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1 BUSINESS MEETING

2
3 Tuesday, April 27, 2010

4
5 U.S. Senate

6 Committee on Foreign Relations

7 Washington, D.C.

8
9 The Committee met, pursuant to notice, at 2:20 p.m. in
10 Room S-116, The Capitol, Hon. John F. Kerry, Chairman of
11 the Committee, presiding.

12 Present: Senators Kerry, Feingold, Boxer, Menendez,
13 Cardin, Casey, Webb, Shaheen, Kaufman, Lugar, Risch,
14 DeMint, Barrasso, and Wicker.

1 OPENING STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR
2 FROM MASSACHUSETTS

3 The Chairman: The committee will come to order.

4 Thanks, everybody, for rushing down here after the
5 conference luncheons. And we'll try, as always, to move
6 expeditiously through the agenda.

7 We have a quorum, NOW, with Senator Shaheen coming in,
8 but we have a quorum for the purposes of working on the
9 amendments. We will try to proceed fairly rapidly.

10 This is not an insignificant moment for the committee,
11 because it marks the first time that we've marked up a full
12 authorization bill for the State Department since 2005. I
13 think we have accomplished a great deal on the committee
14 during the year. We've taken up bills that reform our
15 foreign assistance, created a framework for engaging
16 international cybersecurity. We've passed legislation to
17 combat violence against women and girls, and we've created
18 an important partnership with the World Bank and other
19 multilateral financial institutions to try to stabilize the
20 global financial marketplace.

21 The Foreign Relations Act for Fiscal Years 2010 and
22 2011, I think, can be an important addition to an eventful
23 session, which we also know, from the breakfast that we had
24 this morning with Secretary Clinton, will involve our
25 taking up the treaty, the START Treaty, for the first time

1 that the committee has had a treaty to deal with in a
2 number of years. We actually have a couple of other
3 treaties that are in front of the committee, and we want to
4 get to them at the appropriate time, but this particular
5 treaty will take a precedence for the committee because of
6 the importance of what is happening with respect to Iran
7 right now, as well as the relationship with Russia.

8 The legislation we have on the table today will put
9 the committee back into the business of authorizing and
10 really address the challenge that underlies almost every
11 foreign policy issue that we face, and that is the need to
12 strengthen our civilian institutions and give our diplomats
13 and our development experts the tools that they need -- the
14 training, the capabilities, the management, et cetera -- so
15 that they can advance critical foreign policy priorities,
16 on a global basis, with even greater strength.

17 The Foreign Relations Act addresses several key
18 challenges:

19 Number one, we need more diplomats and more resources
20 for those who are already in the field. If you have too
21 few diplomats, it means that a lot of opportunities fall
22 through the cracks, and it overstretches our existing core
23 and literally prevents them from investing the time to
24 develop the skills that they then need to be even more
25 effective.

1 Second, our diplomats must be given the appropriate
2 training, breadth of education -- cultural, historical
3 language, and others -- necessary. And as good as the
4 quality is today -- and it is good -- I don't think there's
5 anybody who doesn't believe that we can't still do better.

6 So, I think that it's clear that our diplomats need to
7 have some specialized training in today's world, just
8 because the nature of the threat has changed and the nature
9 of the relationships have changed. And we also need to
10 prepare people for service in some very difficult outlying
11 posts. So, obviously, while we still need to be prepared
12 for service in places like Paris and Berlin, a lot of our
13 work is also going to be done in places like Kabul,
14 Islamabad, Baghdad, Beijing, and so forth.

15 Third, we need to build a more responsive and flexible
16 Department that can move personnel and material to respond
17 very quickly to emerging crises. This is something that we
18 have seen as we evolved into one of the largest embassies
19 of the world -- in Baghdad, for instance -- or as we see
20 the difficulties in the Horn of Africa, Yemen, Somalia,
21 other places, and Haiti, obviously, which is just a huge
22 development challenge and humanitarian challenge.

23 So, this Act is really crucial to each of these aims;
24 and obviously, when you pledge, as the Secretary has, the
25 President has, and I think this committee has,

1 historically, to try to restore diplomatic capacity for our
2 country, it means you also have to authorize appropriate
3 resources in order to be able to achieve that.

4 So, the bill begins a process of establishing a
5 blueprint for the strong Department of State that we need.
6 It's also an important marker for this committee, because
7 it demonstrates that we are once again ready to legislate
8 on issues that are critical to how we resource and conduct
9 our foreign policy.

10 I think it's the right moment for a bill like this
11 one. If you look around the walls of this room, we've got
12 some folks up here who've practiced diplomacy and asserted
13 the interests of our country in a bipartisan -- a
14 nonpartisan way, really. I think the old saying is that,
15 "Partisanship ended at the water's edge." And so, it used
16 to. So, I hope that the committee can embrace this.

17 And we're also considering, today, the OAS
18 Revitalization Reform Act and three nominations.

19 Senator Lugar.

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25 STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM

1 INDIANA

2 Senator Lugar: Thank you, Mr. Chairman.

3 I agree with you that this is an important moment for
4 the committee, in terms of the Foreign Relations
5 Authorization Act.

6 Without going into ancient history, I would simply say
7 that when I had the first chance to be chairman, in 1985,
8 we did the same thing. In that case, we had not marked up
9 an authorization bill for some time. The committee was not
10 taken as seriously as I felt it should be, and one reason
11 was that we were not following the normal
12 authorization/appropriation process. I have no idea what
13 lies ahead of us in the Senate, whether we will have a
14 budget this year at all, whether we will take up,
15 discretely, each of the appropriation bills. Each time and
16 each year is different, but at least for the committee's
17 role, the need to do our authorizing work -- we're an
18 authorizing committee -- is important.

19 So, I congratulate you and the staffs, both sides,
20 Senators who have contributed to the process, and
21 appreciate this markup.

22 [The prepared statement of Senator Lugar follows:]

23 [COMMITTEE INSERT]

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25

1

2 The Chairman: Thanks very much, Senator Lugar.

3 And we are very grateful, all of us, for the
4 cooperative effort with you and your staff and your
5 colleagues, our colleagues.

6 So, we will proceed to Senate 2971, the Foreign
7 Relations Authorization Act.

8 I want to thank all the members of the committee. I
9 think this legislation -- is not representative of the
10 legislation just from myself and from Senator Lugar. I
11 think it represents the hard work of everybody, and their
12 constructive contributions. And we have tried very hard to
13 address everybody's priorities in formulating the bill.

14 We've put together a manager's amendment -- Senator
15 Lugar and I, together -- based upon your input and
16 feedback. We have circulated it to all offices, 11 days
17 ago, and we've turned that into an amendment which is the
18 nature of a substitute to 2971, and that is what we will be
19 marking up today, along with several standalone amendments.

20 So, we do have six amendments to the bill, and some
21 minor technical amendments that will require separate
22 votes.

23 The amendments can be voted on as we do have a full
24 quorum in the committee, so it's really moot. I'm not
25 going to go through any more of the procedures. No third-

1 degree amendments will be in order. If there are second-
2 degree amendments, they'll be considered first, and voted
3 on. And there will be a subsequent vote on the underlying
4 amendment.

5 So, let me start with the first amendment, offered by
6 Senator Menendez, which promotes minority participation in
7 the Foreign Service.

8 Senator Menendez.

9 Senator Menendez: Mr. Chairman, this amendment is
10 really an effort to create reporting. Unfortunately, we
11 have one of the worst records of the Federal Government, in
12 terms of women, in terms of other minorities, including
13 Latinos, within the Foreign Service and the State
14 Department. And the spirit of the amendment is basically
15 to encourage the Department to collect additional data on
16 the hiring of all minorities and women so that we can
17 better shine a light on areas that need increased
18 attention.

19 Just to give you a sense, at the end of last year,
20 women made up 44 percent of the Department of State's
21 workforce. In real terms, it's equal to about 2,000 fewer
22 women than men. And that's a huge disparity. And that
23 disparity seemed to have continued in the hiring that has
24 taken place subsequently. And it goes on and on.

25 So, of all of the elements of the Federal Government,

1 this has one of the worst -- this Department has one of the
2 worst, in terms of the representation of making our effort
3 abroad look like all of America, have qualified
4 individuals. And so, it's just a reporting requirement for
5 you to get a sense of where we are, where we're going, and
6 how we can do better.

7 The Chairman: Well, thank you, Senator Menendez. I
8 support this amendment, and I think it is a repeat of an
9 effort that Senator Menendez made in 2002 to accomplish
10 this goal, and I think it is an important statement.

11 Is there any debate on the amendment?

12 [No response.]

13 The Chairman: If there is no debate -- I think
14 there's no call for a recorded vote -- all those in favor,
15 say aye.

16 [A chorus of ayes.]

17 The Chairman: Opposed, nay.

18 [No response.]

19 The Chairman: The ayes have it, and the amendment is
20 adopted.

21 Senator Kaufman, I believe, has an amendment.

22 Senator Kaufman: Yes, I have an amendment, a Sense of
23 the Congress to expand our broadcasting into Iran. This is
24 something the Broadcasting Board of Governors has done an
25 excellent job on. I think we should encourage them. They

1 need more effort on the Internet. This will give us a
2 chance to get through.

