan legislation, and career nominees in particular, in regular order and without holdovers.

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Finally, a housekeeping note. In consultation with the ranking member, I set amendment deadlines for each business meeting. These deadlines are shared with every member of the committee and noticed publicly 7 days in advance. The purpose of the deadlines is to ensure that we are balancing members' rights to offer amendments with the need for each member to have the opportunity to adequately consider all amendments prior to the markup. We have run into several situations recently where members have submitted amendments after the deadline, and while I have tried to be flexible within reason and have treated Democratic and Republican members in the same manner, I am concerned that if this trend continues, it will ultimately undermine the purpose and utility of the amendment deadline to the detriment of all members. As a matter of fact, there are several of our colleagues who have spoken to me in the past about the concerns they have of not having ample time to understand the amendments being offered. And that is what, in part, brought those deadlines.

As a result, going forward, I do not plan to take up amendments that are filed after the applicable deadline. Please keep this in mind for future business meetings, and I will be rather firm on that proposition. I think every member has a right to offer

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amendments, and I think everyone has a right to understand what amendments are being offered so they can cast an educated vote.

With that, let me turn to today's agenda. The two bills before us are S. 65, the Uyghur Forced Labor Prevention Act, and S. 1061, the Israel Relations Normalization Act. As you all know, the Uyghur Forced Labor Prevention Act was pending before the committee last year, and Senators Rubio and Merkley reintroduced a modified version this Congress. And while I am pleased that the sanctions provision from this bill passed out of our committee in the Strategic Competition Act and has now been approved by the full Senate, the bill is critical to addressing the genocide in Xinjiang. I want to commend Senators Rubio and Merkley for their leadership on this issue, and particularly for their extensive engagement with the prior Administration and the current Administration on the technical aspects of the text.

I would also note that the Administration announced yesterday that it is taking certain additional steps to combat forced labor in Xinjiang. Nonetheless, it is time for us to act on this piece of legislation, and I look forward to passing it out of the committee today with a strong bipartisan vote, and I intend to support it.

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Turning to the Israel Relations Normalization Act, I would like to recognize Senators Portman and Booker for their leadership on the bill, which represents important bipartisan support for the Abraham Accords and continued U.S. leadership in promoting Arab-Israeli cooperation. I am pleased that the substitute amendment we are considering today incorporates amendments filed in advance of our last markup by Senators Kaine, Van Hollen, Merkley, with the support of Senator Risch. This bill clearly has the support of many of our colleagues in the Senate, and I look forward to a swift passage.

Finally, turning to the nominations before us today, we have a number of qualified nominees, including ambassadorial nominees, for Algeria, Angola, Sao Tome, Principe, Cameroon, Lesotho, the Republic of Congo, and Somalia. We also have before us three assistant secretary nominees for International Organization Affairs, International Narcotics and Law Enforcement Affairs, and East Asia and Pacific Affairs. I look forward to their quick confirmations. I also want to note that I believe the IO Bureau, in particular, is in dire need of strong, seasoned leadership. Many of us will recall the concerning reports of political retaliation and poor management that were documented by the State Department inspector general in a report issued by my office.

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I am confident that Ambassador Michele Sison has the skills and experience to rebuild morale and capably lead the IO Bureau.

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

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

Senator Risch: Well, thank you very much, Mr. Chairman. First of all, let me briefly respond to your remarks on process. As you know, I have a no whining policy, and I recognize the chairman's ability in the committee to run the committee, and having been in an institution like this for 41 years, it is important, I think, that the chairman have the ability to do that. What you are talking about is not a change of the rules, but a change of the procedure. The only suggestion I would have, and I think it is important that everyone have a full understanding where we are going, is that you do a memo maybe and put it in writing as far as what to expect in the future. I think that will make it --

The Chairman: Yeah, if I may. I am not changing the procedure. What I am doing is simply adhering to the procedure we are supposed to have, which has been bled over by people filing after the amendment deadline. So I am just notifying people we are going to live within the rules as we have adopted.

Senator Risch: Fair enough. Thank you, Mr. Chairman. As you know, we will work with you every way we can to make this work.

Turning to the business meeting very briefly because we have already worked this over quite a bit. On the Israel bill, as I mentioned on Tuesday, I am glad to see that Senate Bill 1061, the Israeli Relations Normalization Act, will be voted on by the committee. The last time I checked, the bill had over 50 co-sponsors. In particular, I want to recognize Senators Portman, Booker, Cardin, Young, and Menendez for their leadership on this bill, which emphasizes the importance of normalization agreements between Israel and its Arab neighbors. This has wide support within this body, and rightfully so. Many of us have concerns that the Administration lacks the resources to further the Accords. This important legislation requires a strategy to strengthen and expand the Abraham Accords and an assessment of resources required to do so. These agreements and agreements like them have the potential to transform the Middle East, and I hope Congress will act swiftly to approve this bill.

As to the Uyghur Forced Labor bill, let me start by thanking Senators Rubio and Merkley, recognizing them for their work on this certainly important work. It is another bill that has broad bipartisan support. The atrocities and human rights abuses being

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committed by the Chinese Government in Xinjiang are truly abhorrent. The PRC Government's endorsement of forced labor in Xinjiang is detestable, and this bill will focus on our government's diplomatic and economic efforts to address this practice. Senate Bill 65 will require the Administration to work with the private sector and provide comprehensive guidance to ensure U.S. companies are not using forced labor in their supply chains. It would significantly strengthen our government's ability to restrict the importation of goods made with forced labor in Xinjiang. I urge my colleagues to support this bill.

With that, I want to thank you and yield back. Thank you, Mr. Chairman.

The Chairman: Thank you, Senator Risch. With that, we will now consider nine nominations on the agenda, en bloc. They are Michele Sison to assistant secretary of state for International Organization Affairs; Larry Andre, Jr., to be ambassador to Somalia; Maria Brewer to be ambassador to Lesotho; Tulinabo Mushingi to be ambassador to Angola and to serve concurrently as ambassador to Sao Tome and Principe; Elizabeth Moore Aubin to be ambassador to Algeria; Eugene Young to be ambassador to the Congo; Christopher Lamora to be ambassador to Cameroon; Todd Robinson to be assistant secretary of state for International Narcotics and Law

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Enforcement Affairs; and Daniel Kritenbrink to be assistant secretary of state for East Asia and Pacific Affairs.

Do any members have any comment that they wish to make on any of these nominations?

[No response.]

The Chairman: If not, is there a motion to approve these nominations en bloc?

Voices: So moved.

The Chairman: So moved. Seconded?

Voices: Second.

The Chairman: Moved and seconded. The question is on the motion to approve the nominations en bloc.

All in favor will say aye.

[Chorus of ayes.]

The Chairman: All those opposed will say no.

[No response.]

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

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We will now consider S. 65, the Uyghur Forced Labor Prevention Act. Are there any members who wish to comment on the bill?

Senator Rubio: Mr. Chairman?

The Chairman: Senator Rubio?

Senator Rubio: Thank you, Mr. Chairman and the ranking member, for bringing this up. I want to thank Senator Merkley who has been a phenomenal partner in this. I do not think this issue needs a lot of explanation, by the way, with 53 co-sponsors, many members of this committee. Just briefly, for those who may be watching or wondering why this is coming up, the Chinese Communist Party has turned Xinjiang into a huge labor camp. If you look at the satellite imagery, it indicates that there are more than 100 mass detention facilities in the area. Researchers have identified 15,000 companies that are located in or near these facilities that are exporting products to places around the world, and that actually just scratches the surface about what we know because auditors are not allowed to conduct proper due diligence in China. In fact, a report from last September noted that there are at least five organizations that they will not help companies audit their supply chain in Xinjiang because the police state and the

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Government of the Chinese Communist Party makes it impossible to determine whether factories or farms are relying on forced labor. This is slavery, simple as that.

