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# **BUSINESS MEETING**

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*Tuesday, April 16, 2013*

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UNITED STATES SENATE COMMITTEE ON  
FOREIGN RELATIONS

113<sup>TH</sup> Congress, First Session

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

1           The committee met, pursuant to notice, at 2:19 p.m. in Room S-116, The Capitol,  
2 Hon. Robert Menendez, chairman of the committee, presiding.

3           **PRESENT:** Senators Menendez, Boxer, Cardin, Casey, Shaheen, Coons, Udall,  
4 Murphy, Kaine, Corker, Johnson, and Paul.

5           **THE CHAIRMAN.** This business meeting of the Senate Foreign Relations Committee  
6 will come to order.

7           I understand that we have a quorum, and I want to thank everybody for coming.  
8 I know it is a particularly busy time with the issues on the floor and otherwise. So I  
9 hope we can move through this agenda expeditiously.

10           We have three legislative items, one nomination, and one Foreign Service officer  
11 list. I have a few comments on the items, and some others have indicated that they  
12 want to say a few words. Thereafter, of course, we will listen to any other comments. I  
13 would propose at the end to vote en bloc on all of the items together.

14           Let me turn to the legislative items first. We are considering S. 657, the Foreign  
15 Prison Conditions Improvement Act of 2013. It is a Leahy-Inhofe bill, which I  
16 understand was spurred by their visit to prisons in Africa and Haiti. It will raise the

1 profile of foreign prison conditions as a foreign policy concern. I understand the State  
2 Department has some issues with some of the language of the text, and I am sure they  
3 will continue to work with Senator Leahy's staff to resolve them as the legislation  
4 moves forward.

5 We also have two resolutions on the agenda. S. Res. 65 is a resolution strongly  
6 supporting the full implementation of United States and international sanctions on Iran  
7 and urging the President to continue to strengthen enforcement of that sanctions  
8 legislation. Senator Graham and I introduced this important resolution because we  
9 want to send a clear signal to Iran, as well as to our ally, the State of Israel. Particularly,  
10 I think this is incredibly important as the P5+1 talks have just largely collapsed. The  
11 time frame on this is getting shorter and shorter. And we are all hopeful that a  
12 diplomatic solution can be reached, but I think sending a clear message about  
13 enforcement of our provisions and having, as the President has said, Israel's back. is  
14 incredibly important. I share the President's commitment to the security of Israel, and I  
15 know that the 80 colleagues who have joined us as cosponsors of the resolution do as  
16 well.

17 At Senator Corker's request, we are considering an amendment to that resolution  
18 which includes changes that both Senator Graham and I have agreed to.

19 At this time, I would like to call upon Senator Corker. Do you want to say any  
20 words about your amendment?

1           **SENATOR CORKER.** Sure. I want to thank you for offering the important resolution  
2 that you have offered. I support it. I do think that when we pass resolutions like this on  
3 the floor, even though it is a resolution and does not have the force of law, we need to  
4 still recognize that it is up to the Senate to act when it comes to issues like this. And I  
5 want to reserve the right to do that and, obviously, want to focus on Israel's legitimate  
6 right to deal with self-defense.

7           So I thank you for working with me. I think this is the way the Senate should  
8 work. I strongly support the resolution, as amended. Hopefully, we will pass it, and I  
9 appreciate your work on this issue.

10          **THE CHAIRMAN.** And I appreciate that point of view and your concern about  
11 sending unintentional signals about the use of military force. Several members of the  
12 committee came and talked to me about this, Senator McCain, among others. And of  
13 course, that point is explicitly dealt with in Section 2, which states that nothing in this  
14 resolution shall be construed as an authorization for the use of force, or a declaration of  
15 war. But I think your additional language reinforces that notion, and goes a step  
16 beyond, and makes it even stronger. So I totally accept your amendment.

