

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS
Business Meeting
Wednesday, May 4, 2022

BUSINESS MEETING

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

The committee met, pursuant to notice, at 10:07 a.m., in Room S-116, The Capitol, Hon. Robert Menendez, chairman of the committee, presiding.

Present: Senators Menendez [presiding], Cardin, Shaheen, Coons, Kaine, Markey, Booker, Schatz, Van Hollen, Risch, Rubio, Romney, Portman, and Rounds.

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

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

Today we are considering a handful of nominations and several treaties, but let me first turn to nominations.

I am pleased that we are considering five nominees today, including Dr. John Nkengasong to serve as ambassador-at-large to lead our global HIV/AIDS work. All of the nominees are superbly qualified in their knowledge and expertise and are needed at the posts for which they have been nominated. I was disappointed it has taken more than 5 months to get a committee vote for Dr. Nkengasong, who brings immense experience and expertise, which is particularly critical at a time when the

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COVID pandemic has ravaged communities and overshadowed the fight on HIV/AIDS. We have received multiple letters of support for Dr. Nkengasong, including from former Senators Bill Frist and Tom Daschle and from multiple faith-based organizations, and I ask unanimous consent for these letters to be entered into the record.

Without objection, so ordered.

[The information referred to can be found at the end of this transcript.]

The Chairman: And I urge all of my colleagues to support his nomination and the other nominees today and work towards their swift confirmation.

Let me turn to the treaties before us today. Our committee has a critical role to play in the constitutional treaty-making process. We are the only committee in the entire Congress with jurisdiction over treaties, and I appreciate the efforts of the Ranking Member and his staff in helping us fulfill our responsibilities in this area. The treaties we consider today make technical updates to the framework from years past to modernize our existing relationships with other countries in critical areas.

We heard last month from government experts and business representatives who made the strong case for why we must urgently provide our advice and consent to ratifying these treaties to protect and advance U.S. business interests in a wide-ranging sector of the economy, and to facilitate critical law enforcement cooperation with Croatia, a key U.S. ally in Europe. The treaties with Croatia that are before us

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will enhance the ability to extradite criminals, share information, and exchange evidence for investigations and prosecutions.

The amendments to the 1987 South Pacific Tuna Treaty secure a better deal for the U.S. tuna fishing fleet, making it easier for U.S. fishing vessels to fish on the high seas and to make arrangements directly with our Pacific Island partners without the Federal Government as a middleman. And the Kigali amendment to the Montreal Protocol modernizes the protocol, which has been a cornerstone of international manufacturing and business related to refrigerants by addressing chemicals called hydrofluorocarbons, HFCs. Senate approval of the Kigali amendment will not only help U.S. businesses, including manufacturers in Texas, Tennessee, and Wisconsin, develop and access global markets, but it will also ensure that our manufacturers are not shut out of those markets.

Let me be more explicit here. Through the AIM Act, we are already taking the domestic steps that Kigali would require, so the only question is whether we will join the treaty, expand business opportunities for U.S. companies, and create thousands of jobs, or stay on the outside and lock our companies out of foreign markets. We have received an outpouring of support for the Kigali amendment from the business community. We approved each of the prior four amendments to the Montreal Protocol with overwhelming bipartisan support, and we should do so with Kigali as

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well. I welcome the opportunity to take up the four treaties today, and I urge all members of the committee to support them.

Let me turn to the ranking member, Senator Risch, for his comments.

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

Senator Risch: Thank you, Mr. Chairman. In short, I intend to vote for all the treaties and all the nominees on the agenda today.

First of all, with Croatia, the mutual legal assistance agreement with Croatia would help streamline the process for securing the evidence and testimony we need to enforce our laws. The South Pacific Tuna Treaty amendments are important and strengthen the ability of U.S. tuna fishing vessels to fish in the South Pacific where as much as 60 percent of the world's tuna catch can be found. This treaty is supported by the industry, and I think it will be helpful for America.

The Kigali amendment is the most complex of all of these. With ratification of the amendment, the U.S. will join about 130 countries in a multi-decade plan to phase down the production and consumption of 18 highly-polluting substances known as HFCs. The Kigali amendment will facilitate the transition to the next generation of refrigerants. That alone is enough to support this treaty, but on top of that, the U.S. is an innovator in the substitutes for what will be used in refrigeration. This is strongly supported by industry and gives America's businesses a leg up. I

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support those. I ask -- Mr. Chairman, if -- I understand you are going to have a voice vote.

The Chairman: Yes.

Senator Risch: -- which is agreeable as long as everyone can record the -- unless someone has a specific objection. Anyone who wants to be recorded as "no" on any of these, of course, can.