3 The Chinese have provided Iran with jamming capability
4 and blocking of the Internet. This would help them and
5 encourage them in their efforts to do that. So, it is --
6 especially coming on the heels of the election and the
7 terrible things that went on in Iran, this is an
8 opportunity for us to expand the spread of truth throughout
9 Iran.

10 The Chairman: I think it's a good amendment, Senator.
11 We all know that the Iranians have been jamming commercial
12 satellite transmissions into Iran, including those that
13 carry the Voice of America, Persian News Network, et
14 cetera. And I think all of us have watched, with some awe,
15 the way in which the Internet and global communication has
16 really had an impact on the opposition, such as it is,
17 within Iran. And so, I think this is a welcome amendment.

18 Anybody else, any other comment?

19 Senator Wicker: May I just ask -- I think it's a good
20 amendment -- what is the penetration of the Internet in
21 Iran?

22 Senator Kaufman: That's a good question. I don't
23 know exactly what it is at this moment, but it is growing.
24 What is great about Iran is that the people in Iran, they
25 look forward to Western culture, so they're doing it. And

1 Iran has spent money in order to jam the Internet and
2 censor the Internet. And the Broadcasting Board of
3 Governors, without getting into all the details, have done
4 amazing work, in terms of how you break through that, how
5 you set up a proxy servers, and things like that. But,
6 Iran, like everyone in the Middle East, the primary way
7 they get the news is through television, because they have
8 satellites, and Iran is jamming the satellites, too. But,
9 the Internet -- everywhere in the world, the Internet is
10 the thing that's really made-to-order for what we're trying
11 to do. And countries are -- the Chinese are not only
12 jamming the Internet, like we've seen with the bad things
13 they've done with Google; they are exporting this to other
14 countries around the world, and Iran is one of them.

15 The Chairman: Senator Kaufman, I just want to thank
16 you. Your expertise on this is -- I mean, you're really
17 the resident expert on the committee, and probably the
18 Senate, and we really appreciate your leadership on it.

19 I don't think there's a request for a roll call, so
20 we'll have a voice vote.

21 All those in favor, say aye.

22 [A chorus of ayes.]

23 The Chairman: Opposed, nay.

24 [No response.]

25 The Chairman: The ayes have it, and the amendment

1 carries.

2 The third amendment is sponsored by Senator Wicker. I
3 have some thoughts about it. But, Senator Wicker, why
4 don't you go ahead and describe it and see where we are.

5 Senator Wicker: Okay. Well, thank you very much.

6 This amendment does three things. It adds to the
7 duties of the Ambassador, three duties that I don't think
8 any of us could object to: design, support, and implement
9 activities to eliminate sex-selection abortion, coercive
10 abortion, and involuntary sterilization.

11 The part of the amendment that the Chair may have some
12 views on is, it deals with a prohibition of funds. And,
13 basically, we're prohibiting, in this amendment, funds to
14 any organization promoting abortion. It also specifies
15 that this prohibition is not to be construed to prevent the
16 treatment of injuries or illnesses caused by legal or
17 illegal abortions.

18 The amendment provides a clear statement in the
19 context of authorizing the Office of Women's Issues in this
20 legislation -- the new office -- that that office cannot
21 pursue an abortion promotion agenda overseas.

22 Now, why are we, here? We had a very interesting
23 hearing with Ambassador Verveer earlier in this session,
24 and she made it clear that -- at least as I understood her
25 testimony, that it would not be her agenda in this office

1 to promote abortion in any way through this office. In
2 January of 2009, of course, one of President Obama's first
3 actions as President was to rescind the Mexico City policy
4 that prevented U.S. Government funding from going to
5 overseas organizations that promote or provide abortions.

6 On top of that, we have Secretary Clinton recently
7 testifying on this topic. She was asked, last year, if the
8 United States definition of the term "reproductive health"
9 or "reproductive services" includes abortion. She made it
10 very clear that this amendment will promote rights to
11 reproductive healthcare, and then she stated -- and I'm
12 quoting the Secretary, "Reproductive health includes access
13 to abortion," unquote.

14 So, it seems, from the action of the administration
15 and the statements of the Secretary, that the Department
16 intends, on behalf of the administration, to advocate for
17 abortion overseas.

18 My amendment is designed to prohibit that with regard
19 to the new Women's Office.

20 Now, one final point. A February 2010 Gallup poll
21 found a strong majority of Americans disagreed with the --
22 with President Obama's decision that would allow their tax
23 money to be sent overseas to promote or perform abortions.
24 Fifty-eight percent of Americans opposed the President's
25 pro-abortion decision on Mexico City -- 58 percent opposed

1 -- while only 35 percent agreed with this decision, and 7
2 percent had no opinions.

3 So, breaking down this poll further, Gallup asked its
4 respondents to state their opinions on seven major actions
5 that the President had taken since becoming the President.
6 Overturning the Mexico City policy was the most unpopular
7 decision in the poll.

8 So, the amendment, I would submit, is straightforward,
9 and I would ask members to consider voting for it.

10 Senator Shaheen: Mr. Chairman, I don't have a copy of
11 Senator Wicker's amendment.

12 The Chairman: Can we circulate that? There are
13 supposed to be copies circulated whenever an amendment was
14 made.

15 Senator Wicker: The amendment was provided --

16 The Chairman: It is provided, I understand. But,
17 whenever we take it up here, there ought to be a circulated
18 copies. So, can we make sure everybody has a copy?

19 Let me just say, as they -- as we undertake to get
20 everybody a copy of the amendment immediately -- it should
21 be in your papers -- first of all -- I'm going to recognize
22 Senator Casey in a moment -- let me just say, Senator
23 Wicker, that I read through this very carefully, and I
24 agree with most of what you've laid out here. I think that
25 the -- you know, almost all of the language, up until

1 paragraph (b), I think, is entirely appropriate, and I
2 don't think we should be in the business of encouraging it.
3 We're not, and that should be clear.

4 The problem comes in paragraph (b), where there's a
5 sort of breadth of prohibition that prohibits any activity
6 of a multilateral organization, if that organization is
7 doing something over which the other activity may have no
8 control or input. And I think that may reach farther than
9 many people are comfortable with. So, let me see what we
10 can do here.

11 I think Senator Casey has a thought about this.

12 Senator Casey?

13 Senator Casey: Mr. Chairman, I have a second-degree
14 amendment to the Wicker amendment. And --

15 The Chairman: A second-degree is in order.

16 Senator Boxer: Could we have copies?

17 Senator Casey: You should have copies. Let me just
18 talk about it.

19 And obviously, this is necessitated by the amendment
20 that has just been presented. It does two things, very
21 simple and straightforward:

22 First of all, it says that nothing in the Act shall be
23 construed as affecting in any way existing statutory
24 prohibitions related to abortion -- that's point number one
25 -- or existing statutory prohibitions on the use of funds

1 to lobby against abortions.

2 The Chairman: That's for or against.

3 Senator Casey: For or against.

4 The second part is, "The United States Government
5 remains committed to programs that seek to eliminate --
6 eliminate sex-selection abortions, coercive abortions, and
7 involuntary sterilization."

8 So, I think it provides certainty and clarity on this
9 issue.

10 Secondly, I don't -- in my opinion, we shouldn't be
11 debating what happens on this particular issue as it
12 relates to what the Ambassadors' responsibilities are, but
13 we're into that, so we can talk about it.

14 But, I think it provides a lot of certainty and
15 clarity on what existing policy is, and it makes it very
16 clear that it shall remain the policy of this Government
17 not to support coercive abortion, sex-selection abortion,
18 or sterilization. And I think that's as clear as day.

19 The Chairman: Senator Boxer.

20 Senator Boxer: Well, let me say, I think that what
21 Senator Casey has done is just the right thing to pull us
22 all together, because what he's basically saying is, we're
23 not going to change the law right now.

24 What Senator Wicker wants to do is change this office,
25 headed by Melanne Vermeer -- Ambassador Vermeer. And this

1 office is very important to us. It's the new office. And
2 I want to thank both our leaders, on both sides of the
3 aisle, for authorizing this Office of Global Women's Issues
4 in this bill.

5 Why we would ever make abortion an issue here is
6 beyond me, because the issue that has been so laid out
7 here, both -- by both Senators, nobody supports those
8 things, nobody supports forced sterilization; nobody,
9 forced -- you know, abortion based abortion based on the
10 sex of the child. This is a policy in America today.

11 The difference is that the policy is not carried out
12 by this office -- and I'm going to spend a minute talking
13 about what this office does -- but it is carried out by the
14 Bureau of Democracy, Human Rights, and Labor. They address
15 these issues, and they're very, very strong in saying that
16 they will work hard to make sure there's no coercive
17 abortion anywhere, no involuntary sterilization or sex-
18 selective abortion. That's the role of that agency.

19 What Senator Wicker is trying to do -- and it's really
20 disturbing, because -- it's interesting, when this office
21 was set up, he was complaining -- he was very worried that
22 she was going to run around and make abortion a big issue.
23 It's not the issue. And the issue of that office, that is,
24 for the first time, authorized here, is, they're fighting
25 every day on the following issues. Rather than change it

1 to the issues the Senator wants, which another agency is
2 doing, here's what they're doing. Let's see if we agree
3 it's important:

4 They say that women are bought and sold like
5 commodities, and trafficked across international borders
6 for sexual exploitation. And that's what Ambassador
7 Verveer is trying to stop.