17          And the last legislative item — then we will go and open it up to everyone else.  
18 The last legislative item is S. Resolution 90, a resolution congratulating the people of  
19 Kenya on their commitment to peaceful elections as demonstrated on March the 4th of  
20 this year, and calling on Kenya to come together to continue to implement political,

1 institutional, and accountability reforms envisioned by the Kenyan constitution. That is  
2 a resolution that was introduced by Senator Coons and cosponsored by Senators Cardin  
3 and Flake.

4 At Senator Coons' request, we will consider several amendments to the  
5 resolution that he will be proposing, and I would like to call upon him as the chair of  
6 the Africa Subcommittee.

7 **SENATOR COONS.** Thank you, Chairman Menendez, and I want to thank Senators  
8 Flake and Cardin for joining me as original cosponsors.

9 This is an amendment in the nature of a substitute because there have been some  
10 changes, in fact, since the resolution was first introduced.

11 As many of you know, the March 4 national elections were largely peaceful and  
12 credible in Kenya, which is an important change from the 2007 elections which  
13 occasioned widespread, heavy violence. At the same time, the election of Uhuru  
14 Kenyatta as President and his Deputy President Ruto, presents some challenges for the  
15 United States because they both continue to face charges of crimes against humanity at  
16 the International Criminal Court. Accountability is one of our bedrock principles, and  
17 this resolution tries to strike a balance between recognizing and celebrating the peaceful  
18 and credible aspects of the election, the role their supreme court played, while also  
19 continuing to emphasize for us the importance of accountability and that the President

1 and Deputy President continue to meet their commitments to observe the ICC process  
2 and respond to calls to that court. So in my view, this strikes a good balance.

3 I welcome anyone's input. I hope we will pass it today. If anyone has concerns, I  
4 would certainly be willing to hear them.

5 **THE CHAIRMAN.** Well, I appreciate your work on this and I support both your  
6 resolution and your amendments.

7 And in terms of just laying out the rest of the agenda, let me turn to the  
8 nominations on the agenda. Per longstanding practice, the Secretary of the Treasury,  
9 which is now Jack Lew, is being nominated for the governorships of four international  
10 financial institutions in which the U.S. plays an important role: the International  
11 Monetary Fund, the International Bank for Reconstruction and Development, the Inter-  
12 American Development Bank, and the European Bank for Reconstruction and  
13 Development. Secretary Lew has been confirmed by the Senate. He is highly qualified.  
14 He will, no doubt, serve the U.S. well in his roles. This is a traditional reality for  
15 whomever is the Secretary of the Treasury. And so, I am certainly supportive of that  
16 and hope the committee will be as well.

17 Are there any other comments that anyone would like to make on any of the  
18 items. Senator Paul?

19 **SENATOR PAUL.** Mr. Chairman, I have an amendment to S. 657, the Foreign Prison  
20 Conditions Improvement Act.

1 I think it is important that we know about whether people are being treated  
2 justly in prisons, but I think it is also important to note and to discuss whether or not  
3 people have been justly imprisoned. And Dr. Shakil Afridi is the physician that helped  
4 us to get bin Laden, and I think he is being unjustly imprisoned. He is in jail for 33  
5 years, and this amendment would suspend aid to Pakistan until he is released. I would  
6 propose it as an amendment to S. 657.

7 **THE CHAIRMAN.** Well, let me, first of all, say I appreciate your concerns about Dr.  
8 Afridi, and in my recent visit to Pakistan, I raised Dr. Afridi's issues both with the  
9 President of Pakistan and the Foreign Minister, and I did it robustly.

10 This is the first time that anyone has seen this amendment. You know, I try to  
11 work in comity with everyone here to achieve our goals in a bipartisan spirit. I may  
12 consider changing the rules of the committee to have amendments be known in  
13 advance, if they are not shared, because it is tough when no one knows until the  
14 moment of the business meeting that something is being offered and people cannot  
15 study it and see the effect of what it means more significantly as it relates to foreign  
16 policy.

17 While I share your concerns about Dr. Afridi, this is not about any country-  
18 specific legislation — this goes beyond denying aid, it goes beyond the question of  
19 prisons in Pakistan. This goes to a much broader foreign policy concern that affects

1 both national interests and national security of the United States if we were to cut off all  
2 aid.

