

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS  
**Business Meeting**  
*Wednesday, March 23, 2022*

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

The committee met, pursuant to notice, at 10:09 a.m., in Room S-116, The Capitol, Hon. Robert Menendez, chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Murphy, Kaine, Markey, Merkley, Schatz, Van Hollen, Risch, Johnson, Romney, Portman, Cruz, Rounds, and Hagerty.

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

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

Today we are considering a number of nominations, legislative items, and two Foreign Service officer promotion lists. We have received holdover requests for five items that were originally noticed for today's markup: S. 3199 on Ethiopia; S.J. Res. 17, the Chile Tax Treaty; Leopoldo Martinez to be Executive Director of the Inter-American Development Bank; and Maria Fabiana Jorge to be Alternate Director of the Inter-American Development Bank. Of course the chair will honor those requests.

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We will take up and vote on those items at the next business meeting, and I appreciate the ranking member working with me to get that noticed for March 29th.

At this momentous time as we see a war raging in Europe, with human rights violations and a full frontal assault on democracy right in front of our eyes, our committee should be an example to the world of American democracy in action, and I am grateful for the hard work that went into our agenda today. But it has been 5 months since our last legislative markup, and there are critical matters to attend to, and while Ukraine is at the forefront of our minds, we cannot afford to neglect other pressing priorities. We have got to confirm officials to represent the United States on the global stage, we must take up legislation advancing U.S. interests around the world, and we must consider treaties to strengthen bonds with other countries and to drive economic activity. And we have key priorities: China, State authorization, and others. So I hope we can meet on a more regular basis.

Let me turn first to nominations. I won't speak about each of the nominees individually but will simply note that their knowledge and expertise are desperately needed, and these posts are critical to our national security. I support their swift confirmation and hopeful that you will do as well.

Finally, let me turn to legislation. We will vote on five bills and seven resolutions. I'll only highlight a few. I am pleased we will mark up the U.S.-Ecuador Partnership Act, legislation that will reinvigorate our bilateral relationship, deepen

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cooperation on environmental conservation, promoting economic growth, and help combat illicit economies, and it will strengthen democratic institutions Ecuador has taken steps to restore in recent years. Ecuador is a key partner in Latin America, and I want to thank the ranking member and Senators Kaine and Rubio for working with me on this.

I am also pleased that we are considering a bipartisan resolution honoring the 201st anniversary of Greece's independence. Amid democratic backsliding and war in Europe, it is more important than ever to recognize the importance of democracy and certainly celebrate its roots. And our increasingly close partnership with Greece plays a crucial role in stabilizing the Eastern Mediterranean.

Today, we are also considering three bills to advance reforms and modernization of the State Department, including expanding trade and professional development, and reforming the Accountability Review Board's system. As I have shared with the ranking member and the sponsors of these bills, while we agreed to mark up these bills today, we do so with the understanding that this is the beginning of a conversation on how to tackle these issues, and that we will examine these proposals closely as we put together the next State authorization bill. My expectation in the first instance is that these bills will move as part of that broader legislation.

I was extremely proud of our work to pass into law a bipartisan state authorization last year, the first time in nearly 2 decades, and I look forward to

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building on that success by putting forward another authorization bill this year, working closely with the ranking member and members of this committee to support and expand the Department's important diplomatic work.

And with that, let me turn to the ranking member for his remarks.

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

**Senator Risch:** Well, thank you, Mr. Chairman. First of all, I agree with your remarks that we have got a lot of work. I also would note, as you noted, that with what is going on in the Ukraine, it has a tendency to throw all the oxygen out of the room. But in the defense of all of us, it is pretty hard to look the other way when you have got something as ugly as that going on, and think we all are in agreement on that.

I will go very quickly through the items I wanted to. First of all, I want to thank Senator Murphy for working with me on Senate Bill 816. The Diplomatic Support and Security is something we have been working on for a long time. The State Department has rightfully sought to protect our diplomatic personnel in high-risk, high-threat environments. However, in attempting to achieve complete security and limiting risk, the Department routinely stifles the ability of our diplomats to get outside of the embassy walls and meet face-to-face with world leaders and communities. Our adversaries do not place such burdens on their diplomats, and, as such, we are at a disadvantage. The bill commends the State Department's efforts to

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protect diplomatic personnel but recognizes the pendulum has swung too far toward eliminating risk. This legislation will help recalibrate an appropriate risk tolerance.