8 Young children are married off to men old enough to be
9 their grandfathers, and have their education and their
10 childhood abruptly ended. Girls have their bodies
11 mutilated, in the names of cultural traditions, leading to
12 complications in childbearing and lifelong pain and
13 incontinence. And that's what her office is trying to
14 stop.

15 Young women are slain by their own families, for
16 perceived and sometimes fictitious infractions, simply
17 because they're viewed less as human beings and as symbols
18 of family honor.

19 Women who become infected with HIV, often because of
20 the infidelity of their spouses, are shunned, they lose
21 their livelihoods, they don't have access to medicine.
22 And, in many countries, women who undergo the trauma of
23 rape are revictimized, even put to death. And the Office
24 of Global Women's Issues, that we proudly authorized here,
25 is working on these issues every single day.

1 And the issue of abortion shouldn't be brought into
2 this today. It's such a shame, because the issues that
3 Senator Wicker and Senator Casey are rightly disturbed
4 about, and every member on both sides, those issues are
5 already being addressed. And we're very clear, we all
6 agree on those.

7 So, it just seems to me that what Senator Casey is
8 doing is basically keeping us away from creating a fight,
9 when we don't have to have one, and making sure that
10 Melanne Vermeer's office does what it was set out to do.
11 And I hope we'll all support Senator Casey.

12 The Chairman: Well, let me just say that, in
13 fairness, here -- and I think we may be able to truncate
14 the debate; we may not, depending upon how we feel here --
15 but, let me just say, I think Senator Wicker is entirely
16 within his -- both rights and interests in trying to
17 express and have a guarantee that something is not going
18 to, in fact, take place that he has a reason to believe
19 that he thinks it might. So, I think that his effort to
20 try to make sure there's a clear line drawn is appropriate,
21 for him. And I don't think we should question that.

22 I do think that the language, as I said, has a breadth
23 to it that I don't think he necessarily intends. And I
24 also think that what Senator Casey has offered provides a
25 stark bright line and a clarity as to what is prohibited

1 and what's encouraged and where we are in the present law.

2 So, there are a couple of ways to proceed. And I'm
3 not cutting off debate. We can have further debate. But,
4 it would be either -- Senator Wicker, it depends a little
5 on how you feel about this. But, if this language
6 adequately, in fact, draws that bright line and clarifies
7 and we can all be together in it, it seems to me that it
8 might be, you know, wise -- I mean, we can do one thing, we
9 can have a vote on it, and it can become an amended
10 amendment, or you can withdraw your amendment and we can
11 all vote together on this. But, it depends entirely on
12 your prerogative. And it is your prerogative.

13 Senator Wicker: Well, thank you. And I don't want to
14 cut off anybody else's opportunity to debate, but I would
15 oppose the Casey amendment, and I will be asking for a vote
16 on this.

17 And, first of all, I appreciate what the Chair has
18 said about my motivations. And certainly, we don't
19 question the rights of Senators to make amendments, and the
20 reasons behind them.

21 I agree with much of what Senator Boxer said. We've
22 heard testimony on the subcommittee that she chairs, where
23 I'm the ranking member, of just the most gripping, horrific
24 acts done against women. This amendment that I'm offering
25 would not distract in any way the new office from tackling

1 those very substantive and important issues.

2 With regard to the Casey amendment, the first part of
3 it, subparagraph (f), he deals only with statutory
4 prohibitions, Mr. Chairman, and -- existing statutory
5 prohibitions related to abortions, existing statutory
6 prohibitions on the use of funds for or against abortion.
7 My amendment is not targeted to the statutory provisions,
8 it's targeted to an administrative decision.

9 My amendment would affect administration policy;
10 namely, Mexico City. Senator Casey's amendment would not.

11 And then, with regard to the second part, (g), which I
12 have no objection to, but the Wicker amendment would make
13 it a matter of policy that, among these broad issues that
14 the Ambassador has with regard to women's issues, she would
15 also have the duties of designing, implementing, and
16 supporting activities to eliminate coerced abortion and
17 sex-selection abortion and forced sterilization.

18 Senator Casey's amendment is nuanced. It says that's
19 the policy of -- that the Government is committed to
20 prohibiting these egregious --

21 The Chairman: What if you added a sentence at the
22 end, Senator, that said, "Nothing in this Act shall be
23 construed as affecting in any way existing statutory
24 prohibitions," et cetera, "lobby use, and no administrative
25 action should be taken in furtherance of or contrary

1 thereto -- no administrative action should be taken
2 contrary thereto"?

3 Senator Wicker: I think I know which way the wind's
4 blowing. I would not feel that that is adequate.

5 Senator Risch: Mr. Chairman?

6 The Chairman: Yes, Senator Risch?

7 Senator Risch: Mr. Chairman, there's a real
8 distinction here between Senator Casey's and Senator Wicker
9 s. Senator Wicker's -- I mean, let's not sugar-coat this
10 -- he wants to statutorily put in place the Mexico City
11 policy for the United States of America. That's the
12 purpose of the Wicker amendment. Senator Casey's amendment
13 does not do that. So, there is a very clear distinction of
14 that. It is not nuanced or anything else.

15 Secondly, I would like to ask Senator Boxer -- I think
16 she very eloquently talked about the things that this
17 Ambassador is intended to do. And I don't think there's
18 anybody on this committee who would disagree with that.
19 But, by adding the language that Senator Wicker has
20 proposed, certainly in no way denigrates what she's going
21 to do and what's intended by the language that gives her
22 the power to do that.

23 So, I don't -- with all due respect, if she's not
24 going to do it anyway, it's a no-harm/no-foul. Let's just
25 make sure she doesn't.

1 Senator Boxer: Okay. If I could respond to my
2 friend. And he really is my good friend. And here's the
3 problems I have. This office has all it can do to carry
4 out the functions it was set out to do. And when the
5 office was set up, there were some -- I know Senator Wicker
6 felt -- was very worried that the office could become a
7 centerpiece of activity on the other side of the abortion
8 issue. Now, Melanne has proven -- Ambassador Verveer --
9 that she's not doing that at all. And so, now what we're
10 saying is, let's get her away from her other activities,
11 because once it is here and she has to do it, she now has
12 to do something that another bureau is doing.

13 Now, I would think, if we want to be -- have a
14 government that is streamlined and no duplication of
15 effort, the Bureau of Democracy, Human Rights, and Labor,
16 that's their role, is to fight against the very three
17 things that we all agree with. That's why I think the
18 elegance of Senator Casey's amendment is so important.

19 And I don't agree with my Chairman on this one, that
20 we should lay on something else just for the purpose of
21 getting through the markup. She has enough on her plate.

22 The last point I would make is, you're right, what the
23 Senator is doing is putting back the gag rule -- and he is
24 doing so -- for Melanne, for that office. And I want to
25 give you -- and this is important -- and the Senate's been

1 on record many times on the gag rule, and we don't -- the
2 Senate doesn't want to reinstate the gag rule -- but, let
3 me say this here. She would be -- she wouldn't be able to
4 lobby in any way if there's an alteration of any law that
5 has to do with abortion.

6 And let's take the case -- and we've seen these cases
7 -- where a country has a law that, if a child is raped, the
8 child -- this is a fact -- can be put in prison; not the
9 father who raped her or the uncle who raped her or the man
10 who raped her. And we know that our country was trying to
11 change those laws. You would prohibit such a thing. That
12 is why it's so insidious, a gag rule.

13 And so, I just hope we will take the road -- I mean,
14 you can't have anyone who brings -- I mean, I would just
15 say Senator Casey brings a tremendous amount of integrity
16 to this. And what he is trying to do with his amendment is
17 not get us into fractious debates, but make sure we're on
18 the correct side of all these issues. I think he's given
19 us a very good way out, and I would urge support for his
20 amendment.

21 The Chairman: Senator Shaheen.

22 Senator Shaheen: Well, I just wanted to reiterate
23 what Senator Boxer has said, expressed very well, my
24 opposition to this amendment. And I think the challenge is
25 the one that you have stated, Mr. Chairman, and that is

1 that the language is very broad. It can be interpreted in
2 a variety of ways. And so, fundamentally, I think that's a
3 problem. But, ultimately, I don't want -- me, personally,
4 and I don't think the majority of the Senate want to
5 reinstate the gag rule. And so, even though I appreciate
6 that you would like to see that, Senator Wicker, and that's
7 the intent of your language, I certainly don't think that's
8 what we ought to be doing, going forward. And so, I intend
9 to vote against the amendment.

10 The Chairman: Senator Cardin.

11 Senator Cardin: Well, I agree with Senator Shaheen in
12 regards to the gag rule. And we have a difference, though,
13 with the author of the amendment on that issue. But, I
14 think there's an unintended consequence of this amendment
15 that -- I would urge my colleagues to reject the underlying
16 amendment and support Senator Casey's second-degree
17 amendment -- and that is, this is directed at the Office of
18 Global Women Issues. We just started this office. I think
19 it really compromises the effectiveness of this office,
20 internationally, because of the way this amendment is
21 directed to that office. And I would just urge my
22 colleagues -- I think we have a fair compromise, for the
23 purposes of moving forward with Senator Casey's amendment,
24 and I would just urge my colleagues to do that.