The Chairman: Yes, that would be fine. Thank you, Senator Risch.

Without objection then, we will now consider, en bloc, the entire agenda that was noticed for today's business meeting, all of the nominations and resolutions of advice and consent for the treaties. I think they are all before the committee members here and are noticed and is the group that we are moving. Would any members like to comment on any of these items before we vote?

Senator Portman: Mr. Chairman, I would like to talk about the Kigali amendment after we vote.

The Chairman: After. Absolutely.

Senator Coons: Mr. Chairman, the same.

The Chairman: After --

Senator Coons: After the vote.

The Chairman: Okay. All right. So I will entertain a motion to approve all of these items, en bloc.

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Senator Kaine: So moved.

The Chairman: Is there a second?

Voice: I will second.

The Chairman: Seconded. All those in favor will say aye.

[Chorus of ayes.]

The Chairman: All those opposed will say nay.

[No response.]

The Chairman: The ayes have it, and the nominees and the treaties are favorably reported to the full Senate.

I am happy to recognize Senator Portman.

Senator Portman: Well, are we going to do the nominees next, Mr. Chairman?

Senator Risch: We did them all.

The Chairman: We just did them.

[No response.]

Senator Portman: Well, I just want to talk about Kigali for a second and why it makes so much sense. You mentioned Texas as one of the States. Ohio is one of those States that produces a product that will actually be advantaged by this amendment because we have the new technology. So we are phasing out HFCs, as we should and as the Trump Administration agreed we should. We are in a position in the United States to actually increase our trade probably by 25 percent in terms of

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some of these items, like refrigeration. So this is good for Ohio. It is good for our country.

I will say that I continue to be concerned that the EPA has overstepped its statutory authority under the broader AIM Act under which this is being accomplished by banning what are called non-refillable cylinders, which the law did not address. So I just advocate for agencies to listen to what we say here and follow the law. In this case I believe the EPA has not done that, and I would hope that they would. Thank you, Mr. Chairman.

The Chairman: Thank you. Senator Coons.

Senator Coons: Thank you, Mr. Chairman. Some have heard of a little company in Delaware named DuPont. They innovated something called freon decades ago. It had the unexpected, unintended consequence of creating a hole in the ozone layer. Many years later, innovation by American companies produced the next generation of refrigerants. By ratifying this Kigali amendment, we create the market opportunity for those next-generation refrigerants to replace the old HFCs. If we fail to ratify this on the floor of the Senate, we lock in China's competitive advantage as they continue to make and export the old, more polluting refrigerants. This is a real chance for us, on a bipartisan basis, to move forward in innovation and American manufacturing. The bipartisan Senate Climate Solutions Caucus -- a majority of the members sent a letter in support.

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One other sentence, if I might, Mr. Chairman. Later today, I believe you are meeting with the foreign minister of Sweden. I just met with her. A number of us have met with leaders of Finland and Sweden. I think it is a very positive development for the security of the West if Finland and Sweden do, indeed, proceed to seek to join NATO, and we should do everything we possibly can to clear the path for ratification of their admission to NATO, and to make sure that we can get that treaty ratified before the August recess because there is a period of great danger, I think, between their application, and accession, and ratification. And I know as the chairman of this committee, you and the ranking member will lead that process ably and well, and I look forward to supporting you in that.

The Chairman: Thank you very much. I am in agreement with your comments both on Kigali and the importance of their accession into the NATO treaty. Any other member who wishes to speak to any --

Senator Risch: Mr. Chairman.

The Chairman: Senator Risch.

Senator Risch: First of all, I agree with Senator Coons on most of what he said, but particularly on the accession to NATO. We have all met with the Fins and the Swedes. You could not help, if you were a person who lived in that country and looked at what just happened in Ukraine, and say, whoa, you know. We have been trusting all these years. It turns out we cannot trust. There is a better path, and I

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think it took them a while to come to the realization. I met with them shortly before the invasion, and I can tell you that the enthusiasm and the heat has changed dramatically to now. So I am not sure that I agree that there is that period of danger between the time they apply and the time that it actually is completed. Certainly that would be argued. I know Putin will argue that. He already has. He has not scared them so far, and I do not think he will scare them now.

So but having said that, I think in the past, these have taken a year. This is a whole different kettle of fish, I think. These people are ready. The work has been done. I have written the Administration telling them to get the stuff ready so that when it does come, we can move it quickly, and I think probably we are going to have pretty much unanimous acceptance. In addition to that, from a pure financial standpoint, you know, after the dust settles, we are going to wind up hardening the Eastern flank, and it is going to cost a lot of money. The more pocketbooks we have got stepping up to the line, I think the better off we will be.