American companies argue that their supply chains are clean, and what this bill says is prove it, especially if it is coming out of Xinjiang. It says if you want to import something to the United States from this region, you have to prove that those goods were not made with forced labor; otherwise, it is presumed that it was. And that presumption applies to everything, every good everywhere, every article, every merchandise, everything that is mined, produced, manufactured, wholly or in part. Everything is presumed to be made with forced labor unless they can prove otherwise, which will be, I think, in most cases, nearly impossible to do, if not all cases, because the Chinese Communist Party does not allow those kinds of audits to occur.

So that is what the bill does. I hope we can pass it. We have had to work with the House to get the language lined up. We really just want to make this a law. Can we always make it better and stronger? I imagine you always could argue that, but if we do not get this thing past the finish line and over to the House, there is a chance it will take another year to pass it. And I think it is time to act on this, and I hope we will. Thank you.

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The Chairman: Thank you. I commend both you and Senator Merkley on your work here. Senator Merkley?

Senator Merkley: Thank you, Mr. Chairman, and a huge thanks to Senator Rubio for leading this effort. I have been pleased to partner with him on that. The senator from Florida also was chair of the Congressional Executive Commission on China, and I am chair now. We have been working together on these human rights issues, and I appreciate the support of the Commission team in helping develop insights and strategies for this bill.

The scope and scale of forced labor in Xinjiang demands bold action. The Chinese Government is systematically and pervasively exploiting the forced labor of Uyghurs, Kazakhs, and other predominantly Muslim ethnic minorities through labor and mass internment camps, prisons, labor transfers, and so forth. This is part of a larger pattern of oppression that includes restrictions on reproductive possibilities for Uyghurs and other groups.

The former Secretary of State went through the process and found that the actions of China constituted genocide. Our current Secretary of State's team has done the same and reached the same conclusion. This labor abuse is involved in a staggering

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range of industries and products, so it taints the supply chain if American companies and consumers are buying products from that region. It makes us complicit in this horrific abuse of human rights, and, thus, this bill is absolutely necessary to sustain our values. It comes a week after we recognized Juneteenth as a holiday, Juneteenth a holiday that celebrates the end of slavery, forced labor in America. Let us follow up on that by recognizing and acting on the issue of slavery, forced labor in China.

The Chairman: Thank you, Senator Merkley. Anyone who wishes comment on this bill at this point? Senator Cruz?

Senator Cruz: Thank you, Mr. Chairman. I have an amendment on this bill that I want to call up. It is Cruz First Degree 1.

The Chairman: I would ask the gentleman to withhold. I was looking for comments. We are going to have a substitute and then your amendment would be in order.

Senator Cruz: Okay. Then I will withhold, and I will discuss my amendment at the appropriate time.

The Chairman: Okay. If there are no other members looking to comment on the bill, I would ask that there be a motion to approve the substitute amendment by voice vote. Is there so --

Voice: So moved.

The Chairman: So moved. Seconded? I will second it myself. It is moved and seconded.

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

All those in favor will say aye.

[Chorus of ayes.]

The Chairman: Opposed?

[No response.]

The Chairman: There are no noes. The ayes have it, and the amendment is agreed to.

All right. Now, are there any further amendments? Senator Cruz?

Senator Cruz: Thank you, Mr. Chairman. At this point, I call up Cruz First Degree 1. Let me say the underlying bill is an important initiative, and I am proud to support it. I commend the members on both sides of the aisle who have worked on it.

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This is an existing and deepening bipartisan consensus that if you have a product with metals or minerals from Xinjiang, that it was made with forced labor, that it was made with slavery. However, there is one major potential exception to this bill that has the potential to dramatically undermine its effectiveness and weaken it, and that concerns electric vehicles.

Right now, China, according to the most recent authoritative report on this issue published just a few days ago, "China leads across the electric field -- vehicle value chain, from critical mineral inputs, to battery production, to vehicle manufacturing, and even increasingly to EV brands. The global transition to EVs relies on Chinese inputs. More specifically, Chinese manufacturers account for over 50 percent of global EV production. China also leads global battery production and has developed outsized control over the critical materials inputs."

EVs and the inputs for EVs are being manufactured in Xinjiang, manufactured with forced slave labor, manufactured with horrific human rights conditions. What my amendment does is makes clear that we cannot import electric vehicles from Xinjiang. Now, one of the objections to this amendment is the amendment is redundant, but I am going to tell you why it is not redundant, because there is countervailing legal authority

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that we have, and, in particular, it is President Biden signed Executive Order 14008 directing the Administration to use the full extent of all legal authorities to import electric vehicles.

The mandates in Executive Order 14008, they are vast. They require officials to subordinate all domestic and foreign priorities to the requirements in the order. The order applies to all executive officials, including explicitly the Secretary of Homeland Security, who oversees Customs and Border Protection, and they are ordered to use all legal means and "all available procurement authorities to acquire EVs for the government fleet." They are ordered explicitly to prioritize these mandates in their contracting and procurement.

Today, the House Appropriations Committee is advancing a fiscal year 2022 bill that creates a \$300 million electric vehicles fund for agencies to purchase EVs. If my amendment is not adopted, here is what I believe will happen. This bill will pass into law, and the Administration will follow the terms of this executive order and grant an exemption for EVs coming from Xinjiang, and we will begin bringing in hundreds of millions of electric vehicles manufactured by slave labor in grotesque circumstances. I do not believe that is justified. I think this committee should speak clearly that we are

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not going to be importing vehicles made through slavery. And so I would urge adoption of my amendment.

Senator Rubio: Mr. Chairman?

The Chairman: Who seeks recognition? Senator Rubio?

Senator Rubio: I, too, do not want us to see us import anything from Xinjiang because I think everything that is made there, we have to presume is made with slave labor, and that is what this law does. This law would prohibit it. Senator Cruz makes an important point about executive orders, and I, too, am concerned about that executive order, which is why passage of this bill is so important because legislative language implemented into law by the House, the Senate, signed by the President, would supersede. Now, could they obviously issue an executive order and ignore the law? They could. That is why we have courts, but, ultimately, they would be in violation of the law.

By its own terminology -- I do not have it in front of me, but I imagine it reads "all legal authorities." This takes away the legal authority to import anything -- anything -- from a plastic toy to an electric car from Xinjiang, unless you can prove a bunch of things, the most important of it being that the good was not mined, produced, or

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manufactured wholly or in part by forced labor. So I actually think that this bill is needed in order to make sure that that executive order cannot be used in the way that the Senator is concerned about, and I oppose this amendment because I just think the bill covers everything. It says everything is banned from Xinjiang, and the bar for meeting the presumption is so high given the nature of the Chinese government in particular, it is practically impossible to conduct proper due diligence in Xinjiang because of the government's control. They will not allow it. And so I do not believe this amendment is necessary, and I actually think that it speaks to the importance of the bill as a whole.

The Chairman: Senator Merkley?

Senator Merkley: Thank you, Mr. Chairman, and I echo my colleague's points. The structure of the bill presumes that goods have been built with forced labor, with slave labor, but it provides an opportunity for corporations to show otherwise and prove their case, referred to as rebuttable presumption. That rebuttable presumption should be applied equally across all industries, which it would not be if that was stripped from one particular industry. And so for those reasons, I join my colleague in opposing the amendment.

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The Chairman: Any other member seeking recognition on this amendment?

Senator Hagerty: Mr. Chairman?

The Chairman: Yes.

Senator Hagerty: Mr. Chairman?

The Chairman: Senator Hagerty, yes?

Senator Hagerty: Thank you. Mr. Chairman, I would like to compliment my colleagues, Senators Merkley and Rubio, for the hard work that they put into this amendment, which I supported, but I also share Senator Cruz's concerns about this executive order. And I would like to call up an amendment, Hagerty Second Degree 1 to Cruz First Degree 1.

