

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Business Meeting

Wednesday, November 3, 2021

BUSINESS MEETING

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U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 9:52 a.m., in Room SD-G50, Dirksen Senate Office Building, Hon. Robert Menendez, chairman of the committee, presiding.

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

I am going to reserve my comments at the beginning because I understand members have other obligations, and I will turn to the ranking member to see if he has any.

Senator Risch: I will reserve.

The Chairman: The ranking member is willing to reserve.

Without objection, I would like to consider en bloc 2 Foreign Service officer promotion lists and 14 nominations that have been noticed for this business meeting. Is there any objection to that process?

[No response.]

The Chairman: If not, so ordered.

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I would like to call a vote en bloc on the Foreign Service officer promotion lists and the 14 nominations that have been listed for the business meeting.

Senator Cardin: So moved.

The Chairman: Moved by Senator Cardin. Is there a second?

Senator Shaheen: Second.

The Chairman: Seconded by Senator Shaheen.

All those in favor?

Senator Risch: Mr. Chairman?

The Chairman: Yes, Senator Risch?

Senator Risch: Can you clarify that? What are we voting on? I understand the Foreign Service.

The Chairman: We are voting en bloc the 2 Foreign Service officer promotion lists and the 14 nominations that were noticed for the business meeting.

Senator Risch: Does that include Burns, Emanuel, et cetera?

The Chairman: It does. Those are all the people who were listed on the meeting notice.

Senator Risch: In that case, I would like to reclaim my time. Are you not going to speak to the noms?

The Chairman: I am not right now in order to be able to accommodate others. I am happy to sit and listen to everybody as long as they want afterward here.

Senator Risch: I want to briefly --

The Chairman: Senator Risch.

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

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Senator Risch: Thank you.

First of all, I want to speak to just a handful of these briefly. As far as Nick Burns to be Ambassador to China, I believe Ambassador Burns has the requisite experience and knowledge to advance our interests in today's global strategic competition. I plan to support his nomination.

Nick Burns has been around a long time. I have known him a long time, probably no better Ambassador as far as being able to represent the U.S. interests, and he has committed he will support a strong U.S. military deterrent in the Indo-Pacific and advance policies that help Taiwan implement its asymmetric defense strategy.

I am also encouraged by his commitment not to take any steps to trade away U.S. interests for the sake of climate cooperation with China. I will engage with him often to ensure he keeps these commitments.

On the nomination of Mayor Rahm Emanuel to be Ambassador to Japan, Mayor Emanuel and I disagree about most of our politics. But we agree that Japan is the cornerstone of our Indo-Pacific strategy, and it is our greatest asset in the strategic competition with China. That alliance is built on shared values and trust and mutual defense commitments, chiefly extended nuclear deterrence.

To put it bluntly, a no first use or sole purpose -- which is a euphemism for no first use -- policy would be a betrayal of the alliance with Japan and deterrent to our broader posture in the region. I have communicated that to Mayor Emanuel in no uncertain terms. I believe he understands that, and I believe he agrees with me. I guess we will see.

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I plan to support his nomination. However, expect he will use his position and firsthand experience he will gain in the region to advocate against a no first use or sole purpose policy, and I am going to count on that with him.

Ambassador Barbara Leaf is a qualified career diplomat with 25 years experience, much of which she spent within the Bureau of Near Eastern Affairs. She is well suited to lead this Bureau. But I have major concerns where the administration seems to be going with its Middle East policy.

As hard as I keep tugging on this, I am seriously concerned by the growing number of countries across the region and the current administration's seemingly openness to normalizing with the Assad regime. I am very much opposed to that and want more details on the gas deal the administration is proposing that would flow through Syria and enrich the regime, including the legal arguments on how this would not violate Caesar sanctions.

I also hope that Ambassador Leaf, if confirmed, will seek to restore confidence in the Department's long-term diplomatic commitment to the region following the disastrous withdrawal from Afghanistan.

As it relates to questions for the record for Ambassador Leaf and for all our nominees, less than fulsome responses or non-answers have been a reoccurring issue. The administration must be fully responsive and transparent to committee members' requests for information.

Close call. I am going to vote "no," knowing she is going to be confirmed, but hopefully, that will set the record straight of the problems that I have.

With regard to the Gawande nomination, improving the international pandemic preparedness is my top foreign assistance policy, and USAID's Bureau for Global Health

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will be integral to that effort. Dr. Gawande is a highly qualified medical professional who I think has the potential to bring effective, accountable leadership to USAID on global health matters.

But I am also aware of concerns raised about his views on abortion, including those expressed in 1998 regarding partial birth abortion, which is deeply troubling. He has personally pledged to uphold all statutory prohibition on using U.S. foreign assistance to perform and promote abortion overseas, both verbally and in writing. I have serious reservations about his ability to do so in an administration equally committed to circumventing these same laws. So I am going to vote "no" on that.

With that, I will turn it back. Thank you, Mr. Chairman.

The Chairman: Thank you very much.

I would ask members if we could go to a vote. If anybody wants to cast a negative vote on any of these individuals, they can so be listed.

Senator Merkley: Mr. Chairman?

The Chairman: Is there any other member? Senator Merkley?

Senator Merkley: Yes. As I understood in conversation with the staff, I would ask for a separate voice vote on nominee number 13 to be Ambassador to Japan.

The Chairman: Okay. The same thing would be accomplished. There is a voice vote now. Any member could be listed as a "no" on any of the nominees. So a separate voice vote would still provide a voice vote, but if someone wanted to be recorded as a "no," they would be specifically asked as a "no." But is that sufficient, or do you --

Senator Merkley: I can accept that, yes.

The Chairman: I am sorry?

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Senator Merkley: Yes, I can accept that.