Regarding Senate Bill 3666 -- Risch and Menendez, the Accountability for Cryptocurrency in El Salvador Act -- thank you to Senator Menendez and Senator Casey, for working with us. Our legislation requires the State Department to coordinate with Treasury and other Federal agencies to examine and mitigate potential risks related to El Salvador's adoption of bitcoin as legal tender. There are a whole lot of questions there as to what is going to happen as we go forward with that.

Regarding Ethiopia -- Menendez-Risch -- while it may be true that in the months since the introduction of Senate Bill 3199 and the fighting in Ethiopia has shifted, the core issues covered in this legislation remain the same. This bill provides the tools to hold all parties to this conflict to account for the many atrocities committed in a deadly humanitarian crisis. This legislation also focuses on the role of disinformation and foreign actors in this war, which have increased its lethality and persistence. Congress must send a strong message that we are serious about accountability and resolving the conflict.

On Senate Bill 3591 -- Menendez-Risch, on Ecuador -- I am also pleased to have introduced this with Senator Menendez, Rubio, Kaine, and Cassidy. Our legislation authorizes the Administration to conduct activities that would improve commercial relations, promote security cooperation, improve law enforcement

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capacity, and strengthen democratic governance in Ecuador. It critically, improves ties with Ecuador, pushes against PRC influence in our hemispheres, and complements other economic and security successes in the region.

With myself, Senator Shaheen, I want to thank Senator Shaheen for working with me on Senate Res. 446, a resolution that commends Lithuania for standing with Taiwan despite Chinese economic coercion. Lithuania deserves recognition for its decision to stand with Taiwan despite knowing the backlash it would receive from Beijing. This resolution sends a signal to all our allies that when you make the moral choice to stand up to coercive, authoritarian pressure, you can trust your allies to stand united with you.

On other resolutions, there are a number of other bipartisan resolutions on the agenda I plan to support. Particularly I would like to thank Senator Coons for working with me on Senate Res. 446, a resolution that expresses support for a free, fair, and peaceful election in Gambia; Senator Menendez for working with me on Senate Concurrent Resolution 20, a concurrent resolution condemning the recent coup in the Sudan.

Turning to the nominations now, we have nine on the agenda. Mr. Chairman, I would like to have a roll call vote on Barbara Leaf and Debora Lipstadt, please. The others, we would certainly have no objection moving forward with the usual rule. I will be opposing both Leaf and Lipstadt. I did not support Ms. Leaf last year. I have

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heard nothing new that would persuade me to change my vote. At the National Security Council, Ms. Leaf continues to execute the Biden Administration's flawed Middle East policy. My concern is that she would double down on these failed policies in her seat at the State Department.

I think we can all agree that the ambassador for anti-Semitism is an important position. When I was chairman of the committee, I worked with Senator Rubio and others to ensure this position was codified into law. Regarding the nomination of Ms. Lipstadt to that position, I have real concerns about her judgment, her prior comments and tweets about members of this committee, which were inappropriate, at the very least were unbecoming for a person to be a U.S. ambassador. The U.S. ambassador's stock and trade is supposed to be diplomacy, and those tweets were anything but, so I am going to be a "no" on that.

With that, thank you, Mr. Chairman.

**The Chairman:** Thank you, Senator Risch. Let me start moving forward, and then, of course, to members who have comments.

Without objection, we will now consider en bloc two Foreign Service officer promotion lists and several nominations. Since there are members that I need in the room for today's vote and who could not be here, I am going to postpone the vote on Deborah Lipstadt and Barbara Leaf until March 29th, and intend to hold the vote at that time, so all members can be aware of that.

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The FSO list and nominees that we will vote on today are as follows: PN 1810, PN 1811: Douglas Hickey to be ambassador to Finland; Aline Romanowski to be ambassador to Iraq; Steven Fagin to be ambassador to Yemen; Rebecca Eliza Gonzales to be director of the Office of Foreign Missions; and Monde Muyangwa to be an assistant administrator to the United States Agency for International Development.

Is there a second to that en bloc motion?

**Senator Cardin:** Second.

**The Chairman:** So moved. Would any member wish to speak on any of these nominations before we vote?

[No response.]

**The Chairman:** Hearing none, all those in favor will say aye.

[Chorus of ayes.]

**The Chairman:** All those opposed will say no.

[No response.]

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

Let me turn to --

**Senator Cruz:** Mr. Chairman?

**The Chairman:** Yes.



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**Senator Cruz:** I would ask that I be recorded as a "no" on the Steven Fagin and on Aline Romanowski, please.