This amendment, which I introduced earlier this week, seeks to explicitly prohibit the importation of solar panels, which similarly would be covered under the executive order that Senator Cruz mentioned, and prohibit the importation of those panels that are produced or manufactured in Xinjiang with slave labor, keep them from entering the United States. There is growing bipartisan consensus that China's supply chain, with respect to solar panels, heavily relies upon forced labor. Indeed, the Biden Administration just put out a fact sheet this morning highlighting the issue and

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authorizing our Customs and Border Patrol to detain shipments that contain products made by Hoshine. That is a Chinese company that uses forced labor to make solar panels. So I suggest that we should expand the ban and make it explicitly clear that solar panels made in China with forced labor will not enter the United States. Mr. Chairman, I ask for a recorded vote.

The Chairman: Anyone seeking recognition? Senator Markey?

Senator Markey: Yes, Mr. Chairman, I have an amendment at the desk, and I would like to offer my second degree amendment to -- depending upon the --

The Chairman: In procedure, we have the Hagerty Amendment before us as a second degree. We are going to have to vote on that first.

Senator Markey: Well, may I speak on the Hagerty Amendment and Cruz Amendment --

The Chairman: Yes, you may.

Senator Markey: -- as they are both pending before I make my amendment. My objection to these two amendments is that each of these amendments is selectively targeting electric vehicles and solar technologies. My amendment will replace the unnecessary Cruz Amendment language with a requirement that the United States

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Government address the true source of the problem that leads to the importation of goods implicated in Chinese forced labor, the fact that these items are no longer produced in the United States. Senator Cruz's amendment to prohibit exceptions only for electric vehicles is so selective, so targeted, that its true purpose is undeniable. It is aimed at slowing and demonizing the transformative clean energy economy, which is saving consumers money and saving us from the existential threat of carbon pollution energy. If we want to protect human rights, let us look at the big picture problem.

Millions of items come into the United States from China every year, yet we are supposed to believe the only special concerns relate to solar panels and electric vehicles.

What do these two items have in common? Well, they pose a threat to the big oil industry, and I would like to direct my colleagues' attention to the July 2020 Business Advisory issued by the Trump Administration -- identifying specific sectors implicated in forced labor inside Xinjiang. Here is what Donald Trump says. It is agricultural items. Cellphones. Every one of us is carrying a cellphone on us right now that is cited by the Trump Administration. Cleaning supplies, construction, cotton, electronics assembly, extractives, hydrocarbons, oil, uranium, zinc, fake hair and wigs, food

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processing, noodles, printing products, footwear, sugar, textiles, toys. That is a lot of products. That is a lot of products, yet this amendment targets one particular industry.

Senator Cruz targets the electric vehicle industry; Senator Hagerty, the solar industry. Every single one of us has an iPhone as we are sitting here. Did you shop on Amazon Prime for a day? Did you check your email using Microsoft technology? These companies all reportedly provided web services to Chinese surveillance firms that help repress religious minorities. So we have to, in my opinion, have an ability to deal with all of these issues. So that is what my amendment does. It reinforces the fact that we are truly looking to halt the import of forced labor products, then we need to be ready to investigate all products that may be produced by forced labor in China. But we also have to recognize the other side of this coin. United States companies have abandoned American workers to bring their businesses to China. They have just abandoned our own workers where they are then complicit in human rights abuses, and that is across the board. If we want to stop the cycle of U.S. businesses facilitating and benefiting from forced labor and other abuses, we have to bring the production back home. And that is why my amendment will require the United States Government to offer a

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concrete proposal to increase United States' domestic production to replace all imports we know are being made by forced labor.

We need to be honest in the pursuit of human rights internationally. We just cannot be selective. We have to do this as a policy in our country, and we should not be backing any commercial interests that have a track record of putting personal profit over the lives of Americans and foreign workers. So I would say to my colleagues, I want to work with you. If you want to do something here domestically to protect the electric car industry or the solar industry to create production incentives, let us do it. Let us work together. Let us have a plan. China has a plan. We need a plan here domestically if we are going to win. And so my amendment basically says that our job here should be to not only be condemning what is going on, but to simultaneously put a plan together in order to make sure that we do not have to do this again in the future. Thank you, Mr. Chairman.

The Chairman: Thank you. Now, before I call on Senator Cardin, the second vote is about to be closed, and I am not sure how much longer they are going to keep it open, and we need to maintain this quorum. I would ask Senator Van Hollen if he could just stay with us a moment so that we can -- well, my purpose is to try to move to a vote

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on the amendment so that we can move forward, but we will need to keep the quorum or else we will not be able to do that.

Senator Van Hollen: Mr. Chairman, I do not know if they are going to close to vote, but I do have to vote there as well as here.

Senator Schatz: I think we all --

Senator Van Hollen: Are we all the same vote?

Senator Schatz: We all have to vote.

Senator Van Hollen: Oh, I did not realize that no one here has voted. Okay.

The Chairman: Yes, no one including the chair has voted.

Senator Van Hollen: Okay.

Senator Cardin: Mr. Chairman?

The Chairman: One moment, please. Senator Cardin, yes?

Senator Cardin: I will be brief. We had a subcommittee hearing on the circumstances with the Uyghurs. This is genocide what is happening there. I really applaud Senator Rubio and Senator Merkley for bringing us this bill. This bill is critically important for us to get done. It is drafted properly to deal with any product. Any product. This is not the debate on the climate agenda, so the amendments actually,

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I think, weaken the bill. Any one of the versions would weaken the bill. Now, I am very much opposed to any of these amendments. I think the Markey Amendment is the best of the three, so I would support it as to what we should vote on, but I hope that we reject all these amendments. The bill is drafted for all goods. We should not be getting into a climate discussion on a bill that is so important to deal with a global human rights urgency.

The Chairman: Thank you. Senator Cruz, I will give you another shot here, and then we are going to go to a vote.

Senator Cruz: Thank you, Mr. Chairman. Let me, first of all, thank Senator Hagerty for his amendment. I think it is a good and positive amendment, and I am willing to accept it as a friendly amendment and incorporate it into my amendment because I think it is consistent with the spirit and objective of my amendment, and I think it improves it.

Addressing the arguments that have been made in response to this amendment, I do not think the arguments withstand even the slightest scrutiny. There are two possibilities. One, Senator Rubio suggested this amendment is unnecessary. The bill already prohibits electric vehicles made with slave labor. If the bill already does it, if it

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is purely redundant, then it ought to be easy to accept this amendment. The problem is that argument is not true. The bill explicitly contains a provision for the commissioner of Customs and Border Patrol to make exceptions. If it were redundant, it would be easy for everyone to vote for it. The reason why this is contested, the reason why there is disagreement is because it is not redundant. Several senators have asked, why would you directly address electric vehicles or solar panels? It is not complicated: because the Biden Administration has made clear that its priority is electric vehicles and that priority trumps everything else. So there is a reason to anticipate that the Biden Administration will invoke that exception.

I would note, Senator Markey, in his language, I think perhaps grabbed the wrong folder walking in and got his talking points from the 1970s when he said that Texas does not understand alternatives to energy. I will point out the State of Texas is the number one producer of wind energy in the country. The State of Texas produces far more solar energy than does the Commonwealth of Massachusetts. Tesla is now building electric vehicles in Texas. I am a big believer of all of the above. I think electric vehicles have enormous potential, I think solar has enormous potential, I think wind has enormous potential, and Texas is leading the front on all of those. But if this committee

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votes on a party-line basis right now to reject the amendment, I want people to understand the consequences of that because history is long. In particular, the votes in this committee last through history.

If this amendment is voted down, the underlying bill will pass, and then mark my words, the Biden Administration intends to waive these provisions for electric vehicles. And what any member of this committee who votes "no" on this amendment will be saying is that a political commitment to the Green New Deal matters more than stopping slave labor, because members of this committee will be deciding you are willing to bring in electric vehicles that were produced by slave labor in horrific human rights outcomes.