3         So I would ask my colleague in the context of that comity, since this still  
4 obviously has a way to go, would he consider not pursuing the amendment at this  
5 time? And obviously, when we get to the floor, there will be an opportunity to offer it  
6 and make the case there. If that is possible, it would be preferable at this time. Of  
7 course, this is not the finality for this piece of legislation. I do not know how you feel  
8 about that.

9         **SENATOR PAUL.** You know, I think maybe there could be an answer, but the only  
10 one thing I want to point out is this bill was introduced 2 months ago and also was  
11 voted on last year. So it is not brand new.

12         But what I would say — and we can try to get it more in advance. I think that is  
13 a reasonable suggestion.

14         I know most of the members of the committee do not agree with the way I want  
15 to use leverage. I think we should use leverage by being tougher and saying, “guess  
16 what, you either do this or no more money.” Most people think that is too strong a  
17 hammer. I think it would get more results than we have gotten so far.

18         But I think we want to draw attention to this. I know you have privately done it.  
19 I appreciate you doing it for Dr. Afridi. But what about having a public hearing where  
20 we have the Pakistani Ambassador come to a hearing? What if we asked that Dr. Afridi

1 be allowed to respond and talk about his health and his condition from the jail cell? I  
2 do not know that they will allow that, but we can certainly ask. And I think with your  
3 leverage as chairman in bringing the Pakistani Ambassador — and I think there are  
4 things we could do, that if everybody knew he is serious about it, but you do not like  
5 the way I am doing it, which I can understand — we have a disagreement on that. But  
6 you have a great deal of power, you know, as the chairman of this committee. I think  
7 you could use this leverage to bring attention to his unfair imprisonment. Would you  
8 consider maybe doing a hearing?

9 **THE CHAIRMAN.** Well, I would say that I would consider working with you on  
10 finding ways to creating both a greater spotlight and greater pressure. I do not want to  
11 commit to a hearing right now because, first of all, we have no jurisdiction over the  
12 Pakistani Ambassador to say you have to come or not. That is a question of their  
13 government to choose so. But I could commit to the gentleman that I would work with  
14 you to find ways to ratchet up the pressure, and that would be a very legitimate  
15 commitment on my part.

16 **SENATOR PAUL.** And then the only other point is, you know, it is very difficult.  
17 People will be pushing for this to go by either a voice vote or a unanimous consent.  
18 This probably, likely, will not be on the floor for amendment.

19 **THE CHAIRMAN.** You will have the leverage, obviously, to object to any —

1           **SENATOR PAUL.** And my intention really is not so much to object to the contents of  
2 this.

3           **THE CHAIRMAN.** I understand.

4           **SENATOR PAUL.** It is to bring attention to Dr. Afridi's plight.

5           Why do not we see if there is some middle ground? If you will at least consider  
6 the idea of a hearing, I think a hearing can be done in a respectful way. I know Pakistan  
7 has been a longtime ally of ours, and it is not all bad. But I think even our allies need to  
8 know that we are serious about this. You know, we had the same problem in Egypt last  
9 year, 16 people in prison — not in prison but detained within the country without trial.  
10 And I think they need to know that we should attach strings to gifts that we give them.

11           **SENATOR BOXER.** Mr. Chairman?

12           **THE CHAIRMAN.** Senator Boxer?

13           **SENATOR BOXER.** I am very fortunate to chair a committee that looks at human  
14 rights, Senator, across the spectrum, Senator Paul. So I would be very happy as well  
15 because there are so many of these issues all over, including in places like Russia, as you  
16 know, that are having some really bad human rights abuses. And I was going to speak  
17 to the chairman about it. It is an amazing way, working through the subcommittee with  
18 the full committee's involvement, that we can have an agenda that could look at this.

19           And my suggestion is for you, you could host — and I would be happy to host it  
20 with you and the chairman might and the ranking might. We should call our

1 ambassadors forward because then we have some ability. Their ambassador is a  
2 different story, but our ambassador. I would be very pleased to sit at a private meeting  
3 first. Whatever you want, I would work with you.