The Chairman: Okay, thank you.

Senator Rubio: Mr. Chairman?

The Chairman: Yes. Senator Rubio?

Senator Rubio: Just a question. On this list that we are voting on, I would like to request a roll call vote on Dr. Gawande.

The Chairman: You have that privilege, although prior to you, a motion was already made and seconded to proceed en bloc on a voice vote. But we will modify it to allow you to have a recorded vote.

Senator Rubio: I appreciate that. Is your request that we reserve our comments until after the votes?

The Chairman: Yes, please. And so since you have asked for a roll call vote on Mr. Gawande, the clerk will call the roll on Mr. Gawande.

The Clerk: Mr. Cardin?

Senator Cardin: Aye.

The Clerk: Mrs. Shaheen?

Senator Shaheen: Aye.

The Clerk: Mr. Coons?

Senator Coons: Aye.

The Clerk: Mr. Murphy?

Senator Murphy: Aye.

The Clerk: Mr. Kaine?

Senator Kaine: Aye.

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The Clerk: Mr. Markey?

Senator Markey: Aye.

The Clerk: Mr. Merkley?

Senator Merkley: Can you clarify?

The Chairman: We are only having a roll call vote on Mr. Gawande at this point.

Senator Merkley: On which nominee?

The Chairman: Gawande.

Senator Merkley: Yes, aye. Thank you.

The Clerk: Mr. Booker?

Senator Booker: Aye.

The Clerk: Mr. Schatz?

Senator Schatz: Aye.

The Clerk: Mr. Van Hollen?

Senator Van Hollen: Aye.

The Clerk: Mr. Risch?

Senator Risch: No.

The Clerk: Mr. Rubio?

Senator Rubio: No.

The Clerk: Mr. Johnson?

Senator Risch: No, by proxy.

The Clerk: Mr. Romney?

Senator Romney: No.

The Clerk: Mr. Portman?

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Senator Portman: No.

The Clerk: Mr. Paul?

Senator Risch: No, by proxy.

The Clerk: Mr. Young?

Senator Risch: No, by proxy.

The Clerk: Mr. Barrasso?

Senator Barrasso: Aye.

The Clerk: Mr. Cruz?

Senator Risch: No, by proxy.

The Clerk: Mr. Rounds?

Senator Risch: No, by proxy.

The Clerk: Mr. Hagerty?

Senator Hagerty: No.

The Clerk: Mr. Chairman?

The Chairman: Aye.

The Clerk: Mr. Chairman, the ayes are 12, and the noes are 10.

The Chairman: And the nominee is favorably reported to the Senate.

So we will proceed to the previous standing order, which is to consider en bloc 2 Foreign Service officer promotion lists and now 13 nominations, having Gawande already been taken care of, that have been noticed for this business meeting.

And the clerk will call the roll. I am sorry. We are having a voice vote.

Yes, I am sorry. Thank you, Senator Cardin.

All those in favor will say aye.

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[A chorus of ayes.]

The Chairman: All those opposed will say no.

[A chorus of noes.]

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

Senator Risch: Mr. Chairman?

The Chairman: Yes, Senator Risch?

Senator Risch: Senator Johnson wants to be recorded as a "no" on Leaf, as do I.

The Chairman: And shall so be recorded.

Senator Barrasso: No.

The Chairman: Senator Barrasso will be recorded "no" on Leaf. Senator Hagerty?

Senator Hagerty: I would like to be reported as a "no" on Leaf, Burns, and Pantaleon.

The Chairman: Shall so be recorded. Senator Merkley?

Senator Merkley: Mr. Chairman, I wish to be recorded as a "no" on Rahm Emanuel.

The Chairman: So recorded.

Senator Rubio: Mr. Chairman?

The Chairman: Senator Rubio?

Senator Rubio: I want to be recorded a "no" on all of them.

The Chairman: So recorded. Senator Markey?

Senator Markey: May I be recorded "no" on Emanuel?

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The Chairman: So recorded. Having recorded everyone as they wish, a majority of the members present having voted in the affirmative, the nominees are reported favorably to the Senate.

So thank you everyone, for cooperating to be able to move this list. I am pleased that we had 14 nominees that we moved today, both for critical positions at the State Department and USAID, as well as embassies around the world. They are, I believe, all well qualified, deserving of their nominations, and I hope that we can move them on the floor swiftly.

The slate of nominees that we moved today is representative of the quality of Biden administration nominations overall. Individuals who are highly qualified, I believe will be superb representatives of the United States. Filling these critical positions is in our national security interests, and I believe it is simply that clear.

Unfortunately, the previously routine process of getting qualified nominees hearings and committee votes is like pulling teeth. I have been trying for some time to schedule a hearing for the nominee to be the Ambassador to Germany. We need a U.S. Ambassador in Berlin. So I identified this nomination as a top priority in early August, but the minority is refusing to clear a hearing.

I have been trying to schedule a hearing for the USAID Middle East position. We cannot ignore a region that is perpetually in crisis. So I identified this nomination as a priority in early August, but the minority is blocking this hearing as well.

And then there is the nominee to be the Special Envoy for Anti-Semitism. The minority has refused to grant her a hearing apparently because there is some concern

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about her tweets calling out the use of anti-Semitic tropes. Let us think about that a minute.

We do not want the person nominated to advance our global efforts against anti-Semitism to call out anti-Semitism? I sincerely hope that is not the position of the minority, and that we can move these nominees forward expeditiously.

I also have to note there are nominees ready for a committee vote who the minority will not clear. The tradition of this committee has always been to try to put nominees expeditiously on a business meeting agenda for an up-or-down vote if they have turned in their QFRs. Yet that is not happening.