**The Chairman:** Okay. It shall so be recorded.

All right. Now, without objection, we will now consider en bloc five bills and seven resolutions. They are S. 3666, as amended by the manager's amendment; S. 816; S. 3491, as amended by the manager's amendment; S. 3492, as amended by the manager's amendment; S. 3591; S. Res. 427, as amended by the manager's amendment; S. Res. 446, as amended by the preamble amendment and resolving clause amendment; S. Res. 456, as amended by the preamble amendment and the resolving clause amendment; S. Res. 473; S. Res. 503, as amended by the preamble amendment and the manager's resolving clause amendment; S. Res. 547; and S. Con. Res. 20.

Is there a second to vote on these amendments?

**Senator Cardin:** Second.

**The Chairman:** Second. A motion has been made and seconded.

Would any member like to speak on any of these items before we vote? Senator Cardin.

**Senator Cardin:** Mr. Chairman, first, let me thank you and the ranking member. I just really want to take a moment. The subcommittee that I chair and that Senator Hagerty is the ranking member of has been holding hearings in regards

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to the challenges at the State Department and the modernization of the State Department. We have three bills, as you have noted, that are on this voting session that relate to those issues: a security bill that Senator Risch has led, a commission to look at the modernization reform that Senator Hagerty has taken the lead on that I have joined him on, and then the training bill that I have led that Senator Hagerty has joined me on. I do want to acknowledge in regards to the training bill the help of Senator Shaheen, Senator Markey, and Senator Portman. I thank you for your input into those bills.

I recognize your initial statement that we do need to do a State Department reauthorization, and I agree with you on that, and I think the work of our subcommittee gives us a sound foundation to move that forward. These bills are ones that are, I believe, non-controversial. They build on the professionalism at the State Department. They deal with real issues that we need to do in order to modernize and be more effective in diplomacy. Again, I want to thank Senator Hagerty for his help and cooperation on the subcommittee, and I hope that we can have a path forward to get these bills to the finish line.

**The Chairman:** Any other members seeking recognition? Senator Hagerty.

**Senator Hagerty:** Mr. Chairman, I would just like to, again, thank Senator Cardin for your work with me on this. With regard to the training bill that you have led and put together, I think that we have got great bipartisan support to establish a

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provost, to establish a board of visitors at the Foreign Service Institute. I have been through that institute myself. I think the leadership position that you have taken, Senator Cardin, is most appreciated, and I look forward to continuing to work with you on this important milestone as we modernize the State Department for this century, and I think we will have very good work products. So thanks to all the members of the committee here.

Also, with respect to the commission that we are going to put together to reform and modernize the State Department, we have had strong bipartisan support, outside experts supporting this effort. I am very optimistic that through our work together, we are going to be able to see great improvements and modernization in the State Department, and I look forward to working with this committee.

**The Chairman:** Thank you. Senator Murphy.

**Senator Murphy:** Very quickly, Mr. Chairman, I just wanted to thank you and Senator Risch for your help in putting S. 816, the Diplomatic Support Security Act, on the agenda today. I particularly want to thank Senator Risch who has given a lot of thought to this topic. It is really stunning how hard it is today to get our diplomats outside the wire, especially in places where we are spending a lot of money and need a lot of oversight, but there are security risks. And this piece of legislation recognizes that the number one priority is the safety of our diplomats, but also recognizes that we have had an accountability structure in place over the past 20 years that, frankly,

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disincentivizes any participation when it comes to making sure that we have forward-deployed diplomats. So I am grateful for considering this perhaps as part of a bigger piece of legislation to make sure that we have diplomats that are out there in communities that we serve overseeing the billions that we are spending. Thank you, Mr. Chairman.

**The Chairman:** Thank you. And I would just say to our colleagues, your work has been incredibly important as a good foundation to what we hope to do in the State Department authorization. I am sure we will find a pathway forward that includes all of your great ideas.

Senator Kaine, do you want to seek recognition?

**Senator Kaine:** Just on the S.J. Res. 17.

**The Chairman:** Yes.

**Senator Kaine:** This would be a good time? I had a bill that was going to be called, a joint resolution today, and Senator Paul has asked that it be held over to the next business meeting on the 29th. And I just want to flag it because it is an interesting bill, and there is a little -- you know, you may want to do some homework before we get here. The bill is an important and timely one. It is to clarify that no President can withdraw from NATO without either a Senate vote or an act of Congress.

