

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

BUSINESS MEETING

Tuesday, October 19, 2021

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

The committee met, pursuant to notice, at 2:52 p.m., in Room SD-G50, Dirksen Senate Office Building, Hon. Robert Menendez, chairman of the committee, presiding.

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

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

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

Today, we are considering 3 Foreign Service officer promotion lists, 35 nominations, and 6 legislative items.

Turning first to nominations, I am pleased that we have a long list of nominees before us today, both for critical positions at the State Department and USAID, as well as embassies around the world. I want to emphasize the continued need to move with alacrity on nominations. There are still nominees who have been pending for months and need to get hearings, and I appreciate the work Senator Risch is doing with me on this regard.

I know when, Senator Risch, when you were the chairman, you were clear that you thought the hearing was the time to air any issues, as you used to say, much like a trial, in

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

your words. The members could ask questions and let the chips fall where they may. I hope we can apply that standard to current nominees as well.

I also want to take a moment to thank the various members of this committee on both sides who have served as chair or ranking member for nominations hearings. I greatly appreciate your efforts to ensure that our national security agencies are fully staffed.

Unfortunately, we have been unable to move forward with a number of nominations hearings at the subcommittee level because we have had no Republican who has stepped up to serve as the ranking member. And I would hope that all members are reminded that serving from time to time as the chair or ranking member is an expectation for members of this committee, particularly those who are in subcommittee leadership positions.

Given the number of pending nominations and those we anticipate receiving over the coming months, we will continue to rely on your participation. The ranking member and I have discussed this. We are not going to do everything at full committee. There are a lot of opportunities at subcommittees. Not only is it about nominations, but obviously the substantive issues that those nominees have in their regions. So, it is a really worthwhile endeavor. So, it is my hope that all members will equally contribute in that regard.

Regarding the nominees we are considering today, while I will not speak about each of them, I do want to say that I believe they are all well qualified and deserving of their nominations, and I look forward to their swift confirmation.

Turning next to the legislative items on our agenda, we have before us today four bills and two resolutions. Let me just say a few words on those.

I am pleased that we are moving H.R. 965 the Young African Leaders Initiative Act, which was introduced by Representative Bass and was passed the House in April. With

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

nearly 60 percent of Africa's total population currently below the age of 35, this bill is an important effort to codify the Young African Leaders Initiative, which brings the next generation of African leaders to the United States to develop critical skills.

This has proven to be a highly successful initiative, and I hope my colleagues would join me in supporting the bill.

We will also be considering S. 1104, a bill intended to modernize U.S. foreign policy's approach to Haiti. This bill could not have come at a more critical time for our policy towards Haiti, which sadly has faced crisis after crisis in the last several months. From a delayed election to a wave of gang violence and kidnappings, to a presidential assassination, an earthquake, a hurricane, and a migration crisis, this bill sets U.S. policy and support of an inclusive Haitian-led development agenda.

I commend Senators Cardin and Rubio for their leadership on the bill, and I am pleased that the manager's amendment includes a provision that I offered requiring a report on the investigation into the assassination of former President Moise.

I also have to note that I am deeply troubled by the news regarding the kidnapping of 17 American missionaries in Haiti over the weekend. These kidnappings, along with a growing number of kidnappings of Haitians every week, mark yet another alarming dimension of the expansive crisis in Haiti and the severely reduced capacity of the Haitian government to uphold the rule of law.

We will also be marking up S. 2129, named in honor of Otto Warmbier, an American college student who died at the hands of the brutal North Korean regime. I commend Senators Portman and Brown for their leadership on this bill, which aims to counter North Korea's censorship and its repressive information and violence.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

As we are seeing in authoritarian regimes around the world, there is an increasing need for the United States to invest in efforts to advance freedom of expression and to support Internet freedom. This is certainly true in North Korea.

S. 1657, the South China Sea and East China Sea Sanctions Act, led by Senators Rubio and Cardin, is an important bill endorsing strong measures to counter the Chinese government's aggressive behavior in the South China Sea and East China Sea. The overwhelming majority of this committee and the full Senate have agreed that countering Chinese aggression is critical to developing a stable and prosperous Indo-Pacific region. I look forward to strongly supporting this bill today.

Finally, I am pleased that we are marking up two important resolutions, S. Res. 345, addressing the political situation in Belarus, and S. Res. 380, expressing support for the people of the Republic of South Sudan.

In the aftermath of Belarus' illegitimate 2020 presidential election, ordinary Belarussians stood up to fight for a free and democratic society. S. 345 makes clear to those fighting for freedom in Belarus that the United States stands with them in their democratic aspirations. We also stand with NATO allies Lithuania, Poland, and Latvia, as they face a growing humanitarian crisis imposed by the Lukashenko regime. I commend Senator Shaheen for her leadership on this resolution.