4 **SENATOR PAUL.** No. I think that would be great. I think I would be surprised if  
5 they would publicly turn down the Foreign Relations Committee to come. Even  
6 Pakistan's Ambassador — I think I would be surprised. But, no, I am more than willing  
7 to do that. I think there are ways. But the more we draw attention to this, particularly  
8 if it is not that we can agree to use the leverage the way I would use it, then we can  
9 agree to at least use the leverage publicly and privately talking about these things  
10 because I think that ultimately there should be some influence over this.

11 The other bigger question beyond this is — you know, we have a problem or I  
12 think there is a potential problem of using human resources, people that would divulge  
13 information to us secretly. If people around the world think that we are not going to  
14 stick up for people who have been informants for us, I think we are unlikely to get  
15 more. And Dr. Afridi is probably the most prominent person in the world, I think, to  
16 have given information. Whether it directly led to what happened, I do not know  
17 whether that is true or not, but I know that he was somehow involved with trying to  
18 help us. And if people around the world do not see that we are sticking up for him, I  
19 think we are unlikely to get more informants to help us. And we have got a  
20 longstanding problem around the world that we need human intelligence.

1           **THE CHAIRMAN.** Well, I will reiterate to you, the gentleman, my commitment to  
2 work with him to find ways in which we can cast a very strong spotlight and try to  
3 exert appropriate pressures and resources — we have to draw attention and hopefully  
4 to gain his liberty at the end of the day. That is the best I can tell the gentleman at this  
5 point.

6           **SENATOR PAUL.** In that case, I would ask to withdraw the amendment and save it  
7 for another day.

8           **THE CHAIRMAN.** I appreciate the gentleman's support and cooperation and we look  
9 forward to working with you.

10           With that, first of all, I would therefore — unless there is someone else who  
11 wishes to speak. I move for a voice vote en bloc on the entire agenda with both  
12 amendments, Senator Corker's amendments and Senator Coons' amendments, as  
13 adopted, including the legislation and nominations and Foreign Service list. Is there a  
14 second?

15           **SENATOR BOXER.** Second.

16           **THE CHAIRMAN.** There is a second.

17           Do you want to speak to this?

18           **SENATOR CORKER.** I would like to just say one thing. I am all for that, and I thank  
19 you for the way you have worked with us and handled the issue that just came up.

1 I do think on the IMF issue, you know, Jack Lew — we are appointing him to the  
2 IMF and other places, which is appropriate for us to do. I know there are some  
3 meetings that are coming up. I know big issues are coming out of those meetings in the  
4 next couple weeks. I do think, because we are being asked to play a little bit different  
5 role with the IMF per the administration's budget and because the IMF is playing a little  
6 bit different role in the world, I would just ask that the chairman consider us having a  
7 hearing on the IMF and what their role is. I think that would be very helpful to us. I  
8 have no problem whatsoever appointing Mr. Lew to these positions. It is appropriate,  
9 but I do think with some of the roles they are playing and with the administration's  
10 request that we invest more money in the IMF, that if the chairman would consider  
11 having a hearing on what their actions are around the world, it would be really helpful  
12 to all of us.

13 **THE CHAIRMAN.** I certainly will consider it. I am not sure jurisdictionally, but I am  
14 sure we can work it out. It is the Finance Committee's jurisdiction maybe, but I am sure  
15 we will find out how we can do this.

16 The motion has been made and seconded. All those in favor, say aye.

17 **[CHORUS OF AYES.]**

18 **THE CHAIRMAN.** Opposed, say nay?

19 **[NO RESPONSE.]**

1           **THE CHAIRMAN.** The ayes have it and all of the items on the agenda are ordered  
2 reported.

3           There being no additional business before the committee, this meeting is  
4 adjourned.

5   **[WHEREUPON, AT 2:36 P.M., THE HEARING WAS ADJOURNED.]**

6