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The Constitution makes very clear that treaties -- if it is a treaty, it has to be ratified, two-thirds vote of the Senate. The Constitution is silent on how we exit treaties. The Supreme Court dealt with this in one case, *Goldwater v. Carter*, when President Carter unilaterally pulled the United States out of a Taiwan defense treaty. Individual members of Congress sued President Carter over that. A lower court said President Carter could do it. The D.C. Circuit said President Carter could not do it. It went up to the Supreme Court, and a six-member Supreme Court said we cannot even take this case. It is a political question. It is for Congress and the President to work out. And in that case, they pointed out that Congress had not acted, had not responded when President Carter did this.

NATO is really important. This is a bill that Senator McCain and I first introduced 5 years ago. The committee has acted on it once before, and there has been some action in the Armed Services Committee to not allow funds to be used to pull U.S. troops out of NATO. But I think right now, when the world is really seeing the value of NATO, it is a good time for Congress to clarify our commitment to NATO. And so I would just suggest, and I appreciate putting it on the agenda for the next meeting on the 29th, but it might be a good idea for everybody to look at the *Goldwater v. Carter* case because I think it makes very plain that this is an area where Congress can act, and I think we should.

**The Chairman:** Senator Risch.

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**Senator Risch:** Would Senator Kaine yield to a question? First of all, thanks for the work on that, and thanks for the history on it, too. Did you consider making this bill blanket for any treaty that we have entered into?

**Senator Kaine:** I did. I did.

**Senator Risch:** I am wondering if that is not a --

**Senator Kaine:** Yeah.

**Senator Risch:** I mean, that is a huge issue.

**Senator Kaine:** Right.

**Senator Risch:** And it probably deserves the attention of the U.S. Senate if the Supreme Court has said -- or, as you say, the Supreme Court has said that this is a "political question." Well, okay, let us solve it politically.

**Senator Kaine:** Right. I thought about making it cover all treaties and just decided that there is such a focus on the value of NATO right now, that rather than complicate it -- you know, people might have questions about what might this mean with other treaties, and rather than complicate it with that, I would just focus on NATO. But it might be the kind of thing we can take this up about NATO and then continue to explore whether we would want to do something more broadly, and I would be very willing to do that.

**Senator Risch:** Well, it seems to me that the founding fathers obviously thought that when it came to an agreement with another country, a treaty, that this

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was a really important role for Congress. The first branch of government, supposedly the people's branch of government, would play an important role in that. So I think that would serve a -- but anyway, thanks for your work.

**Senator Cardin:** Mr. Chairman?

**The Chairman:** Senator Cardin?

**Senator Cardin:** On that point, I think Senator Risch raises a very important point. I support your bill, but if we just pass your bill and do nothing else, it could be inferred --

**Senator Risch:** That is right, yeah.

**Senator Cardin:** -- that other treaties can be withdrawn just by the President, and I think that needs to be clarified in your legislation, if you proceed with NATO alone, which I will support, but I think Senator Risch raises a very good argument.

**Senator Risch:** You could get around that by putting some very specific language in there that says that nothing contained in this bill should suggest that Congress in any way cedes its authority, blah, blah, blah.

**Senator Kaine:** And we may even explore, like, introducing companion legislation that is more general, even if that would not be taken up on the 29th, to show that -- because I certainly would support the proposition for all treaties.

**The Chairman:** Senator Van Hollen.

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**Senator Van Hollen:** I was just going to make that suggestion that you -- we include the language --

**Senator Kaine:** Yeah.

**Senator Van Hollen:** -- in the bill making it clear this does not grant just any other -- that Congress --

**The Chairman:** All the time. All right. Any other members wishing to seek recognition?

[No response.]

**The Chairman:** If not, the motion has been made and seconded to vote en bloc on these five bills and seven resolutions.

All those in favor, say aye.

[Chorus of ayes.]

**The Chairman:** All those opposed, say no.

[No response.]

**The Chairman:** The ayes have it, and the resolutions are reported favorably to the Senate.

And with that --

**Senator Risch:** Mr. Chairman, I would ask unanimous --

**The Chairman:** Okay. Here we go. That completes the committee's business, and I would recognize Senator Risch.



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**Senator Risch:** I would ask unanimous consent that members of the committee be permitted to submit to the clerk any requests to be recorded "no" on any item that was on the agenda.

**The Chairman:** Without objection, so ordered.

I ask unanimous consent that staff be authorized to make technical and conforming changes.

Without objection, so ordered.

And with the appreciation of the chair, this meeting is adjourned.

**[Whereupon, at 10:28 a.m., the committee was adjourned.]**