The Chairman: I think the gentleman has made his point. Gentlemen, I do not -- I do not --

Senator Markey: Point of personal privilege. One minute.

The Chairman: I do not want to mitigate debate, but the option is going to be to recess, go vote, and come back, and then I do not know that we will have a quorum --

Senator Markey: I can do it in --

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The Chairman: -- which may be the object of some not to have a quorum. Therefore, a vote cannot take place. But I will recognize the gentleman.

Senator Markey: I thank the chairman very much. I will just say this. Texas does produce oil, Texas does produce natural gas, but it does not produce solar panels or wind turbines. That is important. That is what we are talking about. We are talking about the imports, not our exports from the United States, which is something that I think the Senator from Texas wants to increase. A lot of the stuff that we are importing, it is made with slave labor, okay? That is what we are talking about.

Senator Schatz: Mr. Chairman?

Senator Markey: Texas does not manufacture those goods. Thank you, Mr. Chairman.

Senator Schatz: I have to preside at noon, and that is not a commitment I can avoid.

The Chairman: I understand.

Senator Schatz: So I would like to take the vote, with all due respect to all the members and their rights.

The Chairman: With that --

Senator Merkley: Mr. Chairman, 1 minute?

The Chairman: Less than 1 minute, please.

Senator Merkley: Less than 1 minute. The solar industry has already worked to start moving its production out of Xinjiang because of the important work that we are undertaking. If they were, in fact, accused of producing in that region, then they have the right and ability to demonstrate under the rebuttable presumption that that data is outdated and they have shifted their production. If you remove the rebuttable presumption, you basically take away the ability of any company to show that they have done what we have asked them to do, which is to move their production. The waiver that Senator Cruz speaks to is a waiver in which the company must prove that they have altered their behavior, and that is a very tough bar we are going to make sure the Administration enforces. Thank you.

The Chairman: Thank you. Based on Senator Cruz's suggestion, I will entertain that the vote be on the Hagerty Amendment to the Cruz Amendment, as amended by Hagerty. Is that acceptable to Senator Cruz?

Senator Cruz: It is certainly acceptable to have a vote on the amendment as modified by the Hagerty Amendment.

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The Chairman: All right. Thanks. So that is the vote, the Cruz Amendment as modified by Hagerty.

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?

Senator Coons: No.

The Clerk: Mr. Murphy?

The Chairman: No by proxy.

The Clerk: Mr. Kaine?

The Chairman: No by proxy.

The Clerk: Mr. Markey?

Senator Markey: No.

The Clerk: Mr. Merkley?

Senator Merkley: No.

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The Clerk: Mr. Booker?

Senator Booker: No.

The Clerk: Mr. Schatz?

Senator Schatz: No.

The Clerk: Mr. Van Hollen?

Senator Van Hollen: No.

The Clerk: Mr. Risch?

Senator Risch: No.

The Clerk: Mr. Rubio?

Senator Rubio: No.

The Clerk: Mr. Johnson?

Senator Risch: Aye by proxy.

The Clerk: Mr. Romney?

Senator Risch: Aye by proxy.

The Clerk: Mr. Portman?

Senator Risch: No by proxy.

The Clerk: Mr. Paul?

Senator Risch: Aye by proxy.

The Clerk: Mr. Young?

Senator Risch: Aye by proxy.

The Clerk: Mr. Barrasso?

Senator Risch: Aye by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: Aye.

The Clerk: Mr. Rounds?

Senator Rounds: No.

The Clerk: Mr. Hagerty?

Senator Hagerty: Aye.

The Clerk: Mr. Chairman?

The Chairman: No.

The Clerk: Mr. Chairman, the yeas are 7; the nays are 15.

The Chairman: And the amendment is not agreed to. I would ask if we can --
does the senator withhold his amendment based upon --

Senator Markey: Yes, I do.

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The Chairman: Thank you very much. The question then is a motion to approve S. 65, as amended.

All those in favor will say aye.

[Chorus of ayes.]

The Chairman: All those opposed will say no.

[No response.]

The Chairman: The ayes have it, and the legislation is approved, as amended, and reported to the Senate in favorable consideration.

Now, without objection, we will consider S. 1061, the Israel Relations Normalization of 2021.

Is there a motion to approve the substitute amendment?

Voice: So moved.

The Chairman: So moved. Is there a second?

Voices: Second.

The Chairman: All those in favor will say aye.

[Chorus of ayes.]

The Chairman: Opposed, say no.

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[No response.]

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

Are there any amendments to this legislation? Senator Cruz?

Senator Cruz: Mr. Chair, I have two amendments on this, which will take some time. So I know we have a vote, but I think these amendments need to be considered, so I do not know if the committee wants to recess or how the chairman wants to handle it.

The Chairman: Well, I do not think that the floor will keep the vote open anymore, so we will recess and immediately come back. I urge members -- this is the only piece left. It is an important piece of legislation, but obviously we need the appropriate quorum for it to be considered.

So the committee stands in recess subject to the call of the chair.

[Recess.]

The Chairman: This meeting will come to order.

When we recessed, Senator Cruz was offering an amendment, and I do not see him here.

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Senator Hagerty: Mr. Chairman?

The Chairman: Senator Hagerty?

Senator Hagerty: May I call up --

The Chairman: If you could put your microphone on, please.

Senator Hagerty: It is --

The Chairman: Oh, there it is.

Senator Hagerty: Can you hear me?

The Chairman: Yes.

Senator Hagerty: Okay. Now we got it. Sorry about that. Mr. Chairman, I would like to discuss Hagerty Second Degree 2, Hagerty Second Degree 1, and Hagerty First Degree 1. I intend to call for a recorded vote only on my first degree amendment. Hagerty Second Degree 2, which is the Iran Sanctions Relief Review Act, is what I would like to talk about first. This amendment would enable Congress to approve or block any Administration effort to suspend or terminate U.S. sanctions against the Iranian regime.

U.S. law empowers Congress to vote on supporting or blocking sanctions relief to Vladimir Putin and his regime in Russia. We need the same for the Iranian supreme

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leader and his regime, including the supremely hardline new president who was placed into power less than a week ago in a rigged election. Meanwhile, the Biden Administration is reportedly ready to lift sanctions on Iranian oil and shipping in an effort to reenter the flawed nuclear deal. This will provide billions of dollars to the Iranian regime, which will continue to fund Hamas and other terrorist organizations. In lieu of a vote on this amendment, I would request that the chairman and the committee work with me to address this issue.

Now, I would like to turn to discuss Hagerty Second Degree 1. This amendment would help our Israeli allies replenish their highly-effective Iron Dome rocket system. In Israel, I inspected the devastation caused by the rocket attacks of Hamas and other Iran-backed terrorists. Resupplying the lifesaving Iron Dome interceptors must be a top priority for Congress. The bill that I introduced with Senators Rubio, Cotton, and Cruz would redirect U.S. foreign assistance to replenish Israel's missile defense interceptors. This is not a partisan issue. This is about standing with Israeli allies and protecting innocent lives from terrorism. In lieu of a vote on this amendment, I also ask that the chairman and committee work with me to address this crucial issue.

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Now to Hagerty First Degree 1. Mr. Chairman, this first degree amendment would reaffirm that we must prevent any U.S. assistance to the Palestinian territories from being diverted to terrorists. This is especially important for Gaza, which is under the control of the Iranian-backed terrorist group, Hamas. On my recent visit Israel, top Israeli officials briefed me on many troubling examples of how Hamas diverts foreign assistance from the United States and from other donor nations. Too often this happens at the expense of the Palestinian people. Hamas diverts foreign assistance to fund their terrorist acts, and we must put an end to it. Mr. Chairman, I ask for a recorded vote on this amendment to prevent the diversion of foreign assistance to Hamas. Thank you.

The Chairman: Thank you. Is there anyone who wishes to speak to this amendment?

[No response.]