Thank you, Mr. Chairman.

The Chairman: Thank you. Any other members wishing to make a comment?

[No response.]

The Chairman: If not, with the thanks of the chair for all of your attendance, this business meeting is adjourned.

[Whereupon, at 10:18 a.m., the committee was adjourned.]

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Additional Material Submitted for the Record

CORRESPONDENCE SUBMITTED IN SUPPORT OF THE NOMINATION OF
DR. JOHN NKENGASONG TO BE GLOBAL AIDS COORDINATOR



The Honorable Bob Menendez
United States Senate
528 Hart Senate Office Building
Washington, DC 20510

5810 Kingstowne Center Drive
Suite 120-764
Alexandria, VA 22315 USA
+1-703-923-8960
www.ccih.org

Dear Chairman Menendez,

I would like to thank you for your continued support of the President's Emergency Plan for AIDS Relief (PEPFAR). As the Executive Director of a coalition network of Christian organizations working in over 100 countries around the world, I have seen firsthand the impact PEPFAR programs have had for the work of our members.. Not only do these programs combat HIV/AIDS, they provide something far more meaningful to these communities: Hope. It is this hope that allows them the confidence that with U.S. partnership, together we can defeat this terrible disease.

We are very pleased to see that the White House nominated Dr. John Nkengasong as Global AIDS Coordinator to lead the PEPFAR program. His experience overseeing the Center for Disease Control's (CDC) operations in Africa, combined with his roots in the same context give him a deep background and unique perspective that will certainly assist U.S. national interests. We are pleased with Dr. Nkengasong's demonstrated commitment to the faith community and hope that under his leadership, PEPFAR will continue to view the faith community as invaluable partners in the fight against HIV/AIDS.

As a champion of PEPFAR, you have a deep understanding of the importance of stable leadership and that the world often looks to the U.S. to lead in times of crisis. The impacts of the COVID-19 global pandemic have had a profound impact on existing programs such as PEPFAR and I believe Dr. Nkengasong can help steward the agency in these troubling times. I respectfully ask as Chairman of the Senate Foreign Relations Committee that you would encourage others on the committee to urge for a speedy confirmation hearing of Dr. NKengasong as the Global AIDS Coordinator.

Thank you again for all you and your staff do to support global health, making a positive impact on millions of lives around the globe.

Sincerely,

Executive Director

Inspired by faith. Committed to evidence-based practice.

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The Honorable Bob Menendez
Chairman
Senate Foreign Relations Cmte
Senate Dirksen Room 423
Washington, DC 20510

The Honorable Jim Risch
Ranking Member
Senate Foreign Relations Cmte
Senate Dirksen Room 423
Washington, DC 20510

The Honorable Chuck Schumer
Senator Majority Leader
US Capitol S-221
Washington, DC 20510

The Honorable Mitch McConnell
Senate Minority Leader
US Capitol S-230
Washington, DC 20510

January 17, 2022

Dear Senators Menendez and Risch, Leaders Schumer and McConnell:

We write today regarding a lifesaving matter that has always been, and continues to be, solidly bipartisan here in America – the global fight against AIDS and to urge the swift confirmation of Dr. John Nkengasong to be the US Global AIDS Coordinator. His effective and inspiring leadership is needed now more than ever.

In his State of the Union address in 2003, President George W. Bush called for the creation of the President’s Emergency Plan for AIDS Relief (PEPFAR) saying that “seldom has history offered a greater opportunity to do so much for so many.” Since then, Democratic and Republican Presidents, and Democratic and Republican-led Congresses, have tirelessly supported PEPFAR in saving more than 20 million lives, preventing millions of new HIV infections, and moving the HIV/AIDS epidemic from crisis toward control in more than 50 countries – reducing AIDS deaths by 60% and new HIV infections by 40%.

In the last 18 months, PEPFAR platforms have been leveraged in the fight against COVID-19 delivering test kits, PPE, and laboratory reagents through reliable supply chains, completing tens of millions of COVID tests through well equipped labs, collecting and using data from effective health management systems, and deploying health care and community health workers for vaccine literacy, readiness and administration. So much progress has been achieved, and yet all of it is being pushed to the brink by COVID. If there ever was a time and a place for skilled and steady leadership – it would be now and at the helm of the US government’s flagship global health effort.