Take Sarah Margon or Mallory Stewart, two qualified nominees for important Assistant Secretary positions. They have fully responded to hundreds of QFRs, and they did so in time to be put up on the last business meeting. Yet the minority refused to allow a vote when we last met for that business meeting.

Now I could understand this refusal to clear nominees if, like Senator Risch, when he was chair, I had broken comity. But that is not the case. To the contrary, I have bent over backwards, despite all kinds of obstacles, to work with the ranking member and have noticed only those nominees that he has cleared. I repeat, every single nominee who has had a hearing or a business meeting vote this Congress has been with the explicit approval of the ranking member.

But I would ask the ranking member does he not share the urgency to get these critical foreign affairs and national security positions filled? Why the delays? Why the obstacles?

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I know that, Senator Risch, in justifying repeatedly breaking comity last Congress, you told the committee that you believed in getting the facts out there at a hearing and letting the members decide. So I would ask that you live by your own standard and that you give these nominees their day before the committee. If you or other members want to vote against them, as we just had a series of votes against some of these nominees, so be it. But let us get it done. They deserve hearings and committee votes, not months of delay.

We owe it to the American people and to our national security. So I would ask you and urge you to commit today here at this meeting to hearings the week of November 15th for at least Dr. Amy Gutmann, Deborah Lipstadt, Tamara Wittes, and Ambassador John Bass and to agreeing to committee votes in short order after these hearings. I would similarly ask you to commit to votes on Mallory Stewart and Sarah Margon.

So I hope we can get those commitments, and we can break this logjam and move forward. They have answered hundreds of QFRs. They have answered hundreds of revised requests to QFRs. They have done everything they can do to be poised at least for a hearing and/or a committee vote. We should give them that opportunity and let the chips fall where they may.

Senator Risch?

Senator Risch: Well, thank you, Mr. Chairman.

First of all, let me say that you and I have discussed this on numerous occasions. I have expressed to you and express again here that I would like to see these people in place. I was a governor. I know that you cannot govern without having your people in place, and that is why we have processed 50 of them over the last month and a half.

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The fact of the matter is that it is not going to be a situation where we are going to roll over on ones that we are not done with, and Gutmann is a good example, if you want to take that as the poster child for this. As you know, in her previous position, there were millions and millions of dollars went from China into the institution that she ran. This is a complex matter. We are looking at it, and we will get to a conclusion on that.

As far as the others, there is only one, and I think I have communicated to you already that I am not going to agree to putting on, and I guess you are the chairman of the committee, if you want to put it on, you will not hear any whining from me. On the others, again, we are working on them in good faith. But with as many as we have had, as I have indicated, we have cleared 50 of them over the last month and a half, you cannot say that we are not acting in good faith. We are.

We are not dragging our feet on these, with the exception of the one that I have identified to you. And so we will continue to work, and on behalf of our obligation to assure that we have a legitimate hearing on these and people can make their decision, we will do so. We should get credit for the vast majority of them that we have already cleared.

So thank you, Mr. Chairman.

The Chairman: Senator Cardin?

Senator Cardin: Mr. Chairman, thank you very much.

And to Senator Risch's point, let me just underscore the concerns that I have that have been expressed by our chairman. I represented the United States this morning in an international meeting of the Helsinki OSCE Parliamentary Assembly. I am the Special Representative for Anti-Semitism, Racism, and Intolerance and the head of the U.S.

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delegation to the OSCE Parliamentary Assembly. Along with Senator Wicker, we represented America today.

One of our principal topics is the rise of hate, the rise of intolerance, the rise of anti-Semitism globally. And we are working very hard with U.S. leadership to get our European allies for an action plan at the ministerial meeting that is taking place in December.

But it is very hard for us to show leadership when Sarah Margon, who is the nominee to be Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, has not been acted upon. Her nomination has been pending for 117 days. She is well qualified, and she is the key point person within the administration on the human rights agenda, which is the hallmark of the Helsinki Final Accords. So it presents unique challenges.

And as Senator Menendez said with Deborah Lipstadt, who is the nominee to be Special Envoy to Monitor and Combat Anti-Semitism, she is so well thought of in the general community as well as the Jewish community in her longstanding efforts to stop the scourge of anti-Semitism. So as a person who it would be no surprise to members of this committee, as I raise human rights at just about every one of our hearings and what our nominees are planning to do on behalf of human rights and advancing American values globally, it is our responsibility to act on these positions.

Leaving them vacant is not in our national security interest. We need to move them quickly. I think the chairman's request that the Margon nomination be acted on at the next business meeting is a reasonable request, considering that she has been pending for 117 days. Let us vote on that.

I certainly hope that Deborah Lipstadt is on the next hearing list so we can move forward on our commitment to fight anti-Semitism. This has been universal in the Senate.

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Democrats and Republicans working together on these human rights agendas, on these religious freedom agendas, on the anti-Semitism agendas. Let us show by our actions on these critical nominations.

I would go through the rest, but I just really wanted to highlight those that are I think in the human rights basket that we need to act on.

Senator Risch: Mr. Chairman?

The Chairman: Yes. Senator Risch?

Senator Risch: To respond briefly, first of all, Senator Cardin, I have absolute and total respect, as you know, for your view on these issues. And you and I agree, to a large degree, on most of the stuff.

When it comes to the Margon one, look, shortly after her hearing, I communicated to the chairman I was not going to agree to put her on the agenda. Out of all the noms, I think it is the only one that I have said absolutely not on. But you have two choices. Either pull her back, and we got lots of people we can put in there to do this job, or the chairman can put it on the committee under the rules without my concurrence.

So that is the only one, and like I said, you are not going to hear any whining from me about it. If that is the way you want to go, have at it. I am not going to vote for her. I am not going to support her. I do not want anything to do with this nomination.