The Chairman: Well, let me just briefly speak to it. First, let us be clear. I do not believe anybody on this committee supports sending funds to terrorist organizations. This Administration does not support sending funds to terrorist organizations. Secondly, while I appreciate the senator's arduous advocacy for oversight, there are numerous laws on the books that prevent diversion of funds to terrorist organizations.

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Indeed, the Middle East Partnership for Peace Act is one such law that includes a provision that explicitly says none of the authorized funds can go to a terrorist organization or anyone involved in terrorist activity. So it would seem this amendment, like some others, has been drafted for a purpose that is either redundant or an effort to tweet against those who are voting against it.

And while I do not have substantive objections since this is already the law, there is absolutely no value added to S. 1061 or legitimate purpose, from my view of the amendment. This bill was carefully negotiated. It has garnered the support of more than half of the Senate, and therefore, I will oppose the amendment.

Senator Risch: Mr. Chairman?

The Chairman: Senator Risch?

Senator Risch: Well, Mr. Chairman, I take a little different view of this, and that is that I really believe, as you stated, we already have laws that prevent this. Unfortunately, these laws are frequently waived, ignored, or simply not followed, and I guess I view this as "we really, really mean it language" going forward, so I am going to vote for this. This despicable practice that they have over there that the terrorists have of the pay-for-slay program is just atrocious. And we keep pushing back against it, and,

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of course, the argument that, well, we do not use that exact language. Well, money is fungible, and as long as they have got that program, it is our money that is going into that. And I want to commend Senator Hagerty for bringing this up. I think it is something we need to talk about publicly, regularly, all the time, and until they get rid of that pay-for-slay program, I do not think we can say this enough. So I am going to vote for this.

The Chairman: The senator has asked for a recorded vote, as I understand it.

Senator Hagerty: Mr. Chairman?

The Chairman: The clerk will call the roll.

The Clerk: Mr. Cardin?

The Chairman: No by proxy.

The Clerk: Mrs. Shaheen?

The Chairman: No by proxy.

The Clerk: Mr. Coons?

The Chairman: No by proxy.

The Clerk: Mr. Murphy?

Senator Murphy: No.

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The Clerk: Mr. Kaine?

Senator Kaine: No.

The Clerk: Mr. Markey?

The Chairman: No by proxy.

The Clerk: Mr. Merkley?

Senator Merkley: No.

The Clerk: Mr. Booker?

Senator Booker: No.

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?

Senator Rubio: Aye.

The Clerk: Mr. Johnson?

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Senator Risch: Aye by proxy.

The Clerk: Mr. Romney?

Senator Risch: Aye by proxy.

The Clerk: Mr. Portman?

Senator Risch: Aye by proxy.

The Clerk: Mr. Paul?

Senator Risch: Aye by proxy.

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?

Senator Hagerty: Aye.

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The Clerk: Mr. Chairman?

The Chairman: No.

The Clerk: Mr. Chairman, the ayes are 11; the nays are 11.

The Chairman: And the amendment fails. Are there any other amendments to be offered? Senator Cruz?

Senator Cruz: Thank you, Mr. Chairman. I would call up Cruz First Degree 1, and I am going to have two different amendments on this bill, but we will start with Cruz First Degree 1.

Over the last few years, we have seen an incredible flowering of peace in the Middle East, culminating in the signing of the Abraham Accords. The reason for the success of the Abraham Accords is worth understanding. For years, U.S. foreign policy, both Democratic foreign policy and Republican foreign policy, began from the premise that there must be a full and permanent solution to the Israel-Palestinian dispute before any other peace accords could be reached. Resolving that conflict was viewed as the first and preeminent concern.

Hand-in-hand with that, both Democratic and Republican Administrations engaged in a pattern of consistent and deliberate ambiguity where they would blur the

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lines in terms of whether they would support Israel or whether they would support the Palestinians, and the enlightened wisdom in Washington was that ambiguity somehow furthered peace. After decades of failure, we have seen that that path does not work. In the last 4 years, the Trump Administration changed path in a way that I urged them to do so, which is clearly and unequivocally supporting the Nation of Israel, moving our embassy to Jerusalem, pulling out of the Iran deal, and that clarity, in turn, produced the Abraham Accords.

Unfortunately, in the first 5 months of the Biden Administration, they have reverted to the same failed approach that did not work in the Middle East. They have begun undermining the State of Israel. They have begun sending hundreds of millions of dollars to the Palestinian Authority that is in bed with Hamas. They are discussing opening a consulate in Jerusalem directed to the Palestinian people to undermine Israel's claims of sovereignty on Jerusalem. That approach -- and, indeed, the Biden Administration has gone so far in the State Department, they have prohibited employees from the State Department from using the words "Abraham Accords." There is a blacklist at Foggy Bottom. You are required to call them now "normalization agreements" and not the "Abraham Accords," not the historic peace deal that they were.

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What Cruz 1 does is it strikes one provision of this bill that was not in there until the very, very end, and I am a co-sponsor of this bill. But at the very end there were a couple of things added to the bill that were not there, and as a condition of my support were not there, and then at the very last minute, they were added to this bill. What this amendment does is it strikes the provision of the bill that says, "It is U.S. policy to support a negotiated solution to the Israeli-Palestinian conflict resulting in two states living side by side in peace, security, and mutual recognition." My view is we may well see a two-state solution, but it is not America's place to arrogantly lecture Israel that that has to be the resolution.

I think what this change and the other amendment that I am going to offer are doing, what the changes are to this bill are to codify the new Biden Administration pivot towards the Palestinian Authority and away from Israel. And so I believe we ought to allow the Israelis and the Palestinians to negotiate and arrive upon a peace deal. We saw that with UAE. We saw that with Bahrain. We had the first peace deals between Israel and Arab nations in decades. And by declaring that it is United States policy to support a two-state deal, we are going backwards on the progress we made in

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the last 4 years. I think we are decreasing the chances of peace, and I believe America should not be presuming to dictate the terms of peace to Israel.

Nobody wants peace more than the people of Israel, and the barrier to peace is the Palestinian Authority's consistent support of Hamas, support of terrorists. We saw Hamas just launch over 4,000 rockets into Israel. You cannot have peace when the other side of the negotiation demands your destruction and seeks your death. That is the barrier to peace. I think the people of Israel are eager for peace, but not peace with terrorists who will continually seek to murder them. And so I think this is a step backwards that hampers the peace process, and so my amendment simply strikes that provision.

The Chairman: Anyone else seeking recognition

Senator Kaine: Mr. Chair?

The Chairman: Senator Kaine?

Senator Kaine: The language that Senator Cruz objects to was language that I recommended with colleagues that was included in the manager's package. But contrary to his statement, this is not the U.S. imposing anything. This has been U.S. policy since it was part of the U.N. mandate that created the Nation of Israel. A U.N.

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mandate, following up courageous activity by Israelis, created the Nation of Israel with a two-state solution, led President Truman to overturn his own State Department and immediately recognize the State of Israel under those conditions. The notion of a two-state solution is the preferred policy of every Israeli politician that I have ever spoken with in all of my visits to Israel.

So this is not an imposition of anything. There is an attempt to strip the language, and Senator Cruz read it accurately: U.S. policy is to support a negotiated solution. Are we now against negotiated solutions to the Israeli-Palestinian conflict? Are we against a resolution to that conflict resulting in two states? Are we promoting one state now after 80 years of a U.N. mandate that the U.S. and other nations have supported, resulting in two states living side by side in peace, security, and mutual recognition? Do we have problems with peace or security or mutual recognition? This language is a restatement of the very conditions that surrounded the creation of the Nation of Israel and the U.S.'s immediate recognition of the State of Israel.

I am proud to co-sponsor this resolution because I came out immediately upon the Trump Administration's announcement of the Abrahamic Accords and said that it was a very positive step, and I believe that, and I think it has already borne some fruit in

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some ways. And I think those accords actually add additional resources and even momentum to potentially finding the just resolution with the two-state solution and Israel and Palestine living side by side as peaceful neighbors. So I do not think this is about imposing anything. I just think it is a matter of stating what I believe would be the desires of virtually everyone on this committee. So for that reason, I would oppose the amendment, Mr. Chair.

