
Thursday, July 27, 2017

BUSINESS MEETING

[Mark-up of the Department of State 2018 Authorization]

U.S. SENATE
COMMITTEE ON FOREIGN RELATIONS
115TH CONGRESS, FIRST SESSION

BUSINESS MEETING

Thursday, July 27, 2017

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

1 The committee met, pursuant to notice, at 10:10 a.m., in Room SD-116, Dirksen
2 Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

3 Present: Senators Corker [presiding], Risch, Rubio, Johnson, Flake, Gardner,
4 Young, Barrasso, Isakson, Portman, Paul, Cardin, Menendez, Shaheen, Coons, Udall,
5 Murphy, Kaine, Markey, Merkley, and Booker.

OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

6 **THE CHAIRMAN.** Thank you. The business meeting of the Senate Foreign
7 Relations Committee will come to order. I want to thank everybody for the way that
8 we have vigorously worked with each other over the course of the last several months.

9 For the third consecutive year, we are meeting to mark up the State Department
10 authorization bill, which shows that this committee has returned to taking seriously its
11 responsibilities for overseeing and authorizing the State Department.

12 I want to make just a general statement. This authorization process I realize is
13 not particularly satisfying because we have to operate in a unanimous consent
14 environment. It is just not satisfying, I got it. But our goal is to build out the

1 authorization broad enough to where we have time on the floor exactly like what
2 happens with the NDAA.

3 Once that occurs, then we moved from permissive type things to mandating, and
4 we moved to a place where people are voting up and down on the floor because you
5 have got a real bill, or up and down in committee because you have got a bill that is
6 actually directing policy at the State Department. So, again, this is not fun. I mean,
7 people would rather weigh in far more strongly on issues.

8 But, this is not going to improve to the next chairman. Do you understand? I
9 mean, the likelihood is this takes another year or two to build out, and someone else
10 leading this committee will benefit from all of our work, as will all our committee
11 members. But -- look, it is not fun. There are things that I would like to weigh in and,
12 by gosh, say this is the way it is going to be at the State Department. But when you are
13 operating in a unanimous consent environment, it is difficult to do those things.

14 So, I want to thank everybody for cooperating with us, and getting us to a place
15 that hopefully in the next year or two, we have got a bill on the floor for ten days where
16 people on this committee are driving, mandating policies within the State Department,
17 so thank you. And people have been very cooperative. And, again, it is kind of like I
18 can use an old adage that I will not use, but it is not that much fun, I realize.

19 **SENATOR SHAHEEN.** Mr. Chairman?

20 **THE CHAIRMAN.** Yes, ma'am? I am still giving opening comments, but go ahead.

1 [Laughter.]

2 SENATOR SHAHEEN. Oh, well, when you are finished, I was hoping that maybe
3 I could make a statement because I have to go to Appropriations --

4 THE CHAIRMAN. Well, go ahead.

5 SENATOR SHAHEEN. I just wanted to thank you and Senator Cardin for working
6 with me on the Office of Global Women's Issues and on the ambassador's position. I
7 know that there was concern about that, and I appreciate that we were able to get an
8 agreement in the manager's amendment.

9 And I wanted to just explain, because I will not be here when we adopt the
10 manager's amendment, to tell people why I feel so strongly about the importance of
11 having an ambassador to head that position, because as I heard from the most recent
12 ambassador, Melanne Verveer, this office existed under both the Clinton and the
13 George W. Bush Administrations, but it was not until she was appointed that it was
14 raised to the level of ambassador.

15 And what she says is that because it was not in the line of authority that
16 provided credibility, there is -- the purposes of authority on these issues within our
17 government and the role that it represented or in relations with other governments
18 multilateral is a Senate confirmed ambassador made all the difference. She says, "I
19 attended senior staff meetings at State, which sent a signal that gender issues can impact
20 the effectiveness of our policies and programs, no matter the area, from economics to

1 security." She says, "Either we are serious about these issues, or we are not," and that is
2 sort of my view. And I think that is what having that ambassador position allows us to
3 do.

4 So, I very much appreciate your working with us, and Senator Cardin's
5 engagement, and the support from Senators Rubio, Isakson, Senator Menendez, and
6 everybody on both sides of the aisle that worked on this.