The others, we are working in good faith on it. I commit to you we will continue to work in good faith. So there is only one that falls in that category, but the ball is in your court on that.

Thank you.

The Chairman: Yes, Senator Coons?

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Senator Coons: If I could just add my concerns about the process as well. First, if I could, I was at an event last night with Ambassadors from several European countries. Our not having Ambassadors to our critical allies like Germany is a significant, I think, impediment to our effective diplomacy around the world.

I am pleased that we moved Nick Burns for China and Rahm Emanuel for Japan and a dozen others today, but frankly, it is November, and we do not have Ambassadors to most of the countries of the world. It is November.

So, first, Penn is a very complex organization. It has got a \$7 billion annual operating budget, and I respect the right of any member to ask QFRs about the details of the operations of an organization that someone who is nominated leads. But I think the detail that is being pursued in the case of the nominee for Ambassador to Germany is at this point delaying and holding up a nominee who ought to be moving forward.

I also spent a lot of time with a Republican colleague crafting the Development Finance Corporation, the DFC. There is a very capable nominee for that, Scott Nathan, who I have worked closely with, who has got a lot of relevant background. And I really hope we can move forward with a confirmation hearing for Scott Nathan the week that we get back, the week of November 15th.

In the absence of having a nominee, this is our best answer to the belt and road initiative, to providing development finance that works in the developing world, and not having someone with relevant investment community experience and development leadership experience confirmed I think is a huge missed opportunity. So I hope the minority will allow us to proceed with a hearing for Scott Nathan when we return.

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Senator Risch: Briefly, very briefly, Mr. Chairman, you know, the numbers speak for themselves. We are moving faster here than we did in the last Congress. I am with you. I have never understood, since I joined this committee, why it takes so long under either Republican or Democrat administrations to not get people in place. You cannot operate the Government without it. I am in full concurrence on that.

Like I said, we have kicked 50 of them out of here. The backup right now really is not here as much as it is on the floor, and I have no control of that. I do not think Senator Menendez has any control over that. That is between people who are at a higher pay grade than we are. But I am with you. I think we need to get most of these moved on and in place.

The Chairman: Yes, Senator Murphy?

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

Just briefly, to reiterate and to put some numbers behind the problem on the floor, right now we have five Ambassadors that have been confirmed by the full Senate. By this time in Donald Trump's first term, there were 32 Ambassadors that had been confirmed by voice vote, by voice vote. I hope my Republican colleagues will concede that they have no greater objections to President Biden's foreign policy than Democrats had in 2017 to Donald Trump's foreign policy, and yet we thought that the security of the Nation was important enough that we should have Ambassadors in place when we believed them to be qualified.

There is an entirely different standard being used, and we do feel that that different standard is infecting the way in which these nominees move to hearing. Let me just speak

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very briefly to Tamara Wittes, who is the USAID Assistant Secretary nominee to cover the Middle East.

This is someone that this committee knows well. She served as a previous Deputy Assistant Secretary at State for this region. She has been at Brookings. She has appeared before this committee. She has received awards and distinctions.

And at a time when we have some real crises in the Middle East that are connected to the way in which we spend dollars, I think about Lebanon, a country that is literally falling apart, where U.S. aid is maybe going to be one of the few things that holds it together, to decide as a committee that we are not going to even have a hearing on an incredibly -- this is not someone who has never served before in Government. This is not someone whose views are unknown to us. This is someone who is ready to do the job that is certainly ready to at least come before this committee for a hearing and a vote, serving a region of the world that desperately needs someone to oversee U.S. taxpayer dollars.

We are spending that money one way or another. So why would this committee delay the ability to get somebody in place to oversee it? I want to concur with all the comments of the chairman, and my hope is that we can break this logjam on the floor, but also break this logjam here in the committee.

Thank you, Mr. Chairman.

Senator Risch: Mr. Chairman?

The Chairman: Senator Risch?

Senator Risch: Briefly, to respond, you focused on the Wittes one. You did not focus on the 50 that we have cleared through here. Wittes has a long, long history of tweeting about members of this committee, to begin with. In one of the tweets, she called

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the Abraham Accords a "gift to authoritarianism." As a result of that, we are going back and looking very closely at everything that she has written and said to see whether we want to support that or not.

Again, I do not think it is fair to pick out one of those and ignore the vast majority we have put in here. I agree with you there is a logjam on the floor. I am not speaking to that. That is other people are going to have to speak with that.

But in any event, thank you, Mr. Chairman.

The Chairman: Yes.

Senator Cardin: Could I just respond?

The Chairman: Senator Cardin?

Senator Cardin: Senator Risch, the comity in this committee has worked, I think, extremely well for the benefit of this committee. I, at one time, had the responsibility of being the ranking member and working with Senator Corker. And I must tell you, there were so many nominations that came up during that period that I was very much opposed to, but comity requires us to reach a point where we let the committee make those decisions, not the chairman and ranking member.

And on the Margon issue, I would just urge you, if we have all the information for the committee to be able to make that decision, I think there is responsibility with the chairman and ranking member to resolve when that comes before the full committee for determination. Otherwise, we are giving a veto to one member, and that is not what this committee is about. That is why comity works.

I would just urge you to reconsider this because, yes, Senator Menendez can bring the issue to our committee without comity, but I think comity has worked well to protect

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the majority and minority rights on this committee. It is extraordinary how much we work together in that regard, and it has worked well over time.

And I would just urge you to reconsider on this point. If all the information is available, if you can make your case before the committee, have trust in the membership. It is equally divided. Give us that opportunity in this committee to make that decision without jeopardizing a tradition in this committee that I think has worked to protect the minority rights probably more than the majority rights, but the rights and value of this committee working together.