The Chairman: Is there any other member seeking recognition?

[No response.]

The Chairman: If not --

Senator Cruz: Mr. Chairman? Mr. Chairman, I would like to very briefly respond to something Senator Kaine said.

The Chairman: And it will be brief.

Senator Cruz: I would like to very briefly respond to --

The Chairman: It will be brief. Yes, go ahead.

Senator Cruz: Senator Kaine just said a moment ago, and I am sure he said it in good faith, that he was not aware of any Israeli politician who opposed a two-state solution. As the members of this committee are well aware, there is a new prime

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minister in Israel. His name is Naftali Bennett. I want to read you the title of an op-ed Naftali Bennett wrote in the *New York Times* on November 5th, 2014. The title of it is, "For Israel, Two-State is No Solution." And I would ask unanimous consent to enter that op-ed into the record.

The Chairman: Without objection.

[The information referred to follows:]

For Israel, Two-State Is No Solution

By Naftali Bennett

Nov. 5, 2014

<https://www.nytimes.com/2014/11/06/opinion/naftali-bennett-for-israel-two-state-is-no-solution.html>

JERUSALEM — Recent events in the Middle East are a reminder of how the old models of peace between Israel and the Palestinians are no longer relevant. The time has come to rethink the two-state solution.

This past summer, Hamas and its allies fired over 4,500 rockets and mortars at Israel, demonstrating once again what happens when we evacuate territory to the so-called 1967 lines and hand it over to our adversaries. Peace is not obtained. Rather, we are met by war and bloodshed.

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The rise of the Islamic State, also known as ISIS, and other extreme elements in Iraq, Syria and Lebanon, make the risks just as clear. Israel cannot afford to gamble with its security. There are no second chances in the volatile Middle East.

That is why, for its security, Israel cannot withdraw from more territory and cannot allow for the establishment of a Palestinian state in the West Bank. If we were to pull out of the West Bank, the entire country would become a target for terrorists who would be able to set up rocket launchers adjacent to the Old City of Jerusalem and on the hills above the runways of Ben-Gurion International Airport and the Tel Aviv Stock Exchange.

Take the Jordan Valley. The Palestinians demand that Israel withdraw from this narrow piece of land, which borders Jordan. But if we do so in today's climate, we potentially open the door for the Islamic State and other extremists to flood into the new Palestinian state. We cannot take that risk.

How do I know? Because it happened. Not once, not twice, but three times.

In the mid-1990s, we pulled out of Palestinian cities as part of the Oslo agreement. In 2000, the second intifada erupted and over 1,000 Israelis were killed in attacks carried out by terrorists, many of whom came from the very cities we had evacuated.

When we pulled out of Lebanon in 2000, we saw a significant strengthening of Hezbollah, the Iranian-backed militia. During the second

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Lebanon war six years later, Hezbollah fired more than 4,300 rockets at our cities.

And in 2005, we withdrew from the Gaza Strip and handed it over to the Palestinian Authority. We were told that Gaza would turn into the Singapore of the Middle East and that peace would grow out of the greenhouses the Jewish residents had left behind.

Instead, those greenhouses were used to cover up terrorists' tunnels dug across the border into Israeli towns and villages. Gaza quickly turned into a fortress of terror.

But this does not mean all hope is lost. There is still much we can do to improve ties with our Arab neighbors, to generate peace and to cultivate economic prosperity for all people who live in this land.

The secret is bottom-up peace. After more than two decades of working on a single solution for the Israeli-Palestinian conflict — the establishment of a Palestinian state — it is time to realize that coexistence and peaceful relations will not be obtained through artificial processes imposed on us from above. Instead, I propose a four-step plan.

First, we would work to upgrade the Palestinian autonomy in the West Bank, in the areas largely under Palestinian control (known as Areas A and B, according to the Oslo Accords). Ideally, this will be done in coordination with the Palestinian Authority.

The Palestinians will have political independence, hold their own elections, select their own leadership, run their own schools, maintain

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their own social services and issue their own building permits. They should govern themselves and run their day-to-day lives. Israel should not interfere. Much of this already exists, but we can do better.

This Palestinian entity will be short of a state. It will not control its own borders and will not be allowed to have a military.

Gaza already functions like a state, but the Hamas government in control there is bent on Israel's destruction. As long as Gaza remains on this path, it cannot be a party to any agreement.

The second step will see the massive upgrade of roads and infrastructure, as well as the removal of roadblocks and checkpoints throughout the West Bank. The objective will be to ensure freedom of movement for all residents — Palestinian and Israeli — and to improve their quality of life.

No peace, though, can last without economic viability. So the third step will be to build economic bridges of peace between Israelis and Palestinians.

In my former career as a high-tech entrepreneur, I saw how diverse people from different backgrounds could learn to work together in pursuit of economic prosperity. Already, there are 15 industrial zones in the West Bank where Israelis work alongside about 15,000 Palestinians. These zones pump about \$300 million a year into the Palestinian economy. Imagine what another 15 industrial zones could do.

Lastly, I propose applying Israeli law in Area C, which is the part of the West Bank controlled by Israel under the Oslo agreement. The

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Palestinians who live there would be offered full Israeli citizenship. We can start with the known settlement blocs that everyone agrees will remain part of Israel even under a final status agreement. By applying Israeli law and asserting national sovereignty in those blocs, while upgrading Palestinian autonomy in Areas A and B, we will reduce the scope of territory in dispute, making it easier to reach a long-term agreement in the future.

I am aware that the world will not immediately accept this proposal. It seems to go against everything Israel, the Palestinians and the international community have worked toward over the last 20 years. But I will work to make this plan government policy because there is a new reality in the Middle East, which has brought an end to the viability of the Oslo peace process.

The regional upheaval and disintegration of nation states oblige us to act responsibly. We must work toward realistic goals that are capable of providing real security and economic prosperity.

Senator Cruz: Given that the current prime minister of Israel has been explicitly on record raising concerns about a two-state solution, particularly a two-state solution forced from outside of Israel, I think the senator was mistaken when he said Israeli officials have not made this case. And I believe we should be agnostic. We should allow Israel and the Palestinians to achieve peace on their own terms without presuming to dictate the terms of peace or without presuming to dictate the terms of security.

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The Chairman: The senator from Texas is opposed to language that reaffirms longstanding bipartisan U.S. policy to support direct negotiations between Israelis and Palestinians in support of a two-state solution, but I am not totally clear on the senator's position here. Is it that he no longer believes a two-state solution is the most viable and sustainable path for Israel's long-term national security and democratic character? I would also point out that the senator is a co-sponsor of the base bill, which includes the following finding: "These historic agreements could help advance peace between Israel, the Arab states, and relevant countries and regions, further diplomatic openings and enhance efforts towards a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic Jewish state of Israel and a viable democratic Palestinian state living side by side in peace, security, and mutual recognition." So I look at this, and I will ask unanimous consent that the rest of my statement be included in the record.

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[The information referred to follows:]

STATEMENT SUBMITTED BY SENATOR ROBERT MENENDEZ

Last month's violence between terrorists in Gaza and Israel offered yet another reminder that the status quo is not tenable for the safety and security of Israelis or Palestinians.

While the United States should not – and indeed cannot – impose a two state solution or any final status agreement, it remains in our interest to support those efforts. Israelis and Palestinians deserve to live in peace, security, and dignity – and the best way to achieve that is through continuing the longstanding, bipartisan objective of supporting a two-state solution.

I oppose this amendment and urge my colleagues to do the same.

The Chairman: The base bill that the gentleman ultimately co-sponsored before anything was changed talked about that. So with that, the question is --

Senator Cruz: Mr. Chairman?