25 Again, I agree with Senator Shaheen and Senator Boxer

1 --

2 The Chairman: Senator Casey?

3 Senator Casey: I would make three or four points.

4 One is, I don't want to -- anyone to believe that any
5 of us have -- are questioning Senator Wicker's motivations
6 here. I know he has a real concern about a whole range of
7 these issues we're talking about.

8 I do believe that, when he cites, in the first section
9 of my amendment, that it is only statutory, I think that's
10 making the argument for support. It is statutory, that we
11 can make it very clear what the statutory prohibitions are
12 on both those relating to abortion and statutory
13 prohibitions that related to the use of funds to lobby.

14 Secondly, there's no question here, my firm conviction
15 -- and people can speak for themselves, but my firm
16 conviction is, every Senator here doesn't want any United
17 States Government policy to change as it relates to
18 prohibitions on -- against coerced abortions,
19 sterilization, and sex selection. There's no question
20 about it. We can disagree on the issue of abortion, but
21 there is consensus on that. So --

22 Senator Wicker: Would the gentleman yield?

23 Senator Casey: Not yet.

24 So, when it comes to that consensus, how do we enforce
25 that, and how do we illustrate that? This amendment does

1 that. Okay? So, we can move that off the table and say
2 that there's consensus about that.

3 With regard to this office and Melanne Vermeer, I
4 remember, when she was going through her confirmation
5 process, Senator Wicker had a lot of questions and raised a
6 lot of questions with her. Look, it's a new office. She
7 has been appointed. She has a whole range of
8 responsibilities. She happens to be from the coal region
9 of Pennsylvania, okay, so I have a little bias there, but
10 she is not some political advocate, running around the
11 world, promoting an extreme policy. She is trying, in this
12 new office, at a time when the Secretary of State has, in
13 her judgment, thought that we need to have someone in this
14 position to deal with a lot of that whole list of problems
15 that confront women, that we can't even begin to imagine
16 around the world. That's her job. And if we want to have
17 a debate about how we enforce coercive abortion -- all
18 those three -- we can have a debate about what office is
19 doing or not doing that job. But, that responsibility
20 already resides in USAID. We can have a debate about that.

21 A final point. We can also have a debate about the
22 Mexico City policy. I've had lots of -- okay? -- about
23 what the impact is of the Helms amendment. That has been,
24 traditionally, and should remain, an appropriations matter,
25 not a matter for this committee. It should remain where

1 it's been for years. We can have big, big fights about it,
2 but we do that in the context of foreign operations and
3 appropriations. That is where it should be.

4 So, I think we have the right to -- if we're going to
5 go forward with Senator Wicker's amendment, I think this
6 amendment that I've offered lays out that consensus, makes
7 it very clear what public policy is. And if we want to
8 have a debate later about Mexico City, in Appropriations,
9 or have a debate later about USAID's line responsibility
10 for enforcement, we can have it. But, it's not -- I don't
11 think it's the right place for it here.

12 The Chairman: Senator Wicker, did you have a
13 question?

14 Senator Wicker: My one question, Would Senator Casey
15 concede that the Casey amendment leaves in place President
16 Obama's decision with regard to Mexico City?

17 Senator Casey: I would leave that to the lawyers. I
18 don't think it speaks directly to that. And that is why I
19 said that that debate takes place in the Appropriations
20 Committee. We'll let the lawyers debate that.

21 The Chairman: On that note, let me just say, very
22 quickly, that I think the amendment -- I think Senator
23 Wicker's amendment actually winds up unnecessarily
24 politicizing the office, because of the tasking, number
25 one. It goes beyond existing law, and it does not provide

1 any kind of exception for existing law; i.e., health, life
2 of the pregnant woman. So, I will vote for Senator Casey's
3 amendment.

4 And I think we do need a rollcall vote on this. So,
5 the first vote will be on the second-degree amendment by
6 Senator Casey.

7 The Clerk will call the roll.

8 The Clerk: Mr. Dodd?

9 The Chairman: Aye, by proxy.

10 The Clerk: Mr. Feingold?

11 Senator Feingold: Aye.

12 The Clerk: Mrs. Boxer?

13 Senator Boxer: Aye.

14 The Clerk: Mr. Menendez?

15 Senator Menendez: Aye.

16 The Clerk: Mr. Cardin?

17 Senator Cardin: Aye.

18 The Clerk: Mr. Casey?

19 Senator Casey: Aye.

20 The Clerk: Mr. Webb?

21 Senator Webb: Aye.

22 The Clerk: Mrs. Shaheen?

23 Senator Shaheen: Aye.

24 The Clerk: Mr. Kaufman?

25 Senator Kaufman: Aye.

1 The Clerk: Mrs. Gillibrand?
2 The Chairman: Aye, by proxy.
3 The Clerk: Mr. Lugar?
4 Senator Lugar: Aye.
5 The Clerk: Mr. Corker?
6 Senator Lugar: I have no vote.
7 The Clerk: Mr. Isakson?
8 Senator Lugar: No vote.
9 The Clerk: Mr. Risch?
10 Senator Risch: No.
11 The Clerk: Mr. DeMint?
12 Senator DeMint: No.
13 The Clerk: Mr. Barrasso?
14 Senator Barrasso: No.
15 The Clerk: Mr. Wicker?
16 Senator Wicker: No.
17 The Clerk: Mr. Inhofe?
18 Senator Lugar: There's no vote.
19 The Clerk: Mr. Chairman?
20 The Chairman: Aye.
21 The Clerk: Twelve to four.
22 The Chairman: By a vote of 12 to 4, the ayes have it,
23 and the Casey amendment, second degree, is adopted.
24 There will be a vote now, if there's no further
25 debate, on the Wicker amendment, as amended by the second-

1 degree amendment from Senator Casey.

2 I think we can do that by voice vote, if we want, but
3 -- unless you want to have a recorded vote. Anybody?

4 [No response.]

5 The Chairman: If there's no request for a recorded
6 vote, all those in favor of the amendment, as amended, say
7 aye.

8 [A chorus of ayes.]

9 The Chairman: All those opposed, nay.

10 [A chorus of nays.]

11 The Chairman: And the ayes have it, though the record
12 will show there were some votes opposed.

13 We now move to the fourth amendment, which is Senator
14 Feingold and Senator Gillibrand.

15 Senator Feingold: Thank you, Mr. Chairman.

16 I'm offering an amendment that would strengthen the
17 State Department's effort to address the serious human
18 rights abuses committed against individuals because of
19 their sexual orientation or gender identity. I joined with
20 Senators Coburn, Cardin, and Collins to introduce Senate
21 Resolution 409, which is a resolution condemning the
22 proposed antihomosexuality bill being considered in the
23 Ugandan Parliament. I want to thank my colleagues on this
24 committee, particularly Senator Cardin, for their support
25 of this bipartisan resolution, which the Senate passed

1 unanimously earlier this month.

2 Unfortunately, the proposed legislation in Uganda is
3 just one example of actions taken around the world that
4 restrict the rights of people because of their sexual
5 orientation. Members of the lesbian, gay, bisexual, and
6 transgender communities face increasing levels of
7 persecution and violence in Iran and Iraq. Criminalization
8 laws remain in effect in many other countries.
9 Homosexuality is punishable by death in Iran, Saudi Arabia,
10 Sudan, and Nigeria.

11 If we accepted my amendment, it would reinforce a
12 strong message sent by this body, when we pass S. Res. 409,
13 and demonstrate our commitment to addressing these
14 widespread violations of basic human rights. The amendment
15 calls on the State Department to continue to encourage
16 foreign governments to repeal laws that criminalize
17 homosexuality. It also urges the State Department to more
18 closely monitor violence, criminalization, and other abuses
19 related to sexual orientation, to include this topic in
20 human rights training for Foreign Service officers.

21 Finally, the amendment would strengthen reporting on
22 abuses related to sexual orientation and gender identity in
23 the Annual State Department Human Rights Reports, reporting
24 that first began under President George H.W. Bush and has
25 since been improved and expanded upon by Presidents

1 Clinton, George W. Bush, and Obama.

2 Similar language received bipartisan support in the
3 House of Representatives last year. I hope that, by
4 accepting this amendment, this committee will continue to
5 build on these bipartisan efforts to address human rights
6 abuses against LGBT communities around the world.

7 And I do thank Senator Gillibrand for her
8 cosponsorship of the amendment.

9 Thank you, Mr. Chairman.

10 The Chairman: Well, thank you very much, Senator
11 Feingold. I think this is a terrific effort to address
12 serious human rights abuses that are committed against
13 individuals around the world, and I think it is the right
14 position for the committee and the State Department to be
15 taking.

16 Is there any debate on this amendment?

17 [No response.]

18 The Chairman: If not, I think we can proceed to a
19 voice vote.

20 All those in favor --

21 Senator Lugar: I would like a rollcall vote.

22 The Chairman: Rollcall vote. A request for a
23 rollcall vote.

24 The Clerk will call the roll.

25 The Clerk: Mr. Dodd?

1 The Chairman: Aye, by proxy.
2 The Clerk: Mr. Feingold?
3 Senator Feingold: Aye.
4 The Clerk: Mrs. Boxer?
5 Senator Boxer: Aye.
6 The Clerk: Mr. Menendez?
7 Senator Menendez: Aye.
8 The Clerk: Mr. Cardin?
9 Senator Cardin: Aye.
10 The Clerk: Mr. Casey?
11 Senator Casey: Aye.
12 The Clerk: Mr. Webb?
13 Senator Webb: Aye.
14 The Clerk: Mrs. Shaheen?
15 Senator Shaheen: Aye.
16 The Clerk: Mr. Kaufman?
17 Senator Kaufman: Aye.
18 The Clerk: Ms. Gillibrand?
19 The Chairman: Aye, by proxy.
20 The Clerk: Mr. Lugar?
21 Senator Lugar: No.
22 The Clerk: Mr. Corker?
23 Senator Lugar: Votes aye, by proxy.
24 The Clerk: Mr. Isakson?
25 Senator Lugar: Votes no, by proxy.