The Chairman: Thank you. Senator Cruz?

Senator Cruz: Mr. Chairman, I want to make three points on this.

First of all, in my judgment, the ranking member has bent over backwards to express comity and to work with the chairman of this committee. I would note the committee has responded to those efforts of goodwill by doing things such as scheduling two successive business meetings in a single week when a matter is held over to circumvent the ability of the minority to focus on an issue of concern.

That is not an expression of comity when you have a business meeting on Wednesday and immediately do another business meeting on Thursday, with the obvious intention of saying never mind the prerogatives of the member who is exercising it. We are the majority, dammit, we are going to force it through. That is not an expression of comity.

Secondly, I would point out with regard to the QFRs, there have been some nominees who have submitted their answers and submitted their answers reasonably. There have also been nominees who have openly defied this committee, and in fact, one of those nominees is before this committee today, Barbara Leaf.

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As the chairman knows, I spoke about Ms. Leaf at length on the floor yesterday. And Ms. Leaf's answers in response to questions I submitted for the record completely defy the authority of this committee. Three questions in particular that she refused to provide even the barest modicum of answers.

Number one, the administration is right now today holding hostage \$130 million in military assistance to our ally the nation of Egypt. And the administration is, among other things, demanding that Egypt release 16 prisoners that are currently incarcerated in Egypt. But the Biden administration refuses to identify who those prisoners are, refuses to tell this committee, and refuses to tell the American people.

I asked Ms. Leaf who are the 16 prisoners that the administration is demanding a quid pro quo? There is some irony to how we spent last year in impeachment proceedings, given that the administration is explicitly and unabashedly insisting on a quid pro quo. You will get your \$130 million that Congress has appropriated when you release these 16 individuals from jail.

That is undoubtedly a quid pro quo, and the question I asked Ms. Leaf is name the 16. Are they affiliated with the Muslim Brotherhood? Do they have terrorist ties? Are they American citizens? Have they committed crimes of violence? Those are reasonable questions the American people would like to know. Ms. Leaf responded to those QFRs with a thousand words of gobbledygook, where she spoke about everything under the sun except the specific question asked, who are the 16?

And I would note, in fact, the administration did even better. There is a classified document that we can go to the SCIF and read. I have gone to the SCIF and read it. There

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is no reason for that document to be classified. The only reason that document is classified is because the administration does not want me reading the names in this hearing.

It is purely a public relations ploy to keep that document classified. Ms. Leaf is defying this committee's authority. Likewise, a second question I asked Ms. Leaf. The State Department issued a written guidance to its employees prohibiting them from using the words "Abraham Accords." They are so opposed to the historic peace deals that were signed last year that they have forbidden using "Abraham Accords."

And I would note even though there have been some Biden nominees that have had the courage to defy that State Department guidance, it continues to have force. On September 13, U.S. Ambassador to the U.N. Thomas-Greenfield gave an entire speech about the Abraham Accords in which she did not utter the words "Abraham Accords." Instead, she used the banal euphemism "normalization agreements."

Likewise, on October 13th, Secretary Blinken met with Israeli Foreign Minister Lapid, and the spokesperson read-out again just used the words "regional normalization efforts."

I asked please provide to the committee and the American people the written guidance prohibiting use of the terms "Abraham Accords." And again, Ms. Leaf basically said go jump in a lake. No, I am not going to give you your guidance.

And by the way, her justification, she said, hey, I am at the NSC, that is State. I do not have the ability to give anything at State. Well, if Foggy Bottom wants her confirmed as an Assistant Secretary of State, I think they can find the State Departments documents.

And the third and final point I will make on Ms. Leaf's QFRs is I asked about the administration's attempt to negotiate a so-called "less for less" agreement with Iran. In

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other words, lessening pressure on Iran for something substantially less than a promise not to build a nuclear arsenal.

Ms. Leaf's answer was to categorically flat-out deny there are no less for less negotiations. They do not exist. Multiple press reports in Reuters and elsewhere flatly contradict that. In my view, Ms. Leaf's answer to this committee was a direct and deliberate falsehood. And so I would say I addressed this at significant length earlier this week on the floor. I would commend anyone in this committee to listen to that floor address.

I think everyone on this committee should care about those question, particularly the first one. Who are the 16 individuals? I noted on my floor speech that Senate Democrats put in appropriation language in a report a series of names of individuals, expressing concerns about their incarceration in Egypt, one of whom is a prominent hate preacher who spreads anti-Semitism at great length.

Moments ago, the chairman was speaking about the Envoy to Oppose Anti-Semitism. Well, there is some irony that Senate Democrats are apparently demanding that Egypt release a prominent anti-Semite, and the public does not know if those are included in the people for whom the money is being held hostage or not.

A final point, Mr. Chairman. I would simply ask that I be recorded as a "no" and recorded as voting and present for the nominees Leaf, Gawande, Emanuel, and Reynoso.

The Chairman: Those will be so listed.

I know there are other members who want to speak, but you know, you can have your opinion. You cannot have your own facts, though. The reality is, is that as it relates to calling business meetings consecutively, the Senator has abused the process that this

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committee has in a way that in my entire life in the Senate I have never seen on either side of the aisle.

So when you are going to do it indiscriminately and in a buckshot approach, it then calls for the ability to break an indiscriminate process with an opportunity for members to cast their vote. Now that, by the way, was done on occasion under Republican majority, and I never heard the Senator complain about it. But then again, that majority at that time, that Republican majority never faced the indiscriminate hold of all nominees.