Last, but not least, this year marked the 10th anniversary of South Sudan's independence. However, instead of celebrating that milestone, we find ourselves at a very dangerous crossroads. A civil war pitting forces loyal to President Salva Kiir against those aligned with Vice President Riek Machar has killed nearly 400,000 people and displaced over 4 million. Despite a 2018 peace agreement, conflict and unrest continues.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

This resolution urges the administration to develop a meaningful policy aimed at supporting a peaceful, stable, democratic, and prosperous South Sudan. I strongly support the resolution, led by the distinguished ranking member and my colleague from New Jersey, Senator Booker.

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

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

Senator Risch: Thank you. Thank you very much, Mr. Chairman.

Recognizing the thin margin we have here, I am going to move this along pretty quickly.

First, as to the legislative items, I wanted to give my thanks for taking up the resolution, Senate Resolution 380, calling on the Biden administration to review U.S. policy toward South Sudan 10 years after independence. My sincere thanks to Senator Booker for partnering with me on this resolution. I hope all our colleagues will join us in supporting the people of South Sudan in their pursuit of peace and stability and encouraging the re-examination of U.S. policy there.

I am also glad to see the committee taking up several important bills on this agenda. In particular, thanks to Senators Rubio and Cardin for work on the bill dealing with China, our greatest foreign policy challenge and priority and for that bill being on this markup. It is important that the U.S. use the tools at our disposal to deter and punish the Chinese Communist Party's campaign of coercion in the South China Sea.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

Thanks also to Senator Portman for offering his bill on promoting access to fact-based information in countering censorship in North Korea. It is a privilege also to mark up a bill that is intended to honor the life of Otto Warmbier.

I also want to commend Senator Shaheen for her work on the resolution condemning the political situation in Belarus, and Senator Cardin for his bill on development accountability for assistance to Haiti.

I would like to express my support for efforts put forward by the committee to authorize the Young African Leaders Initiative, better known as YALI. This is an extremely successful program. It increases U.S. public diplomacy in exchanges with Africa's best and brightest young leaders.

Regarding the nominations, we will consider a number of nominations, including four crucial posts, such as Israel, Canada, Turkey, NATO, the U.N. Food and Ag Organization, and others. I do plan to support most of this slate of nominations. I do want to be clear that I have a few of them that I have reservations on, but by and large, the nominations need to be processed.

Specifically, with regard to Dr. Kang's nomination and the International Security and Nonproliferation Bureau. While Dr. Kang is well-versed in nuclear nonproliferation issues, the COVID-19 pandemic was a wake-up call that it is time to take biological threats more seriously. The Department has been woefully absent in monitoring this particular set of issues. It is a considerable concern to me.

This past month, I introduced the Biological Weapons Policy Act, aimed at strengthening State Department authorities to prevent bioweapons proliferation. I hope Dr. Kang will take ownership of that responsibility and partner with me in this effort.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

The ISN Bureau must also ensure that nonproliferation regimes, like the Missile Technology Control Regime, do not place undue burdens on U.S. allies while failing to constrain U.S. competitors and that nuclear energy be seen as a primary pillar of nonproliferation safety. Short-sighted politics should not drive security policies for the decades to come.

I am going to vote "no" on Dr. Kang, knowing he is going to be confirmed, but hoping that he will prove my vote to be wrong. But this is primarily as a result of what has happened in that Bureau in recent times.

I am glad to be working the process of these nominations.

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

The Chairman: Thank you.

All right. Before I move to seek a vote en bloc, first of all, we have two nominees who are being held over by members -- Barbara Leaf, who is the nominee to be the Assistant Secretary of State for Near Eastern Affairs, and Dr. Atul Gawande, to be an Assistant Administrator of USAID. Those two are being held over by the request of members.

The rest I will ask for en bloc. Before I do so, is there anyone who wishes to speak to the nominees or the legislation?

[No response.]

The Chairman: If not, I do understand that Senator Van Hollen has asked for an opportunity, and then we are going to go to a vote.

Senator Van Hollen: Well, thank you, Mr. Chairman.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

First, on the YALI legislation, I am glad we are moving that forward. Senator Rounds and I introduced that bill on the Senate side, Congresswoman Bass on the House. They got the House bill over here. So, I am glad we are proceeding with this.

But, Mr. Chairman, what I wanted to raise was my disappointment that another bipartisan bill that has been in this committee now for many months has not gotten to a markup and voting session. It is called the Foreign Service Families Act. It was introduced by Senator Dan Sullivan and me last year.

We reintroduced it this Congress. It has members from both sides of the aisle on it. It provides the spouses of Foreign Service officers the same kind of ability to access jobs in our overseas missions as the spouses of folks serving in the military where they have the credentials.

As I think everybody knows, we want to recruit the very best and brightest in the Foreign Service. Many Foreign Service families have two working spouses. And if a spouse is not the Foreign Service officer, is not able to use his or her talents overseas where applicable, it makes it a lot harder. And so, this extends some of the same benefits to Foreign Service officers that we provide to military families abroad.

And I know of no substantive opposition. I know it has been cleared on the majority side. I raised the issue with the ranking member. I know of no actual reason that it is being held up.

