



STATEMENT OF THE HONORABLE ROBERT MENENDEZ

August 1, 2018

Russia-related Sanctions and the FY 2019 NDAA Conference Bill

Mr. President, tomorrow marks one year since President Trump signed into law the Countering America's Adversaries Through Sanctions Act of 2017 (CAATSA), which passed with overwhelming bipartisan majorities in both the House and the Senate. He did so with strenuous objections to what he called an encroachment on the Executive's ability to negotiate, and claimed that, "As President, I can make far better deals with foreign countries than Congress."

Unfortunately, despite his claims, the President has made no such deal. Russia continues its attacks on our country, with reports this week of another concerted effort on Facebook to influence the 2018 midterm elections. Despite this, the President has repeatedly cast aside the facts of the Russian government's interference in our democracy, and inspires little confidence in this body that he will take seriously the duty to prevent it going forward.

So I remind my colleagues today, WE must take on the duty to protect our democracy from foreign interference. And we must continue to work in a bipartisan fashion to ensure appropriate legislative guard rails are in place on the United States' policy toward Russia—to ensure that the Kremlin's aggression is punished, not excused, and to build resilience so that it won't happen again. The sanctions we enacted in CAATSA, including related to the Russian defense and intelligence sectors that were the source of past attacks against us, are part of this effort.

So I strongly oppose language in the conference version of the FY 2019 NDAA which expands the scope of a waiver on CAATSA section 231, which requires sanctions on significant transactions with Russian defense and intelligence sector entities. We targeted these sectors specifically because they attacked our 2016 election, and imposed sanctions on them to dissuade anyone from doing business with them. The State Department argues that billions of dollars' worth of deals have been turned off as a result of the leverage created by section 231. I fear that these new waiver provisions severely undermine that leverage.

Moreover, CAATSA includes a very important provision, the Russia Review Act codified in section 216, which requires the President to submit a report to the Congress before taking any action to terminate or waive sanctions or issuing a license that significantly alters the United States' Russia policy. Section 216 imposes a reasonable and necessary limitation on President Trump's ability to precipitously lift sanctions or otherwise alter U.S. policy toward Russia without input from the Congress. This NDAA says that the Russia Review Act no longer applies to defense and intelligence sector sanctions. Without the Russia Review Act, Congress loses its voice and ability to ensure that Section 231 has teeth.

It is our ongoing responsibility to hold the Executive Branch to account in fully implementing the laws we pass, including all of the mandatory provisions in CAATSA and its provision enabling us to review the President's decisions to lift or waive sanctions. This is all the more important given President Trump's inclination to act as a supplicant toward Vladimir Putin and his regime, even as that regime has and continues to attack our country. I strongly oppose the language in the FY 2019 NDAA that weakens CAATSA and will oppose any effort in the future toward that end. I will continue to work through other legislative vehicles to continue to go after Russia's most egregious offenders and

continue to hold the Administration accountable for protecting Americans and American interests.