Secondly, on QFRs, you have answers. As a matter of fact, at the hearing for Ambassador Leaf, you had a good back-and-forth, and then there were reports out there that you wanted to follow, and so you decided to follow it. And the names have been provided. They are in the SCIF classified for anybody who wants to go see them. Evidently, you have referenced that you have seen them.

So the names are there. Whether you have a difference of view whether they should or should not be classified is another thing, but the names have been provided. So to suggest that the names have not been provided, therefore, it is unresponsive.

And lastly, you keep saying this thing. I know that if we say it enough, it is like, you know, the history of the past. If we keep saying something that is not true enough, we hope that it becomes true. The reality is, is that I have heard the Secretary of State, I have heard Ned Price, the spokesperson for the State Department, and others, including those nominees before this committee, consistently refer to the Abraham Accords as the Abraham Accords.

Now the Secretary of State is the highest person in the Federal Government as it relates to foreign policy outside of the President. He has consistently named it the

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Abraham Accords, fitting and appropriate as it is. But to ask a nominee to give you a document that you are looking for that she has no control over the document, you can ask the Secretary of State for a document.

The bottom line is, if there was a prohibition against calling the Abraham Accords "the Abraham Accords," then the Secretary of State would not use it. The Secretary of State's spokesperson would not use it. None of the nominees that came before the committee would use it. So it is a fallacious argument at the end of the day.

Senator Kaine?

Senator Kaine: Thank you, Mr. Chair.

I think the numbers do not lie. What Senator Murphy said was correct that Democrats had major objections to Donald Trump's foreign policy. But by this time, nearly 40 Ambassadors had been confirmed, 32 by voice vote and others by recorded vote. And here we are with 5 Ambassadors confirmed to countries around the world. What a poor message that sends about U.S. disinterest, U.S. disinterest in the world.

It sends a sign to nations that we are interested in them when we send them an Ambassador. And when we cannot even bother to do that, it sends a sign that we are not interested.

This is a parochial issue for me. An awful lot of State Department employees live in Virginia. Their morale is affected by the actions of this committee.

And I am starting to worry, Mr. Chair that what I am seeing not just in this committee and elsewhere over the course of the last few years is a sort of an effort by one party in this body to redefine what advise and consent is. This is a constitutional requirement of the Senate to advise and consent to a certain specified number of

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presidential nominations. Obviously, the advise and consent requirement is not rubberstamped. Consent also means oppose. But you ought to vote "no."

I heard Senator Cruz. He does not like the fact that he got those names by classified rather than in public. That would be a great reason to vote "no." That would be a great reason to vote "no."

But what I have seen in this committee and others is an effort to switch advise and consent to not voting "no," but just delaying action in an inappropriate way. And why delay action rather than vote "no"? Because you can avoid accountability for it.

A "yes" or "no" vote you got to explain. There is going to be some accountability for it, and most of us are proud to vote "yes" or "no" and explain. But avoiding votes, boy, what a slick trick. If we can figure out a way to avoid votes, we never have to explain. We never have to be accountable for it. And I think that is basically an undermining of the responsibility that is an important one that the Senate has of offering advise and consent on nominations.

So, Mr. Chair, as far as I am concerned, Senator Risch has made an offer to you that you have the ability to put things on without his approval. You are a fair-minded individual. You do not put up with nominees not providing full responses to this committee because I have seen you be upset when they did not under both Democratic and Republican Presidents.

I feel like if you feel that a file is complete and the questions have been answered, and even if they are not answered to somebody's satisfaction around this dais, if you think they have been answered in a reasonable way, I think we ought to be having hearings, and we

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ought to be having votes and let people go on the record and express whether they are happy or unhappy with nominees.

But this effort to avoid the advice and consent function by basically playing kind of a four corners basketball game where nobody is accountable for votes is very debilitating. It sends a horrible message around the world, and I think it undermines a responsibility that the Senate should take very seriously.

Thank you.

Senator Cruz: Mr. Chairman?

The Chairman: Let me turn to others who have not had an opportunity. Senator Merkley?

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

The question we are wrestling with is whether this committee can do its job in a day of intensified partisanship, partisanship that is fueled and amplified through separate cable channels, through intensive social media campaigns. And I would argue that it is the responsibility of the chair and the ranking member to resist manifesting that accelerated, intensified partisanship in the context of the responsibilities of this chamber.

We are the Foreign Relations Committee. Only five Ambassadors have been confirmed by the Senate. As Senator Murphy pointed out, 32 were done by voice vote at the first year or to this point in the first 10 months of the Trump administration. Five Ambassadors.

Now the ranking member has pointed out that there is an alternative to comity that you, Mr. Chairman, can put Ambassadors up regardless of his consent. But you, as I understand it, are saying let us try to have a partnership between the Democratic and

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Republican leadership to make this committee work together for its responsibilities for America, for our diplomacy in the world.

So I beseech that, encourage the chair and ranking member ponder this question. We have a responsibility that rises above the partisan rants of the membership. I think everyone here has expressed in tweets and speeches their frustrations, their anger with the other party, but this committee has a higher responsibility to make the executive effective in the world.

We are in a competition with China, if you have not noticed. They are saying the decisive nature of an authoritarian control gets things done, and they are pointing to America and saying, look, America cannot make decisions on fundamental issues. And they might put as a poster child this committee right now that has only been able to confirm, pass on 5 Ambassadors in 10 months. That is 1 Ambassador every 2 months.

This is an unacceptable, tragic outcome. It has to be addressed. And there are positions other than Ambassadors. Mallory Stewart, up for Assistant Secretary for Arms Control, Verification and Compliance. We are all concerned about China's new weapons strategy in the nuclear category. We are all concerned about the Russian program of nuclear technology weaponry. We are all concerned with the risk of the stability of nuclear war and nuclear proliferation.

