

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Wednesday, January 12, 2022

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

The committee met, pursuant to notice, at 9:10 a.m., in Room SD-G50, Dirksen Senate Office Building, Hon. Robert Menendez presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Murphy, Kaine, Markey, Merkley, Booker, Van Hollen, Risch, Romney, Paul, Young, and Hagerty.

**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 two Foreign Service Officer promotion lists and 11 nominations for critical positions, including our ambassadors to Germany, India, Pakistan, Serbia, the Holy See, the U.N. Human Rights Council, the U.N. Economic and Social Council, and the International Atomic Energy Agency, the CEO of the Millennium Challenge Corporation, the director of the United States Trade and Development Agency, and the director of the African Development Bank.

Before we turn to these nominations, I would like to acknowledge the hard work that went into getting dozens of State Department and USAID nominees confirmed before the Senate's December recess.

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I am very pleased that more than 85 capable experienced individuals now fill crucial national security positions and we are witnessing the real-life impact that these confirmations are having.

We now have ambassadors in place in Poland and at the European Union as we are engaging with European allies to deter Russia from further aggression, an ambassador in Bosnia and Herzegovina where threats to the rule of law and democracy grow by the day, and more than 14 confirmed ambassadors in Africa.

This is what it looks like to have the United States at the table and to have meaningful representation throughout the world. As we begin this new year, I am hopeful that the struggle it took to confirm these nominees will not be repeated.

We have much more work to do. Over 55 nominees are still pending before this committee and many challenges around the world that are awaiting them.

As I have said many times before this committee and on the Senate floor, prolonged vacancies are not in our interest. They undermine our national security, hinder our leadership role abroad, and benefit only our adversaries.

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

With that, let me turn to the distinguished ranking member, Senator Risch.

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

Senator Risch: Thank you very much, Mr. Chairman. I concur in your remarks about filling these vacancies. It is important. I am glad we have been able to move as rapidly in this administration as we have, certainly, more so than we did in the last

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administration. Nonetheless, it is bipartisan that these vacancies be filled, whichever party is in control of the White House.

I want to speak briefly about the nominations, and as you and I discussed, we will accept a voice vote on these nominations with the understanding that with your usual kind indulgence, those who want to vote no will be able to be recorded as such.

So with that, I want to talk about the appointment of Dr. Gutmann, Ambassador to Germany.

The U.S. relationship with Germany faces significant challenges, especially due to threats of nefarious foreign and geopolitical influence from Russia and China. Our Ambassador in Berlin must be firm in combating these threats and able to make the case to our German counterparts that we need a shared approach to standing up against malign influence.

I am going to record a no vote against Dr. Gutmann, but it is not personal, which I will explain here, and when she is confirmed, I stand ready to work with her and to strengthen our alliance with Germany. I also expect her to engage on efforts to stop construction on the Nord Stream 2 pipeline.

I am a no not because of her qualifications. Certainly, she is qualified. She has had a long and successful career. But I think that probably, as with her position with the University of Pennsylvania, it really is a poster child for the ongoing and growing malign influence of China and at our institutions of higher learning.

The University of Pennsylvania has accepted millions, millions, and millions of dollars in donations and contracts from China. The issue of foreign influence and, particularly, Chinese influence in U.S. higher education institutions is very important to this committee.

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We have made and will continue -- and I have worked with the chairman on this -- to pursue efforts to put a stop to this as it is important we do so.

The University of Pennsylvania is a large organization. But I remain troubled that Dr. Gutmann did not exert more oversight of Chinese donations and contracts that Penn institutions were accepting, and I think this is really a poster child for what is happening around the country.

All CEOs of these institutions of higher learning should learn from this wake-up call and should wake up to what China is doing in providing the money that it does. China is not providing the money for what they are doing out of the goodness of their hearts but, clearly, to gain malign influence.

For example, the University of Pennsylvania had four contracts to provide executive education to the PRC State Administration of Foreign Experts. During its operation, this government entity was responsible for recruiting foreign talent to China, including in science and technology.

Dr. Gutmann told the committee that Penn's contracts with PRC entities did not undermine U.S. national security simply because no classified information was revealed.

Not sharing classified information is just the starting point to protect U.S. national security. It is not the finish line. There are many other risks to national security presented by PRC inroads into U.S. universities, and these apply to Russia, too.

China uses lucrative contracts, grants, exchanges, and other incentives to co-opt networks and institutions, promote PRC interests, and manipulate public discourse.

I think, if anything, this nomination has provided us with an additional window into just how widespread this is and how dangerous this is. Additionally, there is provision for

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opportunities for efficient and easy access and collection of open source intelligence and know-how to these entities that provide the money.

We do not allow people running for public office to accept Chinese money or any other money. Why? Because we do not want them to purchase influence or exploit that position.

It just astounds me that we prohibit people running for public office from doing this but, yet, we allow this tidal wave flow of money into these higher education institutions.