The Chairman: The question is on the Cruz Amendment.

Senator Cruz: Mr. Chairman, you just raised something about what I said. I would like to be able to respond to it.

The Chairman: The gentleman has had two rounds to make --

Senator Cruz: You asked why I sponsored something. I would like the ability to respond to the charge you made.

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The Chairman: I asked -- the gentleman has had two rounds, and it is time to vote on the Cruz Amendment.

Senator Cruz: So a point of personal privilege. If you are going to say something about me and what I support, then I should have the ability to respond to it.

The Chairman: I said nothing about the gentleman. I asked a question as to what is his ultimate goal.

Senator Cruz: So you are afraid of a response? You are unwilling to allow me to respond?

The Chairman: Senator Cruz, this committee has had a long history which you are blackening.

Senator Cruz: I am blackening it by wanting to respond to a charge you directed at me.

The Chairman: By virtue of turning the committee's --

Senator Cruz: You want to make charges and not have --

The Chairman: -- of turning the committee's business for a political purpose.

Senator Cruz: What political purpose --

The Chairman: We have had no history of that.

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Senator Cruz: What political purpose is that?

The Chairman: We have had no history of that.

Senator Cruz: Mr. Chairman, what political purpose is that?

The Chairman: You understand the political purpose very well.

Senator Cruz: No, I really do not.

The Chairman: Maybe it is your presidential aspirations, I do not know, but you are turning it into political purposes.

Senator Cruz: Mr. Chairman --

The Chairman: You held over every nominee. Every nominee. I have never seen that.

Senator Cruz: Well, and I did so for a policy that, Mr. Chairman, you supported__

The Chairman: It has no policy issue.

Senator Cruz: __that the Biden Administration has deliberately undercut and given as a gift to Putin and Russia. And at least in the prior Administration, you agreed with that. You leveled a charge against me. Apparently you do not want a response to that.

The Chairman: But I never in the prior Administration held up all of the nominees on an agenda because I had a policy difference. You are the first member that I know of to do that. In any event, I will give you 2 minutes to respond, and then we are going to vote on your amendment.

Senator Young: Can we turn to something easier, like AUMF, Mr. Chairman?

[Laughter.]

The Chairman: I hope you can make that easy.

[Laughter.]

The Chairman: Two minutes. The gentleman is recognized.

Senator Cruz: Mr. Chairman, the language you that read from the base bill, I did agree to because the base bill discussed that the Abraham Accords could lead to a negotiated two-state solution. I agree with that. It could lead to that. And that language, my staff specifically negotiated with your language as being agreeable, then in the manager's package at the last minute, that language was changed. Now, people are entitled to change the language, but I disagree with the change of the language, and it went from saying it could lead to a negotiated two-state solution to it is U.S. policy to support that. Making it U.S. policy to try to impose a two-state solution, I believe, is a

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material change. I think it is a harmful change. I think it is harmful to the peace process, and that is why I believe this bill should not have that language. I would be very happy going back to the original language that was there before it was changed.

The Chairman: The vote is on the Cruz Amendment, and 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?

The Chairman: No by proxy.

The Clerk: Mr. Murphy?

Senator Murphy: No.

The Clerk: Mr. Kaine?

Senator Kaine: No.

The Clerk: Mr. Markey?

The Chairman: No by proxy.

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The Clerk: Mr. Merkley?

Senator Merkley: No.

The Clerk: Mr. Booker?

Senator Booker: No.

The Clerk: Mr. Schatz?

The Chairman: No by proxy.

The Clerk: Mr. Van Hollen?

The Chairman: No by proxy.

The Clerk: Mr. Risch?

Senator Risch: No.

The Clerk: Mr. Rubio?

Senator Rubio: Aye.

The Clerk: Mr. Johnson?

Senator Risch: No by proxy.

The Clerk: Mr. Romney?

Senator Risch: No by proxy.

The Clerk: Mr. Portman?

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Senator Risch: No by proxy.

The Clerk: Mr. Paul?

Senator Risch: No by proxy.

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.

The Clerk: Mr. Hagerty?

Senator Hagerty: Aye.

The Clerk: Mr. Chairman?

The Chairman: No.

The Clerk: Mr. Chairman, the ayes are --

The Chairman: Senator Markey wishes to be recognized as voting?

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Senator Markey: In person.

The Chairman: No in person. The clerk will report.

The Clerk: Mr. Chairman, the ayes are 3 and the noes are 16.

The Chairman: And the amendment fails. Senator Cruz, you have another amendment?

Senator Cruz: I do. I call up Cruz First Degree 2. When it comes to the Abraham Accords and the Biden Administration's policies, in the last several months the Biden Administration has sent hundreds of millions of dollars to the Palestinian Authority. They have sent \$75 million for general economic support. They sent \$150 million for UNRRA. They have sent \$15 million for COVID-19. Secretary Blinken announced \$360 million after meeting with Palestinian President Abbas, and on Monday, they sent the committee notification for another \$275,000. This money is flooding into the Palestinian Authority, even though the Palestinian Authority is unabashedly in bed with Hamas, even though Hamas just finished raining 4,000 rockets down on the people of Israel, and even though the Palestinian Authority continues the so-called pay to slay policy where they pay ransoms to the families of suicide bombers

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who murder Israelis and murder Americans. And they continue to pay them, and they continue to pay them in recent weeks.

Now, money is fungible. Unfortunately, it appears the Administration treats the Taylor Force Act as a problem to circumvent, so they made the determination they are willing to pay one account, but not another account, even while the recipient of those funds continues paying to encourage terrorism and the targeting of innocent Israeli civilians, innocent American civilians. I believe the American taxpayers are rightly horrified at the idea that U.S. taxpayers' money goes to support, on an ongoing basis, to reward and celebrate terrorists who have murdered innocent people, and yet that is exactly what the Palestinian Authority is doing.

And so Cruz First Degree 2 adds the words, "should the Secretary of State certify that the Palestinian Authority, the Palestine Liberation Organization, and any successor affiliated organizations where such entities have ceased payments for acts of terrorism by individuals who are imprisoned after being fairly tried and convicted for acts of terrorism, and by individuals who died committing acts of terrorism as described by the Taylor Force Act." And this ensures that the provisions of the Taylor Force Act are

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honored and that we do not have funds that are continuing to go for people to carry out acts of terrorism.

The Chairman: Any other member seeking recognition? Senator Risch?

Senator Risch: Mr. Chairman, briefly. I am going to support this for the reasons I stated previously. And, again, I cannot underscore enough that we have laws, and we have executive orders, and everything else, and this money continues to leak for payments to the terrorists. I think there has been some recent proposals that indicate that there needs to be a third party independent group that oversees the disbursements of funds that are needed for humanitarian relief because this is not working. Hamas is pulling money off of this. They are taxing the people, and it is U.S. taxpayer dollars that are going for this. And we cannot say it enough: this has got to stop. There is a way to stop it, and that is for some type of a third party entity that oversees the disbursal of these funds so it goes to where we intend it to go. Thank you, Mr. Chairman.

The Chairman: While this amendment is somewhat inartfully drafted, I believe the intention is try to impose a new standard on the Middle East Partnership for Peace Act. However, the amendment is written in such a way that can only be described, from my view, as a partisan "gotcha" attempt to come away with some sort of statement that

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those who vote against it are voting against the Taylor Force Act or its requirements.

Personally, I have had enough of that.

The Middle East Partnership for Peace Act, or MEPPA, which 92 senators voted for, already has a provision specifically stating that all funds will comply with all U.S. laws and regulations regarding assistance, including to the Palestinians. By definition, this includes the Taylor Force Law. Indeed, this text was negotiated specifically with those concerns already in mind. MEPPA also explicitly prohibits funding to PA, the PLO, or, like all U.S. assistance, to terrorist organizations. Its goal is, in fact, to work outside the parameters of governmental entities to support private enterprise, economic partnerships, and people-to-people connections. MEPPA was carefully negotiated and garnered the support of nearly 535 members of the House and Senate, and S. 1061 has support from more than half of the Senate. So I, for those and many other reasons, will oppose the amendment.