1 The Clerk: Mr. Risch?
2 Senator Risch: No.
3 The Clerk: Mr. DeMint?
4 Senator DeMint: No.
5 The Clerk: Mr. Barrasso?
6 Senator Barrasso: No.
7 The Clerk: Mr. Wicker?
8 Senator Wicker: No.
9 The Clerk: Mr. Inhofe?
10 Senator Lugar: Votes no, by proxy.
11 The Clerk: Mr. Chairman?
12 The Chairman: Aye.
13 The Clerk: Twelve to seven.
14 The Chairman: By a vote of 12 to 7, the amendment is
15 carried.
16 And we now move to the fifth amendment. This is a
17 Chairman's amendment that includes the specific
18 authorization levels for the bill.
19 Let me just say to colleagues that those levels
20 reflect precisely the same numbers requested by the
21 President in his 2011 budget request.
22 I'm aware that Senator Webb and, I think, Senator
23 Inhofe want to join together to possibly offer a second-
24 degree amendment. So, let me let Senator Webb do so, if he
25 intends to, and speak to it.

1 Senator Webb: Thank you, Mr. Chairman.

2 And I'd like to begin by thanking you for doing this
3 authorization process to bring the committee up to the full
4 responsibilities that go with an authorizing committee.

5 This amendment -- and you're correct, Senator Inhofe,
6 who is ranking Republican on our subcommittee -- East Asia
7 Subcommittee -- joins as a cosponsor. It would do two
8 things. First, it would put \$100 million more into the
9 overseas programs for East Asia. And, secondly, it would
10 express a Sense of the Congress that this funding would be
11 offset by money that has already been appropriated, but not
12 obligated, from funds that went to the Pakistan
13 Counterinsurgency Capability Fund and the Afghanistan
14 Economic Support Funds. As I say, again, this is money
15 that had been appropriated all the way up to '10 and had
16 not been obligated.

17 In that account, there's \$245 million remaining, in
18 the Afghani account, and 500 million remaining in the
19 Pakistani account. The amendment expresses the Sense of
20 the Congress that we move 50 million from each of those
21 accounts.

22 I just feel very strongly -- and I know that the
23 Chairman has his, I guess, opposition to this amendment,
24 based upon the amounts that came over from the State
25 Department -- I just feel very strongly that the overseas

1 programs for East Asia are underfunded. We're looking at
2 \$169 million for East Asia, which is less than every other
3 single account, including 220 million for Africa and 171
4 million for the Western Hemisphere.

5 This is a region that has more than 3 million -- 3
6 billion people, nearly half the population of the world.
7 It's a region that the President himself has pointed out,
8 over and over again, we have neglected over the last 8 or 9
9 years. We have turbulence in Korea -- North Korea,
10 particularly. We have political instability in Japan. We
11 have base relocation difficulties in Okinawa. We have a
12 very surprising level of unrest in Thailand. We have
13 potential changes in the military junta in Burma that
14 require our attention. We have serious economic and
15 riparian rights issue along the Mekong River, which
16 Secretary Clinton has been pretty verbal about, that
17 affects the food security of about 70 billion people. And
18 I've held hearings on this subcommittee, on issues with
19 China, in terms of sovereignty in the East China Sea and
20 South China Sea, that could impact, not only Taiwan, but
21 the -- Islands, the Spratleys and Paracels.

22 So, given our incredible commitment in this region,
23 economically -- five of our top 15 trading partners are
24 located in this region -- it would just seem to me that we
25 could be expending a proportionate amount of money in this

1 account for on-the-ground programs. And that's the purpose
2 of the amendment.

3 The Chairman: Well, Senator Webb, it's actually --
4 it's a good amendment, which, in substance, I think, is
5 well directed, in terms of the amount and what we ought to
6 be doing.

7 And I want to begin by saying that I approach this
8 with genuine and enormous admiration for your knowledge of,
9 and your commitment to, that region. I think you're a
10 terrific subcommittee chair, and I know you know the region
11 well, and you have a very good feel for the priorities.

12 I will say to you that I share those, and I say to my
13 colleagues that I share it. I've spent 10 years on this
14 committee, working with our colleague Senator McCain, to
15 transition our relationship with a large part of Southeast
16 Asia -- Vietnam, Cambodia, Laos -- to what it is today, and
17 to try to move forward. And there is no question but that
18 China, Japan, Malaysia, Indonesia, this region, is of
19 critical importance to us, and there's a lot happening
20 right now.

21 So, basically, Senator Webb is correct, that there
22 ought to be additional funding there. I think what this
23 amendment does, folks, is underscore the need for us to be
24 unified, as a committee, in opposing the \$4 billion that is
25 being slashed from the budget at the Budget Committee level

1 when we get to the floor and start dealing with that issue,
2 because we are under-resourced around the world right now.

3 And increasingly, I think, people understand that our
4 diplomacy has got to change. It is contingent on -- you
5 know, we've got a 708-or-so-billion-dollar budget for the
6 Defense Department, and a 58-point-something budget for
7 the, you know, State Department, foreign assistance, et
8 cetera. It's about 1.4 percent of the total budget of the
9 United States of America. It's one-sixteenth of the
10 security budget of our country, and yet, nothing could be
11 more important than having presence on the ground to try to
12 win hearts and minds, and respond appropriately to some of
13 the things Senator Webb is thinking about.

14 Now, here's the "but," and this is why I oppose this
15 particular amendment at this moment, but not the idea of
16 getting an additional 100-million-plus, frankly. It ought
17 to be much more than that. But, the reasons are, first of
18 all, I don't think that the amendment totally represents
19 the full picture of the way the East Asia Pacific Bureau is
20 funded, if you include all of the funding for the Bureau,
21 plus expenses for the personnel in the Bureau based here in
22 Washington. In fact, we judged the funding to be on a par
23 with other bureaus in that respect.

24 Secondly, it tries to transfer -- it seeks to transfer
25 \$100 million from the live conflict in Afghanistan, and an

1 important partner, in terms of Pakistan. I think many
2 people on the committee have concluded that if we are going
3 to succeed in Pakistan, you've got to succeed in
4 Afghanistan, you've got to succeed in Pakistan.

5 So, I don't think it's the right time to send a signal
6 that you want to take those resources away from those two
7 places, where we've just spent an enormous amount of energy
8 trying to plus it up.

9 But, let me go a step further. The bill urges taking
10 funds from there, but those programs aren't included in
11 this legislation. So, in effect, we're trying to, you
12 know, take the funds from what is really the State
13 Department operations budget, not the foreign assistance
14 budget. And so, it doesn't make sense to take funds away
15 from programs that aren't considered in the current
16 legislation.

17 And, third, there is a serious precedent question in
18 whether you want to get engaged in that approach to doing
19 this, that we're going to sit here and take funds from one
20 part of the State Department and put them into another.
21 It's a level of micromanagement that I often heard Jim
22 Baker and, you know, a whole bunch of others come up here
23 and tell us that Congress really shouldn't engage in. And
24 I worry that it gives an impression that we're sort of
25 micromanaging the Department operations from afar.

1 So, I'd like to do the following. I'd like to work
2 with Senator Webb and the whole committee to try to make
3 sense out of the underfunding of these critical national
4 security tasks and of our longer-range interests.

5 I'd just draw attention to the committee members,
6 something I'm going to talk more about in coming weeks --
7 months. The United States used to be 68 percent of global
8 GDP, just about 10 or 15 years ago. We're now down around
9 44 percent, and declining. In the next 20 years, 80
10 percent of the growth in the world is going to be in six
11 countries. They're all Muslim-majority countries. And the
12 population, relative to the United States and Canada and
13 Europe, put together, is going to shrink from 33 percent to
14 12 percent of the planet. That's what's going to happen
15 over the course of our lives.

16 If we don't begin to project ourselves more
17 intelligently in these kinds of trends that are changing --
18 the economic growth of the world is going to occur in
19 Brazil and Mexico and India and China and many other
20 countries -- as our population dwindles, Europe's dwindles,
21 Japan's dwindles, and all of them wind up with larger
22 safety-net issues and less people working to pay into that
23 system.

24 These are the global challenges we face, and I really
25 look on this amendment in that context. I think the

1 Senator is correct to ask for it, but I think this is the
2 wrong way and place. And, for that reason, I'm constrained
3 to oppose it. But, I hope, Senator, we can work together
4 to try to get this priority --

5 Senator Webb: Mr. Chairman, may I just make three
6 clarifications, at least from my point of view, on what you
7 said?