Thankfully, Dr. John Nkengasong is a perfect match for this moment and the challenges that lie ahead in ending AIDS by 2030 in the age of COVID and whatever viral nightmare comes next. Dr. John, as his colleagues call him, is a world renowned virologist with more than 30 years experience in global public health, including more than 20 years in various HIV/AIDS leadership positions at the Center for Global Health at the US Centers for Disease Control (CDC) in Atlanta and 5 years as the Founding Director of the African Centres for Disease Control (CDC), and the African Society for Laboratory Medicine, in Addis Ababa, Ethiopia. He has

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served as a board member for the International AIDS Vaccine Initiative (IAVI) and the Coalition for Epidemic Preparedness (CEPI) and as a World Health Organization (WHO) Special Envoy for COVID-19. While Dr. John is a US citizen, he would be the first US Global AIDS Coordinator to be born in Africa – the epicenter of the HIV pandemic and heart of PEPFAR’s lifesaving work.

Dr. John is just what the doctor ordered. And while every government job requiring Senate confirmation is important – few have the life and death consequences of the PEPFAR posting. We strongly urge the Senate Foreign Relations Committee to favorably report Dr. John’s nomination and the full Senate to confirm him as soon as possible. His leadership is urgently needed to forge continued success in addressing both HIV/AIDS and ensuring we leverage this flagship program to meet the challenges of COVID and future pandemics

If there is anything that we can do to help make this happen, please know that we stand ready. Thank you for exercising your leadership on this lifesaving matter.

Sincerely,

Sir Elton John
Founder, Elton John AIDS Foundation

Pastor Rick Warren
Saddleback Church

Senator Tom Daschle
Former US Senate Majority Leader

Senator Bill Frist, MD
Former US Senate Majority Leader

Charlize Theron
Founder
Charlize Theron Africa Outreach Project

Linda-Gail Bekker, MD
Director
Desmond Tutu HIV Centre

Ambassador Mark Dybul, MD
Former US Global AIDS Coordinator
President George W. Bush

Ambassador Eric Goosby, MD
Former US Global AIDS Coordinator
President Barak Obama

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A Message from the Faith Community

January 19, 2022

Dear Members of the United States Senate,

For the past eighteen years the faith community has participated in the President's Emergency Plan for AIDS Relief (PEPFAR) providing life-saving treatment to literally millions of people, caring for millions of orphans and vulnerable children, and giving messages of hope and prevention that have saved countless more from the devastation of HIV infection and AIDS. Even before the enactment of this legislation the faith community was at the forefront of battling the epidemic in the developing world. Working together we have accomplished miraculous things, but the work is far from over.

It is critical we have leadership at the program as soon as possible. The sooner that can happen the more progress can be made. Covid-19 has been detrimental to the program even as its solid foundation has kept it functioning better than one might have expected. Few patients have lost access to much needed treatments, while programs focused on orphans and vulnerable children have largely held their own. We are close to meeting the goals that were set prior to Covid, but there is a critical need to have leadership that will sustain PEPFAR's progress.

That is why it is imperative that the Senate move quickly to confirm Dr. John Nkengasong as soon as possible. He knows the program well, he knows Africa – where the bulk of AIDS cases are found--better than most in this issue, and he has the respect of a broad range of individuals from the medical/public health community to country leaders, and the faith community. Your support will show that America cares deeply for the people in the developing world and will send a message of hope where little exists today.

We the undersigned support the immediate confirmation of a new Global AIDS Coordinator. While some of the faith entities below (marked with an asterisk*) have policies preventing their support of any specific political nominee, all express a desire to have new PEPFAR leadership as soon as possible. Those without asterisks are specifically endorsing the nominee before you, Dr. Nkengasong. Thank you for your consideration and hopefully confirmation of this nominee.

4africa

African Christian Health Associations Platform
Catholic Relief Services*
Children's AIDS Fund International
Chreso Ministries
Christian Connections for International Health
Christian Alliance for Orphans
Circle of Hope, a ministry of Expanded Church
Response to HIV/AIDS Trust
Eastern Deanery AIDS Relief Program
Every Orphan's Hope
Food for the Hungry
He Intends Victory (H.I.V.)
Interfaith Health Platform
Interfaith Health Program & CHAMPS Network,
Rollins School of Public Health, Emory Univ.

Interfaith Network of Religious Leaders Living
with or Personally Affected by HIV
Kerus Global Education
LifeNet International
Nazarene Compassionate Ministries, Inc.
Salvation Army*
Saddleback Church – Rick and Kay Warren
Samaritan's Purse*
National Association of Evangelicals*
The Radler Foundation
UBtheCURE LLC
United Church of Christ HIV & AIDS Network
US Conference of Catholic Bishops*
World Relief*
World Vision*