This needs to stop and I look forward to continuing to work with the chairman as we develop bipartisan legislation to do this.

Briefly, as to Michele Taylor on the nomination to the U.N. Human Rights Council, I remain deeply concerned with the Human Rights Council and the U.S. membership in it. It is a broken body which spends the majority of its time attacking Israel, and its membership is full of human rights abusers, including China, Venezuela, and Cuba.

I hope, although I doubt, Ms. Taylor can work to reform the Council. The Biden Administration's track record of pushing reforms at the U.N. is weak at best, and the work that remains to be done is immense.

I believe it is inappropriate for the U.S. to bring its dignity and credibility and loan that to an institution like this institution.

Thank you, Mr. Chairman.

The Chairman: Thank you, Senator Risch.

By agreement with the ranking member and without objection, we will now consider en bloc the two Foreign Service officer lists and 11 nominations that have been noticed for this business meeting. You all have the list based upon the notice.

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Before I ask members if there is anyone who wishes to speak to any of these nominees, let me just say very briefly that I share Senator Risch's concerns about Chinese influence in our institutions of higher learning.

But I do feel it is important for the record to revisit the fact as it pertains to Dr. Gutmann and the University of Pennsylvania.

First, none of the money that the University of Pennsylvania received from Chinese donors went to research involving critical technologies. None.

Second, none of the donations provided China access to classified or sensitive research information. None.

Third, as we heard from Dr. Gutmann directly in her testimony before the committee, under her leadership she rejected a Confucius Institute at the University of Pennsylvania, to her credit.

I have joined with the ranking member, as we did on the Committee's China bill earlier this year, on this issue. I believe we did some good work there, and I stand ready to work with him if more needs to be done.

With that, is there any member who wishes to speak to these nominations before we vote en bloc?

Senator Cardin?

Senator Cardin: Thank you, Mr. Chairman. I support all of these nominees and I concur in your comments about Dr. Gutmann in regards to her nomination to be the Ambassador to the Federal Republic of Germany.

Her family and background gives her a special insight that I think can help us greatly in our representation in Germany. But I wanted to take this time to raise a concern as to

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the Ambassador-at-Large nominee for Anti-Semitism that is not on our agenda and has not had a hearing.

I mention this because this committee was instrumental in establishing an Ambassador-at-Large for Anti-Semitism. And yet, we were not able to move forward with Deborah Lipstadt, which I think is very regrettable that we are not having action on this.

As chairman of the U.S. Helsinki Commission, as Special Representative of the OSCE Parliamentary Assembly on Anti-Semitism, Racism, and Intolerance, I find it difficult to advocate our leadership globally when we do not move forward in our own Senate on this extremely important position, one in which we were responsible for creating.

Mr. Chairman, I just really wanted to raise that issue and I hope that we can work out between the chairman and ranking member a process in which this committee can take action on the ambassadorship, which, to me, is so critically important for U.S. leadership to fight the growth of anti-Semitism.

The Chairman: Senator Cardin, let me thank you for your comments. I embrace them. I join you in them. I have been advocating for a hearing for this nominee and I hope to get there with the ranking member in order to do so.

I think it is a critical position to be able to fill in the world at a time in which we see a rising tide of anti-Semitism both at home and abroad, and so I look forward to working with Senator Risch in that regard.

Senator Risch: If I can comment.

Likewise, I look forward to working in that regard, too. The nominee has left a lengthy trail of materials that we are in the process of reviewing. But I suspect we will get there and will continue to work in.

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The Chairman: Any other member who wishes to speak to these nominees?

[No response.]

The Chairman: If not, is there a motion to entertain these nominees in the FSO list en bloc?

Senator Cardin: So moved.

The Chairman: So moved by Senator Cardin. Second.

All those in favor will say aye.

All those opposed will say no. The ayes have it, and those who wish to be recorded as no will be so recorded for the record.

Senator Risch: And, Mr. Chairman, we can submit those for the record if you would like. I would like to be recorded on Gutmann as no. I suspect other members --

The Chairman: Senator Risch shall so be recorded and --

Senator Risch: Senator Barrasso also wants to be recorded on the Ebong nomination and the Whyche-Shaw nomination. But there are a number of these so we will submit it.

The Chairman: They shall so be recorded as well.

Senator Risch: Thank you.

The Chairman: Senator?

Senator Hagerty: Mr. Chairman, I would like to be recorded as nay on the following: Gutmann for Germany, Hill for Serbia, Taylor UNHRC, Ebong USTDA, Whyche-Shaw for African Development Bank, Holgate for the IAEA, and Carty for ECOSOC.

Thank you, sir.

The Chairman: The Senator shall be recorded.

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With that, the nominees have favorably reported to the Senate for the Senate's consideration and this meeting is adjourned.

[Whereupon, at 9:23 a.m., the committee was adjourned.]