8 The Chairman: Sure.

9 Senator Webb: I appreciate very much what you said.

10 First, as you know, I've spent a lot of time in Asia
11 before I came to the Senate -- consistently for 4 years.
12 I've spent a lot of time since I came to the Senate. There
13 is a feeling, in these countries right now, that we have
14 said a lot of things, but we're not backing them up with
15 concrete programs. And this is a clear example for anyone
16 in Asia -- in these countries -- looking at a lack of
17 priority.

18 Second, when you mentioned that this doesn't reflect
19 the overall budget, the Bureau budgets, which are the other
20 area that you mentioned, are pretty consistent, in terms of
21 per capita, for all these different areas. But, when you
22 separate out paying people doing their job, paying for
23 offices, these are numbers you come up with, the ones that
24 I was talking about. And, quite frankly, to me, they're
25 very worrisome.

1 With respect to taking the money from other programs,
2 we couch this, in the amendment, as a Sense of Congress, so
3 it wouldn't be mandatory. The idea would be, there's money
4 sitting in these other programs -- and I agree that they're
5 important. We put billions and billions of dollars over
6 there, and in some cases we've saturated these programs to
7 the situation where they can't absorb them. So, this money
8 is actually money that had been appropriated in '10 and
9 earlier, that is sitting there, and it would be available.

10 So, those would be the reactions I have to what you've
11 said.

12 I would like to go ahead and ask for a vote on the
13 amendment and -- proceed.

14 The Chairman: Fair enough. No reason not to.

15 Senator Risch: Mr. Chairman?

16 The Chairman: Yes, Senator Risch?

17 Senator Risch: Senator Webb, would you yield? I got
18 lost. Is this spending more money or merely shifting
19 money?

20 Senator Webb: This would be --

21 The Chairman: Shifting money from -- advising us --

22 Senator Webb: Basically, putting 100 million in the
23 overseas programs for East Asia, which would bring them up,
24 reasonably, to the level of what we could be doing on the
25 ground over there. Right now, the numbers are very low.

1 And then proposing, as a Sense of the Congress -- because
2 we can't appropriate on this committee -- but, proposing,
3 as a Sense of the Congress, that this money come from
4 programs that were appropriated, where they couldn't spend
5 the money. This is already appropriated money. It's
6 sitting there -- 50 million in Pakistan, 50 million in
7 Afghanistan. I think they can absorb that, personally.

8 Senator Risch: So, Mr. Chairman, Senator Webb, if
9 this amendment passes, the United States Treasury won't be
10 spending any more money than what they would have spent --

11 Senator Webb: No, it won't.

12 Senator Risch: -- with or without this amendment. Is
13 that correct?

14 Senator Webb: No, it won't. You're correct.

15 Senator Risch: Thank you.

16 Thank you, Mr. Chairman.

17 The Chairman: Let me just say a final word. I'd love
18 to not have a vote on it, because I care so much about
19 getting extra money to the region, but I do feel
20 constrained to vote against it if we're going to have that
21 vote. I don't know whether you'd be willing to try to work
22 together -- I mean, I'm happy to go visit the Secretary and
23 the President to suggest they ought to realign this.

24 Senator Webb: I just believe --

25 The Chairman: What's your call?

1 Senator Webb: I believe we need -- I, particularly,
2 as your subcommittee -- chairman of the --

3 The Chairman: Fair enough.

4 Senator Webb: -- subcommittee, need to try to make
5 sure the countries in this region understand we have our
6 priorities --

7 The Chairman: I respect that. I completely
8 appreciate it.

9 Senator?

10 Senator Shaheen: I just have a question that I'm
11 still not clear on. And I certainly support the intent of
12 what you're doing, Senator Webb. The question that I have
13 is, the funding that is not being used, is the intent not
14 to use that funding in the future? So, will the
15 authorization expire if the money is not shifted? Or, if
16 this money is shifted someplace else, will there then be a
17 request to fund those programs in the future, because the
18 money is not going to be there that people were counting
19 on?

20 Senator Webb: My answer would be, they are funds
21 that were appropriated, sitting there, unable to be
22 expended in a timely way. There are other funds coming
23 down the line, in terms of appropriation for Afghanistan
24 and Pakistan -- significant other funds. I -- you know, I
25 feel very strongly about what we're doing in those areas,

1 as well. I wouldn't, in conscience, want to diminish
2 programs that are already in place. This is just money
3 that hasn't -- you know, you can't expend it. We've got so
4 much money going into those areas that they haven't been
5 expend it.

6 Senator Shaheen: Can I ask another question?

7 The Chairman: Absolutely, Senator Shaheen.

8 Senator Shaheen: Has the State Department weighed in
9 on these funds and whether they would support this kind of
10 a transfer?

11 The Chairman: Is the State Department representative
12 prepared to speak on that here? No? Normally we have
13 somebody from State Department here ready to speak on that.
14 Is Secretary Verma here? Who's here? Anybody representing
15 State Department? Nobody has authority; you're here to
16 listen, okay.

17 Let me say, on behalf of the administration, and on my
18 behalf and Senator Lugar's, this money is going to be
19 spent. Make no mistake about it, it is going to be spent
20 in the pipeline for Afghanistan and Pakistan, where we are
21 crying out for even more money than we have today. And
22 it's not going to be surplused or go to waste. I just want
23 to assure you of that. That doesn't mean Senator Webb's
24 arguments are at all -- as I said, they have great merit,
25 and we need to get additional funding.

1 So, on that note, he's asked for a vote.
2 The Clerk will call the roll.
3 The Clerk: Mr. Dodd?
4 The Chairman: No, by proxy.
5 The Clerk: Mr. Feingold?
6 Senator Feingold: No.
7 The Clerk: Mrs. Boxer?
8 Senator Boxer: Aye.
9 The Clerk: Mr. Menendez?
10 Senator Menendez: No.
11 The Clerk: Mr. Cardin?
12 Senator Cardin: No.
13 The Clerk: Mr. Casey?
14 Senator Casey: No.
15 The Clerk: Mr. Webb?
16 Senator Webb: Aye.
17 The Clerk: Mrs. Shaheen?
18 Senator Shaheen: No.
19 The Clerk: Mr. Kaufman?
20 Senator Kaufman: No.
21 The Clerk: Mrs. Gillibrand?
22 The Chairman: No, by proxy.
23 The Clerk: Mr. Lugar?
24 Senator Lugar: No.
25 The Clerk: Mr. Corker?

1 Senator Lugar: Votes no, by proxy.
2 The Clerk: Mr. Isakson?
3 Senator Lugar: Votes no, by proxy.
4 The Clerk: Mr. Risch?
5 Senator Risch: Aye.
6 The Clerk: Mr. DeMint?
7 Senator DeMint: No.
8 The Clerk: Mr. Barrasso?
9 Senator Barrasso: No.
10 The Clerk: Mr. Wicker?
11 Senator Wicker: Aye.
12 The Clerk: Mr. Inhofe?
13 Senator Lugar: Votes aye, by proxy.
14 The Clerk: Mr. Chairman?
15 The Chairman: No.
16 The Clerk: Five ayes, 14 nays.
17 The Chairman: By 5 ayes, 14 nays, the amendment is
18 not agreed to.
19 Is there any further debate with respect to any aspect
20 of the amendment as a substitute?
21 Senator Feingold: Mr. Chairman?
22 The Chairman: Senator Feingold?
23 Senator Feingold: I support your effort to build a
24 stronger and more capable State Department, but I have
25 longstanding concerns with the authorization of funds for

1 the international broadcasting operations to Cuba. Serious
2 questions have been raised regarding the effectiveness of
3 this broadcast in the Office of Cuba Broadcasting
4 Programming, management and realistic standards. And I
5 look forward to working with my colleagues to ensure that
6 our State Department's foreign operations funding is
7 effective and transparent as possible.

8 The Chairman: Yes, Senator Cardin.

9 Senator Cardin: Mr. Chairman, yesterday I sent a
10 letter to Secretary of State Clinton, asking that the
11 Department impose visa sanctions on 16 individuals in
12 Russia who have been linked to a \$230-million corruption
13 scheme, torture, and death, and jail of anticorruption
14 attorney Sergei Magnitsky.

15 This issue stems from a hearing I chaired in the
16 Helsinki Commission which highlighted a case of the
17 Hermitage Capital Management and the plight of the
18 company's lawyer. Mr. Magnitsky, a 37-year-old Russian
19 citizen, father of two, was repeatedly denied medical
20 treatment while he awaited trial and trumped-up charges.

21 A visa is a privilege, not a right, and the State
22 Department has the power to revoke that privilege.
23 Directives, including Presidential Proclamation 7750, allow
24 the State Department to bar visas from going to foreign
25 individuals engaged in, or benefiting from, corruption.

1 And I expect them to use it in this case.

2 Sixty names on the list I submitted to Secretary
3 Clinton include senior officials from the Russian Interior
4 Ministry, Federal Security Service, Federal Tax Service,
5 arbitration courts, general prosecutor's office, and
6 federal prison service, along with a detailed description
7 of their involved in the case. These officials remain
8 unpunished and in a position of power.

9 Mr. Chairman, I would ask this list be included in the
10 committee record.

11 The Chairman: Without objection.

12 [The information referred to follows:]

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3 Senator Cardin: These visa sanctions will send an
4 important message, to corrupt officials in Russia and
5 elsewhere, that the United States is serious about
6 combating foreign corruption and the harm that it does. It
7 will also help protect United States companies operating in
8 Russia who risk falling prey to similar schemes in the
9 future.