Senator Kaine: Mr. Chair, thank you. You have done a good job of explaining. But just for colleagues, MEPPA is designed, as indicated, to fund the work of nonprofit or NGO groups to support economic development and peacebuilding efforts among Israelis and Palestinians. These are the kinds of groups that we should be trying to help

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and support because they can have a significant impact for good among Israelis and Palestinians. The effect of the Cruz Amendment would be, unless the Secretary of State said the PLO was done with terrorism, all of these good actors that are trying to do good things would no longer be able to receive funds under MEPPA. We should be helping good people do good things and stopping bad people from doing bad things. But we should not hold the bad things that some people do against those who are trying to do good, in a region that needs more organizations trying to do good. And for that reason, I oppose the amendment.

The Chairman: Is there anyone seeking recognition?

Senator Risch: Mr. Chairman, for a second time, briefly.

The Chairman: Senator Risch?

Senator Risch: With all due respect, Senator Kaine, you know, it is ironic that we are sitting here defending or debating this when we all agree on MEPPA and what it is trying to do and wants to do. The difficulty is that these payments just flat are not working. We got a GAO report that says the law is not being followed and this money is going to places we did not intend it to go. Why have a GAO if we do not follow that? In addition to that, I will bet everybody in this room has read the story about Abbas

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himself taking money to one of the terrorist's families and delivering it right after the U.S. cache hit them. It is not working, I guess is the problem. As far as the goals of MEPPA, we all agree on that. I could not agree with you more as far as trying to get the right people to do it. The problem is we do not have the right people right now. The cash is not being administered to the right people. Thank you, Mr. Chairman.

The Chairman: Thank you. Is there any other member seeking recognition?

Senator Hagerty: Mr. Chairman?

The Chairman: Senator Hagerty?

Senator Hagerty: I would just like to echo the statement of the ranking member. I was just in Israel. This is continuing. This is not working. I saw it with my own eyes on the ground. This is not working.

The Chairman: With that, the vote is on the Cruz Amendment.

The clerk will call the roll.

The Clerk: Mr. Cardin?

Senator Cardin: No.

The Clerk: Mrs. Shaheen?

The Chairman: No by proxy.

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The Clerk: Mr. Coons?

The Chairman: No by proxy.

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?

Senator Booker: No.

The Clerk: Mr. Schatz?

The Chairman: No by proxy.

The Clerk: Mr. Van Hollen?

The Chairman: No by proxy.

The Clerk: Mr. Risch?

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Senator Risch: Aye.

The Clerk: Mr. Rubio?

Senator Rubio: Aye.

The Clerk: Mr. Johnson?

Senator Risch: Aye by proxy.

The Clerk: Mr. Romney?

Senator Risch: Aye by proxy.

The Clerk: Mr. Portman?

Senator Risch: Aye by proxy.

The Clerk: Mr. Paul?

Senator Risch: Aye by proxy.

The Clerk: Mr. Young?

Senator Young: Aye.

The Clerk: Mr. Barrasso?

Senator Risch: Aye by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: Aye.

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The Clerk: Mr. Rounds?

Senator Rounds: Aye.

The Clerk: Mr. Hagerty?

Senator Hagerty: Aye.

The Clerk: Mr. Chairman?

The Chairman: No.

The clerk will report.

The Chairman: Mr. Chairman, the ayes are 11; the noes are 11.

The Chairman: And the amendment fails. Any other member seeking recognition for the purpose of an amendment?

Senator Cruz: Mr. Chairman?

The Chairman: Yes?

Senator Cruz: I ask unanimous consent that my name be removed as a co-sponsor of this bill.

The Chairman: Without objection.

Is there a motion to approve S. 1061, as amended?

Voice: So move.

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The Chairman: So moved. Is there a second?

Voice: Second.

The Chairman: Seconded.

Senator Murphy: Mr. Chairman?

The Chairman: I am sorry.

Senator Murphy: Before we vote --

The Chairman: Yes.

Senator Murphy: -- could I just have two moments? I am very supportive of the underlying resolution. I just wanted to advance one important equity of this committee moving forward as we try to incentivize through this legislation additional recognition agreements. Senator Cruz laid out his sort of version of the reasons for which these agreements became possible. That is a complicated story, but we should be really honest that one of the reasons is that the United States was prepared to do things for the parties to these agreements that we were not prepared to do, for instance, the recognition of Morocco's claims over the Western Sahara, the decision to sell F-35s and Reaper drones to the UAE, something that we had never done before to any ally in the Middle East not named Israel. And so as we move forward this resolution, I just want

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to protect our equity as an institution to make sure that these agreements, to the extent the U.S. is an official or unofficial party, are transparent. It may be that if we saw all of the pieces on the table, we would still all be very supportive, but it is pretty clear that commitments were made by the United States that this committee, in particular, and Congress did not get a chance to review.

One final comment on the first Cruz amendment. I am glad we rejected it in a bipartisan fashion. But, frankly, this idea that expressing U.S. policy is arrogance runs counter to decades and centuries of U.S. foreign policy. It is not arrogance for the United States to express a preference about how we believe our interests would be protected anywhere in the world, even when it comes to our closest allies. We do it all the time in Europe. We have done it historically when it comes to U.S.-Israel relations. I think while there are all sorts of dangerous precedents that would be created if we had adopted the Cruz Amendment, if that is the reason behind it, I would add that to the list. Thank you, Mr. Chairman.

The Chairman: Thank you.

Senator Risch: Mr. Chairman?

The Chairman: Senator Risch?

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Senator Risch: Senator Portman is a sponsor of this bill, and he has a statement he would like entered into the record. I ask unanimous consent.

The Chairman: Without objection.

[The information referred to follows:]

ROB PORTMAN
OHIO

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS
RANKING REPUBLICAN MEMBER
FINANCE
FOREIGN RELATIONS
JOINT ECONOMIC

Thank you, Mr. Chairman, for including this bipartisan legislation in today's business meeting.

I would also like to thank my colleagues who joined me in crafting this legislation: Senator Booker, my Democrat partner on the bill, along with Senators Young and Cardin. I would also like to give special thanks to Ranking Member Risch for his support and thank those of you in the room today who are amongst the 56 bipartisan cosponsors.

The bill builds upon the success of the Abraham Accords, the peace and normalization agreements between Israel and the United Arab Emirates, Bahrain, Sudan and Morocco, by stating U.S. policy is to strengthen and expand these normalization agreements while requiring coordination throughout the Administration. It also includes a report on the status of anti-normalization laws throughout the region which punish people to people engagement at the local level. This has been a priority for Senator Booker and I -- and I commend him for his leadership on this issue.

This bill could not be timelier. With a new Israeli government and increasing security challenges, the time to strengthen and expand these normalization agreements is now, and I look forward to seeing this legislation on the floor of the Senate soon.

Rob Portman
United States Senator

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The Chairman: The question is on the motion to approve S. 1061, as amended.

All those in favor will say aye.

[Chorus of ayes.]

The Chairman: All those opposed will say no.

[No response.]

The Chairman: The ayes have it, and the legislation, as amended, is --

Senator Cruz: Mr. Chairman, I would like to be recorded as voting no.

The Chairman: Senator Cruz shall be recorded as a voting no.

Senator Risch: Mr. Chairman?

The Chairman: Senator Risch?

Senator Risch: Before we close today, I would like to have myself and Senator Rubio recorded as a "no" on the Robinson nomination, please, for the record.

The Chairman: It shall be so recorded.

Senator Risch: Thank you.

The Chairman: Any other members want to be recorded a certain way on anything?

[No response.]

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The Chairman: If not, with the thanks of the chair, this completes the committee's business.

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 12:40 p.m., the committee was adjourned.]