And so, Mr. Chairman, I would just ask for a commitment that we bring that before this committee for a vote at the next work session.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

The Chairman: The chair is and has been supportive of the Senator's request and of the legislation. Of course, you know that we get our agendas by consent, and we have not had consent to date.

Senator Risch: Mr. Chairman, first of all, let me say that the Senator is correct. He and I did discuss this, and I apologize. We have a lot of stuff on our plate. I just have not gotten to it yet. There is nothing nefarious about this. But I commit to you I will soon, particularly after you have brought it up here again.

But I appreciate you talking to me about it. I will be back with you on that.

Senator Van Hollen: No, I appreciate that, and I thank the Senator. I hope we can move forward.

The Chairman: Thank you.

With that, without objection, we will now consider en bloc three Foreign Service officer promotion lists and all of the nominees that have been noticed for this business meeting, minus the two that I announced earlier that are being held over.

Is there a motion to approve these items en bloc?

Senator Coons: So moved.

Senator Shaheen: Second.

The Chairman: So moved and seconded. All those in favor --

Senator Risch: Mr. Chairman, first of all, I do not object to that, but I do have a number of people who want to be recorded "no" on some of them. So if we can do that when we are done?

Thank you.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

The Chairman: We will first have the vote on the en bloc measure, and then we will record any dissenting votes on any specific candidate.

All those in favor, say aye.

[A chorus of ayes.]

The Chairman: All those opposed, say no.

[No response.]

The Chairman: The ayes have it, and the nominees are recommended favorably to the Senate.

Senator Risch, would you like to share now, please?

Senator Risch: Yes, first of all, I would like to be recorded as a "no" on both Kang and Holgate.

Senator Rubio has asked to be recorded as a "no" on all the noms, except those on the FSO list.

Senator Johnson has asked to be recorded "no" on Holgate, Kang, and Crocker.

Senator Barrasso has asked to be recorded as a "no" on Kang, Holgate, and Markell.

Senator Hagerty has a number, which I will provide to the clerk as opposed to reading them out because it is lengthy.

The Chairman: All right. And those shall be so ordered as recorded --

Senator Portman: Mr. Chairman?

Senator Cruz: Mr. Chairman?

Senator Portman: I would like to be recorded as a "no" on Mr. Kang.

The Chairman: Senator --

Senator Portman: "No" on Kang.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

The Chairman: -- Portman will be recorded "no" on Kang. With that --

Senator Risch: Senator Cruz, Senator Cruz --

Senator Cruz: This is Senator Cruz. Mr. Chairman, I would ask to be recorded as a "no" on Bondy, on Crocker, on Gawande, Gitenstein, Holgate, Kang, Markell, Nides, Noyes, and Scheinman, please.

The Chairman: We will do so, except Gawande is one of the people held over. So we will save that for -- yes.

Senator Cruz: Oh, okay.

The Chairman: They shall be recorded that way.

With that, let me then turn to the legislation at hand. Without objection, we will now consider en bloc four bills and two resolutions that I previously read.

Is there a motion to consider them en bloc?

Senator Coons: So moved.

Senator Shaheen: Second.

The Chairman: So moved, seconded.

All those in favor, say aye.

[A chorus of ayes.]

The Chairman: All those opposed, say no.

[No response.]

The Chairman: The ayes have it, and the resolutions and legislation are passed.

Senator Risch: Mr. Chairman, Senator Paul has asked to be recorded as a "no" on Senate bill 1657, please.

The Chairman: Senator Paul shall be recorded as a "no" on S. 1657.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

Senator Romney: Mr. Chairman, I have asked to be recorded as a sponsor of 1657.

The Chairman: Senator Romney will be so recorded as a sponsor, negating the --
no.

[Laughter.]

Senator Romney: That is not why I spoke out.

The Chairman: I know that.

Okay. That completes the committee's business.

We ask unanimous consent that staff be authorized to make technical and conforming changes. Without objection, so ordered.

Senator Portman: Mr. Chairman?

The Chairman: Senator Portman?

Senator Portman: Okay. First of all, I want to thank you for accepting the Haiti amendment in the manager's amendment. As you know, an Ohio-based Christian group has had 17 of its missionaries kidnapped, and that amendment relates to that and us doing a better job at the interagency level to deal with these violent gangs in Haiti.

And then, with regard to the Otto Warmbier Act, was that part of your en bloc passage?

The Chairman: Yes, it did just pass.

Senator Portman: I thank you for that as well. And this honor that it is named after Otto Warmbier also from Ohio. And appreciate the committee's work with us on that over the last several months to come up with a good balance in dealing with sanctions, dealing with ensuring that the people of North Korea get an opportunity to hear from other than the propaganda from their own government.

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Tuesday, October 19, 2021

Thank you, Mr. Chairman.

The Chairman: Any other member seeking recognition?

[No response.]

The Chairman: If not, this business meeting is adjourned.

[Whereupon, at 3:09 p.m., the committee was adjourned.]