10 U.S. visa sanctions are an important first step, and I
11 hope other countries will follow suit with similar
12 measures.

13 I also understand that, tomorrow, this case will be on
14 the agenda of the Semiannual EU-Russian Human Rights
15 Dialogue in Brussels.

16 And I hope, Mr. Chairman, it can resolve this issue
17 before this bill is considered on the floor of the Senate.
18 So, I'm not going to be offering it, as I told the Chair,
19 any amendments on this at this time, but I do reserve my
20 right, if this issue cannot be resolved.

21 The Chairman: Absolutely, Senator. And I appreciate
22 and respect that, and I appreciate your leadership on that.

23 And let me also say, with respect to Senator Feingold,
24 that I share some of Senator Feingold's concerns that he
25 raised, particularly about Radio Marti, et cetera. The

1 committee staff has finished a review of the Office of Cuba
2 Broadcasting, and we have concluded that they still face
3 some serious problems.

4 So, I just don't think this is precisely the moment to
5 do it, but I think it's something we need to continue to
6 investigate and have a rigorous oversight. And we're going
7 to work with you to do that.

8 We need to have a vote on my amendment that Senator
9 Webb sought to amend. We did not vote on that, and I would
10 like to ask, if there's no further debate, all those in
11 favor of the Chairman's amendment with respect to the
12 allocations numbers, please say aye.

13 [A chorus of ayes.]

14 The Chairman: Opposed, nay.

15 [A chorus of nays.]

16 The Chairman: The ayes have it, and that amendment is
17 adopted.

18 Now, we come to technical amendments. There is
19 nothing substantive in these amendments. They're merely
20 conforming.

21 And I ask -- do we have -- Jim, before you go -- have
22 we have 10, still? Yes.

23 And I'd propose we have a voice vote on the technical
24 amendments now.

25 All those in favor, say aye.

1 [A chorus of ayes.]

2 The Chairman: Opposed, nay.

3 [No response.]

4 The Chairman: The ayes have it, and the technical
5 amendments are agreed to.

6 And so, at this point, we will have -- I think we can
7 have a voice vote on the final passage of the Authorization
8 Act.

9 Senator DeMint: Mr. Chairman?

10 The Chairman: Yes, Senator DeMint?

11 Senator DeMint: A quick comment?

12 The Chairman: Absolutely.

13 Senator DeMint: I appreciate all your work, and
14 Senator Lugar's and the staff.

15 You said something very profound, which I've been
16 sitting here thinking about, that only a few years ago,
17 that we had over 60 percent of the world's gross domestic
18 product --

19 The Chairman: Sixty-eight.

20 Senator DeMint: -- and now, 24 percent and declining.

21 The Chairman: Forty-four.

22 Senator DeMint: Forty-four?

23 The Chairman: Forty-four --

24 Senator DeMint: Forty-four --

25 The Chairman: -- but declining.

1 Senator DeMint: -- and declining. We're still
2 spending, I guess, as if we're 60 percent or more and
3 climbing. And I just think, as a part of the future work
4 of our committee, we need to realize that we can no longer
5 carry the share of, I guess, the world's aid that we have
6 in the past. And we certainly need to enlist more of our
7 allies to support us. And the underlying bill actually
8 increases our contribution to the United Nations, rather
9 than reflecting the fact that we're carrying a burden in
10 many other areas -- in military aid all around the world,
11 and certainly the battle on terror. At some point, we have
12 to recognize that we can no longer continue to increase our
13 share of the world's aid and support. While certainly it
14 would be our intention to do everything we can, I just -- I
15 think it's time that we start reflecting where we are as a
16 global economy.

17 The Chairman: Well, let me say to the Senator, I
18 appreciate his reflecting on the sort of starkness of the
19 transition taking place. I would argue, quite powerfully,
20 I hope, that, with over 100,000 peacekeepers in over 16
21 conflicts in the world, all of which have serious
22 implications for the United States -- I mean, if you've got
23 a majority-Muslim countries representing the place where 80
24 percent of the growth is going to be, and more than 60
25 percent of the population in those countries under the age

1 of 25, and they don't have any jobs, let alone any
2 education, we have big problems facing us in the future.

3 So, I think it's not a time to retreat. I think it's
4 a time to get our allocations more appropriately
5 designated. This is not going to be won with bullets and
6 guns; it's going to be won with a whole bunch of different
7 approaches. Most of us know well about how you transition
8 countries. So, a \$706-billion allocation on one side,
9 where we know it doesn't work, and a 58-billion allocation
10 on the side where we know we have the best shot, simply
11 doesn't make sense. And the way to address it is not by
12 retreating, at the U.N. or elsewhere; it's, frankly, by
13 getting our own priorities correct, in my judgment.

14 Senator DeMint: That is a clarification I would like
15 to make, as well. We certainly need to focus resources,
16 which are very limited, to make sure they're most
17 effective.

18 Senator Lugar: Mr. Chairman?

19 The Chairman: Yes, sir, Senator Lugar?

20 Senator Lugar: Just as a point of the record, on the
21 Kerry motion for authorization of dollars for the bill,
22 Senator Isakson and Senator Inhofe wish to be recorded as
23 "no."

24 The Chairman: Fair enough.

25 Senator Menendez: Mr. Chairman?

1 The Chairman: Senator Menendez?

2 Senator Menendez: Mr. Chairman, I don't want to delay
3 the proceedings, but I can't let the record go without
4 expressing a concern on the remark the Chairman made about
5 Cuba Broadcasting. There seems to be a fixation with
6 everything Cuba. And it is probably the most reviewed,
7 investigated entity, probably of all of what we do in
8 foreign policy. And so, since you said the committee staff
9 had done their own review, I would like to have, as one
10 member of the committee, access to that report.

11 The Chairman: Every member should have access to it.

12 Senator Menendez: And I -- you know, I am concerned,
13 when we constantly have challenges on creating an open
14 opportunity of information to the people of Cuba at a time
15 that Orlando Zapata just died at the hands of Castro's
16 jailors, as a hunger strike goes on right now by Guillermo
17 Farinas, who is languishing in Castro's jail -- his crime
18 is simply speaking up against the regime; on the women in
19 white, who are the mothers and wives of political prisoners
20 in Castro's jails, and march every Sunday, peacefully,
21 dressed in white, and get viciously attacked by Castro's
22 mobs. Without that information in to those people, and
23 they're languishing to try to create freedom, specifically
24 in their own country, it would be a travesty. So, I'll
25 look forward to seeing what the committee's review has

1 been.

2 The Chairman: Fair enough. It will be up on the Web
3 site, I think, in a day or so. So, it will be available to
4 you.

5 And, incidentally, Senator, let me just say that
6 there's no argument here about the brutality and oppressive
7 nature of what goes on in Cuba. And you are a passionate
8 voice, constantly reminding the committee and the country
9 about our obligations there. And so, there's no one
10 challenging that. I think we're just trying to find the
11 most effective means of encouraging transformation or
12 change.

13 Senator Feingold: Mr. Chairman, I voted no on the
14 voice vote, but, in light of the others having their "no"
15 votes recorded, I'd like mine recorded as "no."

16 The Chairman: And it will be. Senator Feingold will
17 be recorded no -- with respect to the allocation? Fair
18 enough.

19 Now, that done, folks, we have just a couple of quick
20 items. They're not going to take very long. Ask your
21 questions.

22 Senator Wicker: Well, now, Mr. Chairman, have we
23 voted on final passage?

24 The Chairman: We're about to. But, before we get --
25 I just wanted to warn people, so everybody didn't get up,

1 when we do final passage, and think that we're all done.

2 We have two other quick items after that.

3 So, now we have a vote on final passage of 2971. I
4 have not heard a request for a recorded vote, so -- if not
5 --

6 Senator Boxer: So move. No recorded vote. Can I
7 just move it?

8 The Chairman: All those in favor, say aye.

9 [A chorus of ayes.]

10 The Chairman: Opposed, nay.

11 [A chorus of nays.]

12 Senator Risch: I'd like to be recorded, Mr. Chairman.

13 The Chairman: The Senator is appropriately requesting
14 recorded. "No" will be recorded. And the bill is --

15 Senator Lugar: And Senator Inhofe would be recorded
16 as "no." And, likewise, Senator Isakson.

17 The Chairman: Senator Isakson --

18 Senator DeMint: And include DeMint on that, if you
19 would, too.

20 The Chairman: Fine. We're up to five --

21 Senator Wicker: And Senator Wicker.

22 The Chairman: Do I hear six? Seven?

23 [Laughter.]

24 The Chairman: We have one other legislative item on
25 the agenda, and that's the OAS Revitalization Reform Act.

1 Senator Menendez.

2 Senator Menendez: Mr. Chairman, thank you.

3 This is a bill in an effort to strengthen the OAS.
4 And it does so by looking at some of the challenges the
5 institution has. It calls on the organization to
6 strengthen core fundamentals in budgeting, human resource
7 management, fiscal transparency, so to improve operational
8 efficiency, reinvigorate the institution by doing that, and
9 then to be able to work on the hemispheric issues that are
10 important by virtue of making those reforms within the
11 institution. And I urge its adoption.

12 The Chairman: Well, I really appreciate it, and I
13 respect it. I'd very much support this effort.

14 Is there any debate?

15 [No response.]