We have a Nuclear Posture Review underway without the leadership of a person in this role. So she should come before this committee, and we should vote "yes" or "no." But we should not sit on such an important position and not act. That is failing our responsibility for the security of this Nation.

Thank you, Mr. Chairman.

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Senator Cruz: Mr. Chairman?

The Chairman: I am going to turn to Senator Shaheen, who has not had an opportunity, then I will turn to you.

Senator Shaheen: Thank you, Mr. Chairman.

I certainly want to echo the concerns of my colleagues, and you know, during the previous administration, I tried to vote for those nominees who I thought were qualified who I could support and vote against those who I did not support. There were some of my colleagues who voted against everyone who was nominated by the Trump administration. I did not think that was the right way to go, just as I do not think it is appropriate now for some of my Republican colleagues to vote against all of the Biden nominees.

I think I know there are some legitimate concerns that my colleagues have expressed. Senator Cruz and I agree on Nord Stream 2. But the fact is what is happening now is inhibiting the ability of the United States of America to do its work.

I appreciate that the Republicans in the Senate want to try and undermine this administration. They do not like the outcome of the past election. But it is over. You know, what happened to politics ends at the water's edge?

Because our colleagues are looking at what is happening here -- not our colleagues, our adversaries. And as Senator Merkley said so well, China is making a pitch that authoritarianism is the best alternative because democracy does not work because they are looking at our Congress and saying democracy does not work because people are not willing to work together.

I worked really closely on the bipartisan infrastructure package, on the package of COVID assistance that we did back in December. Those were bipartisan efforts to get

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things done in the best interests of the country, and that is what I am going to continue to try and focus on. And I really hope that all of us here would take that approach that we want to try and where we can agree, work together. Where we disagree, let us vote. But let us not continuously hold up the ability to get things done.

I would also point out, as the only woman on this committee, that most of the people who are being held up for these positions are women. I do not know how we fix this, but what is happening now is not working, and it is not working just for the Senate, but it is not working for the country.

The Chairman: Senator Cruz?

Senator Cruz: Mr. Chairman, I would like to respond to several of the comments that have been made by Democratic members of this committee. I would point out, first of all, on the 16 names, the chairman observed that, yes, the Biden administration is holding hostage \$130 million for Egypt and demanding that 16 people be released from prison.

The Chairman: No, the chairman did not recognize that.

Senator Cruz: To be fair --

The Chairman: I did not recognize -- do not put words in my mouth that I did not say.

Senator Cruz: Mr. Chairman, do you deny that they are withholding \$130 million? Do you deny --

The Chairman: I did not say that --

Senator Cruz: -- that they are withholding \$130 million?

The Chairman: -- and I do not need to be cross-examined by you.

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Senator Cruz: Well, you are cross-examining me. I am speaking. You are cross-examining me.

The Chairman: I am not cross-examining. I am correcting something --

Senator Cruz: Mr. Chairman?

The Chairman: -- that you misstated.

Senator Cruz: You are interrupting me. You are interrupting me.

The Chairman: And the chair -- the chair will not allow --

Senator Cruz: Really?

The Chairman: The chair will not allow --

Senator Cruz: What will you not allow?

The Chairman: -- you to say something I did not say. I did not say -- all I said was -

Senator Cruz: You are interrupting me in the middle of a sentence.

The Chairman: -- there are 16 names.

Senator Cruz: You are interrupting me in the middle of a sentence.

The Chairman: I did not --

Senator Cruz: Do you deny that they are holding the money hostage?

The Chairman: The Senator will withhold.

Senator Cruz: How about you withhold? You are the one interrupting me.

The Chairman: The Senator will withhold.

Senator Cruz: I am speaking. You are interrupting me.

The Chairman: I will adjourn the meeting. If you want to have your --

Senator Cruz: If you are afraid of my speaking --

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The Chairman: -- opportunity, you will have it.

Senator Cruz: -- and want to adjourn the meeting --

The Chairman: You will not be allowed to put words in my mouth.

Senator Cruz: After your lecture on comity, you are interrupting me.

The Chairman: I know you want to do this for your YouTube for your presidential candidacy --

Senator Cruz: You are interrupting me. Okay, that is an inferred --

The Chairman: -- but stop putting words that I did not say.

Senator Cruz: You are interrupting me again.

The Chairman: I did not say anyone is holding anybody hostage. Okay, continue.

Senator Cruz: You are interrupting me again. Are you going to allow me to speak, Mr. Chairman?

The Chairman: Continue.

Senator Cruz: That is very kind of you. And I will say, Mr. Chairman, I appreciate your lecture on comity when you interrupt me.

All right. So let me speak more precisely because I was in the middle of one sentence when you interrupted me.

It is an established fact, publicly acknowledged, that the Biden administration is holding \$130 million hostage in Egypt and demanding the release of 16 prisoners who are currently incarcerated. What the chairman just said is that I should be satisfied because when I asked for those names, the administration provided them in a classified document that members of this committee can read in a SCIF that is hidden from the American people.

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Mr. Chairman, the fact that it is hidden from the American people is a problem. This is not a star chamber where we sit in smoke-filled rooms. Rather, the American people have a right to know about the radical agenda that Joe Biden and Kamala Harris are putting forward, and there is a reason it is classified. They do not want the names known.

Why? Because, look, under Barack Obama, the Obama administration repeatedly and vocally supported the Muslim Brotherhood, a terrorist organization that murders Americans, that murders Israelis, that is virulently anti-Semitic. When we saw over a million people standing in the streets of Cairo, they were holding up signs saying America supports the Muslim Brotherhood because the Obama-Biden administration had a policy of supporting the viciously anti-American terrorists in the Middle East.