16 The Chairman: Hearing none, we will move to a voice
17 vote.

18 All those in favor of the Menendez OAS bill, say aye.

19 [A chorus of ayes.]

20 The Chairman: Opposed, nay. Don't go away. Opposed,
21 nay.

22 [No response.]

23 The Chairman: There are no nays, the ayes have it,
24 and it is approved.

25 Now we have three nominations on the agenda: Mari

1 Carmen Aponte, to be Ambassador to El Salvador; Michael
2 Meehan and Dana Perino, for the Broadcasting Board of
3 Governors. I think they're three qualified nominees, and
4 we ought to move them out to the floor for confirmation.

5 Oh, they have been held over. I was not aware of
6 that. Then there are two of them who have been held over,
7 and we will be at the next business meeting.

8 Therefore, the vote is solely on Mari Carmen Aponte to
9 be Ambassador to El Salvador. Is there any debate?

10 Senator Wicker: Mr. Chairman?

11 The Chairman: Sir?

12 Senator Wicker: Mr. Chairman, I'm going to vote
13 against this nomination, in spite of the fact that a number
14 of people, whose opinions I greatly respect, have called me
15 on behalf of Ms. Aponte. The reason is, Senator DeMint has
16 made a very simple request of the administration for
17 information which has been ignored, and I just do not
18 understand why the information that has been requested
19 cannot be provided, either publicly or in a classified
20 setting. It just seems to me that the administration is
21 ignoring a member of this committee. So, that would be the
22 reason for my "no" vote.

23 Senator Lugar: Mr. Chairman?

24 The Chairman: Yes, Senator Lugar.

25 Senator Lugar: Mr. Chairman, let me follow up that

1 point. I wrote a strong letter to the White House Counsel,
2 given the fact that there were many questions raised about
3 Ms. Aponte's nomination. And this is clearly a
4 controversial nomination. It was controversial the last
5 time she was nominated, in a different administration.
6 And, unfortunately, the White House Counsel did not respond
7 favorably to my inquiry in behalf of our membership.

8 So, I plan to vote no. And I wish we would have
9 better cooperation from the Administration.

10 Senator Risch: Mr. Chairman?

11 The Chairman: Yes, Senator Risch.

12 Senator Risch: I'm also going to vote no. I had,
13 obviously, the opportunity to cross-examine the appointee,
14 and I've got real reservations about the answers that she
15 gave regarding the reasons why she was DQ'd the last time,
16 and her denial of any knowledge of those. And I think,
17 without answers to that, without answers that are obviously
18 out there somewhere, and no response by the Department, I
19 just don't, in good conscience, see how we can confirm this
20 nominee.

21 The Chairman: Well, it's my understanding -- I
22 believe Senator Barrasso, on behalf of the committee, had
23 the opportunity to review her FBI file. Is that correct?

24 Senator Barrasso: I did review that file.

25 The Chairman: So, I don't think it's fair to say that

1 the administration hasn't cooperated, in the sense that
2 they made the file a member to -- open to the member, which
3 is traditional practice of the committee. We usually
4 designate somebody to the review the file. So, there's
5 nothing hidden from the committee.

6 Senator Lugar: Well, we asked, in this case, that the
7 tradition might be waived, because this was clearly a
8 controversial nomination --

9 The Chairman: Well, can I ask this question of
10 Senator Barrasso? Is there anything that you feel the
11 committee should have reported to it that you're not at
12 liberty to say, based upon what you saw?

13 Senator Barrasso: I wish that the members of the
14 committee would have had access to read the file, Mr.
15 Chairman.

16 Senator Menendez: Mr. Chairman?

17 The Chairman: Senator Menendez.

18 Senator Menendez: Mr. Chairman, I was the member who
19 conducted, among others, Ms. Aponte's nomination hearing.
20 I reviewed her file carefully. I have known Ms. Aponte for
21 some time. The particular issues in question are questions
22 that create an allegation, one that I think is unfounded,
23 about whether or not, because that she had a relationship
24 at one time with someone who was being prosthelytized by
25 the Castro regime, whether she is a security risk. On that

1 issue, I would take a backseat to no one on this committee,
2 as we've just had a discussion, a few moments ago -- if I
3 thought that, after having reviewed the file, that Ms.
4 Aponte would be a security risk to the United States, in
5 any context, but particularly in the context of having the
6 Castro regime have access to her, I would be the first one
7 to oppose her. But, that is not, simply, the case.

8 She's been consistently asked about a, quote/unquote,
9 "Helms memo." But, the memo doesn't exist. I've talked to
10 people who served with Senator Helms as his staff, and
11 there is no such memo. It is hard to disprove something
12 that doesn't exist and that you have the affirmative
13 obligation to disprove.

14 Finally, I have to say that, in part of her nomination
15 processes in the past, she has had her background
16 thoroughly investigated, and both times she received Top
17 Secret security clearances, as is appropriate. I have
18 every belief that she would do a fantastic job as our
19 Ambassador to the Republic of El Salvador, which is a
20 critical country in the hemisphere that needs our
21 engagement. Not having an Ambassador there works against
22 our interests, particularly in the promotion and
23 consolidation of democracy.

24 So, I strongly support her and hope the committee will
25 vote her out.

1 The Chairman: Well, I appreciate that.

2 Let me just say that -- Senator, that, historically --
3 I mean, in the 26 years I've been on the committee -- and
4 Senator Lugar has been on it longer -- we've had this
5 practice of, you know, a member representing each side and
6 looking at the FBI files, which is pretty extraordinary in
7 itself. But, it's okay. It's appropriate, under the
8 circumstances. I don't think the administration's trying
9 to hide anything; I just think there's an adequate
10 precedent. And if you get down the road, here, the process
11 -- a process that already gets pretty ugly and pretty
12 intrusive, becomes even more so. I think if Senator
13 Barrasso has a reason, coming out of his review, to say to
14 each of his colleagues, "Here's what I saw, and you
15 shouldn't vote for her," that's going to be the basis of
16 your vote, or something.

17 But, I'll tell you this, very few nominations have
18 gotten as much scrutiny as her nomination has gotten. And
19 the truth is, she's come out of it, basically, with flying
20 colors. There were allegations, in political publications,
21 about a relationship that she had many years ago with a
22 Cuban American, and all of the allegations were thoroughly
23 investigated and proven to be specious.

24 After an exhaustive vetting process, with the entire
25 U.S. intelligence, you know, community looking at this, for

1 all the obvious reasons, even, you know, twice since these
2 allegations appear about her former boyfriend -- twice,
3 she's been given a Top Secret clearance afterwards. Now,
4 either our intelligence community is completely incompetent
5 and overlooking something or we have to trust them in this
6 process.

7 And again, just to cite what Senator Menendez has
8 said, you know, there's this so-called mysterious memo;
9 nobody's been able to ever produce it. And a lot of us are
10 familiar with the effort of how difficult it is to knock
11 down the, you know, negatives in this process we're in.

12 So, I think she's a solid nominee, I think it's
13 important, now, after this thorough vetting, yet again --
14 this is three times, now, she has been thoroughly vetted,
15 and we haven't found anything sufficient to suggest that
16 she isn't anything but qualified.

17 So, if there is no further debate, we will vote on the
18 nomination of Ms. Aponte. And we will have a rollcall
19 vote.

20 The Clerk will call the roll.

21 The Clerk: Mr. Dodd?

22 The Chairman: Aye, by proxy.

23 The Clerk: Mr. Feingold?

24 Senator Feingold: Aye.

25 The Clerk: Mrs. Boxer?

1 The Chairman: Aye, by proxy.
2 The Clerk: Mr. Menendez?
3 Senator Menendez: Aye.
4 The Clerk: Mr. Cardin?
5 Senator Cardin: Aye.
6 The Clerk: Mr. Casey?
7 Senator Casey: Aye.
8 The Clerk: Mr. Webb?
9 The Chairman: I don't have a Webb proxy.
10 No vote.
11 The Clerk: Mrs. Shaheen?
12 Senator Shaheen: Aye.
13 The Clerk: Mr. Kaufman?
14 The Chairman: Aye, by proxy.
15 The Clerk: Mrs. Gillibrand?
16 Senator Gillibrand: Aye, by proxy.
17 The Clerk: Mr. Lugar?
18 Senator Lugar: No.
19 The Clerk: Mr. Corker?
20 Senator Lugar: Votes no, by proxy.
21 The Clerk: Mr. Isakson?
22 Senator Lugar: Votes no, by proxy.
23 The Clerk: Mr. Risch?
24 Senator Risch: No.
25 The Clerk: Mr. DeMint?

1 Senator DeMint: No.

2 The Clerk: Mr. Barrasso?

3 Senator Barrasso: No.

4 The Clerk: Mr. Wicker?

5 Senator Wicker: No.

6 The Clerk: Mr. Inhofe?

7 Senator Lugar: Votes no, by proxy.

8 The Clerk: Mr. Chairman?

9 The Chairman: Aye.

10 The Clerk: Ten to eight.

11 The Chairman: By a vote of 10 to 8, the nominee will

12 be reported to the floor.

13 That concludes the business meeting.

14 I want to thank everybody for your cooperation. Thank

15 you very, very much, to all the staff. We appreciate it.

16 Well done. Thank you.

17 We stand adjourned.

18 [Whereupon, at 3:45 p.m., the hearing was adjourned.]

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