Why does Joe Biden not want those names released? Because they cannot defend the names on the list. And so, for the chairman to say you should be happy that they are hidden in a secret room, if you want to defend them -- Senator Kaine talked about accountability, let us have some accountability. Let us talk about the 16 names, and the American people want to know why Joe Biden and Kamala Harris are trying to force our allies to release people who may well be a national security threat to the United States.

Secondly, on the Abraham Accords, the chairman pointed out, said, well, there are members of the State Department who use those words, which is something I acknowledged in my remarks. Yes, there have been individual members of the administration who have defied those orders.

Interestingly, what was missing from the chairman's remarks was even a syllable of a word denying that there was a written guidance saying do not use the words "Abraham Accords," and the reason I believe the chairman did not deny it, it has been publicly

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reported in the media that those written directives went out. And why does the State Department not provide them? For the same reason they do not provide the list of 16 names. They want to hide it from the American people because they are embarrassed at the left-wing politics driving their policies.

It is pure public relations that they are hiding that directive. They do not want the American people to read it.

And third, there have been lots of speeches and high dudgeon about the delay in nominees. Now, I will note that many of the delays in Ambassadors have been delays in nominations that this administration has been incredibly slow in putting forward nominees to be considered. But I do not hide remotely from the fact that I have a hold on State Department nominees, and I have a hold for a specific reason that every member of this committee knows exactly what it is. And it is that Joe Biden and Kamala Harris are defying Federal law. They are brazenly and unapologetically defying Federal law to benefit Russia and Putin on Nord Stream 2.

And the remarkable thing is every member of this committee on the Democratic side of the aisle agrees with me on the substance and has said so on the record repeatedly, has voted on the record repeatedly. The members of this committee know the Nord Stream 2 pipeline, if it goes online, will hurt America. It will hurt Europe. And it will enrich Putin and any successor tyrants in Russia for generations to come.

That is why we passed bipartisan legislation that Senator Shaheen and I have authored not once, but twice into law. And the Biden administration made what I believe is a generational geopolitical blunder in surrendering to Putin.

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Now I would note also that for several months since August, I have had a written offer of compromise submitted to this administration that if they want to break the logjams, it is very simple. Under CAATSA, which members of this committee supported -- indeed, I have given floor speeches quoting from multiple Democrats on this committee -- CAATSA provides, it is a statute that provides if the administration wants to waive sanctions on Russia, it triggers an automatic override vote in Congress.

And I have said it is very simple. If the administration will waive the sanctions under CAATSA and trigger the override vote, I will lift my holds. Multiple Democrats on this committee privately have told me they think my offer of compromise is very reasonable, and the Biden administration should take it.

Now what has not happened, there have not been any Democrats saying that publicly. And I understand it is difficult to oppose a President of your own party. So it is one thing to say it privately on the Senate floor. It is another thing to say it publicly.

I will point out on Nord Stream 2, when we had a Republican President, I was not shy about speaking out and putting pressure on a Republican President to stand up to Russia and Putin on this. And I would ask my Democratic colleagues to show the same willingness to do so for a Democrat when you know the Democrat is wrong, and there is a reasonable offer of compromise that could break the logjam.

But instead of doing so, the Democrats who have told me privately they think it is a reasonable compromise, they have not said so publicly. Instead of putting pressure on their own Democratic President, we have Democrat after Democrat who come to the floor, and they give speeches lambasting me. The chairman, I think I counted it is the third time he asserts that apparently I am not interested in Russia. I am not interested in American

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national security. It is a presidential campaign, the chairman tells me. He says so, repeatedly impugning my integrity.

And let me point out a final thing. Senator Kaine talked about accountability. I am a big believer in accountability. If any of you think that I am somehow afraid to be accountable for fighting against decisions that are hurting American national security, you have missed the hours upon hours upon hours in which I have defended that decision on the Senate floor. There ain't no hiding what I am doing because I believe it is the right thing to do.

But accountability is accountability to each other, but it is ultimately to the American people. The Senator from Virginia, I was in your State last night. There was an election in the State of Virginia last night where Glenn Youngkin was elected governor.

I would note the chairman's State, New Jersey, had an election --

The Chairman: I have allowed the Senator to continue for an enormous period of time. I would ask you to wrap up because we do have a classified briefing.

Senator Cruz: I am wrapping up, Mr. Chairman. I am wrapping up.

And my point is simple. Last night, in a political earthquake, the voters in Virginia elected a Republican governor. Last night, in a political earthquake, the voters of New Jersey may have done the same thing. I checked this morning. It is 1,500 votes separating the two, and they are still counting votes.

The reason I believe voters in two States that have been blue for a long time went the other direction is because of the radical and extreme policies of Joe Biden and Kamala Harris, and I will point out this committee, in saying we are not going to stand together

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fighting for the national security, is defying the American people. The American people have a right to know if Joe Biden is trying to release terrorists.

And simply the partisan loyalty of Democrats is not furthering the responsibility of this committee.

The Chairman: Thank you. Thank you very much. Thank you for the political lesson.

Let me first say that holding \$130 million is pursuant to congressionally passed legislation. You cannot keep saying that. It is congressionally passed legislation.

Number two is I never said you should be happy that the names are available. You once again tried to misclassify what the chair said. I just said that they are available to you and to any other member in the SCIF. I did not say you need to be happy for it.

And as it relates to Nord Stream 2, let me just say what you are suggesting is that a member of the Senate, and in this case, a member of the Senate in the minority, can dictate the policy to the executive branch in order to get their nominees through? Well, I have seen casting votes to suggest what that policy should be, but I have never seen the hostage-taking of career nominees in order to achieve that.

With the thanks of the committee, this meeting is adjourned.

[Whereupon, at 9:51 a.m., the committee was adjourned.]