7 **THE CHAIRMAN.** Well, I appreciate you working both on the flexibility of using
8 more permissive-like language. I think you have won the day on this issue. And, again,
9 I want to thank everybody for the way they have worked with us.

10 Getting a version of our last two State Department authorization bills signed into
11 law at the end of last year and what we will do today demonstrates this committee's
12 role in protecting our country's national security and advancing its interests. It also lays
13 a strong groundwork for a more robust authorization bill in the future.

14 There have been concerns about passing a State Department authorization in a
15 bill when the Department is considering reorganization. I have heard it loud and clear.
16 I think exercising our oversight in this way actually prepares us to engage more
17 meaningfully, especially with some of the amendments that have been added,
18 meaningfully in the redesign process as it unfolds.

19 Committee members will have their own opinions of the State Department's
20 proposals to redesign itself, and some of those proposals will require legislation to

1 implement, and we will talk about that later. With three consecutive State auth bills
2 under our belt, I am confident in our ability to address those issues in our next bill.

3 However, for this bill, and we worked to add all kinds of amendments into the
4 manager's package, the ranking member and I have agreed to vote against any
5 amendments that are not in the manager's package just to cooperate in trying to get a
6 good bill across the floor. And I thank Senator Cardin for his willingness to do that.

7 The bill before us is a package of good government reforms and the product of
8 extensive research, creative legislation and careful negotiation. It gives our committee a
9 role in the State and USAID's redesign effort, and improves their strategic planning
10 efforts, and institutes a host of embassy construction reforms aimed at getting our
11 people into more secure facilities faster and at less expense to the taxpayer.

12 It reins in proliferation of special envoys in the Department -- I think there are 68
13 of those -- which has been so harmful to the morale and productivity, and enhances the
14 Department's data collection efforts to optimize its workforce. It restructures certain
15 special cases to be more responsible to the preferences of Foreign Service officers, and
16 gives them and their family members more options for visiting each other while they
17 are separated due to difficult assignments. It helps the Department protect its IT
18 networks from intrusion and secured classified information. It seeks to improve the
19 effectiveness of public diplomacy programs, and it improves the State Department's
20 efforts to fight corruption worldwide.

1 I especially want to thank the subcommittees for the subcommittees for their
2 contributions to this bill. I would like to thank especially Senator Cardin for helping us
3 advance another bipartisan authorization through committee. We are determined to get
4 this bill signed into law and to continue the good oversight work of this committee
5 through the ongoing authorization process.

6 We will also consider a number of nominations today. I want to thank my
7 colleagues for helping the committee work through these nominations in an appropriate
8 fashion, and allowing us to take these steps forward. I truly appreciate the bipartisan
9 effort made today.

10 Lastly, I want to say a few things about Section 301 in the State Department bill,
11 the section dealing with special envoys. Because there are different categories of
12 envoys, I think it is important that we all are on the same page about what this
13 provision does. First, none of the special envoys that are mandated in the law, such as
14 envoys for anti-Semitism, North Korean human rights, and ambassador-at-large for
15 religious freedom, et cetera, are modified in any way, except that we add advice and
16 consent to the three of those that we don't already have in that capacity. The only
17 exception to that is the special envoy for Burma, because that position was created
18 before we had diplomatic relations with the country. And since we have an
19 ambassador there now, we are just cleaning up the Code in that effect.

1 Second, none of the seven permissibly authorized envoys, such as the envoys for
2 Global Women's Issues, Disability Rights, and South Sudan, are modified or eliminated
3 in any way, except that we require advice and consent for those positions as well. And,
4 Senator Shaheen, we modified the manager's amendment to address the issue she just
5 spoke to.

6 In fact, this bill reauthorizes the Offices of Global Women's Issues and Disability
7 Rights for the first time in well over a decade. It also reinforces our view that these
8 issues should remain priorities for the Administration while giving the Secretary of
9 State the flexibility to place the person who handles them where it makes the most sense
10 in the Department.

11 Now, on 47 administratively created envoys, this provision has two key
12 components. It forces the Department to analyze each one independently to determine
13 if the position is still necessary, and, if so, where in the Department it should be placed.
14 It reasserts the constitutional prerogative of the Senate to give its advice and consent to
15 the officers that are wielding significant authority, something that we have all had
16 concerns about. As these positions have proliferated, the individuals who hold them
17 represent the United States in key negotiations, allocate millions of dollars, and set
18 policy for the Nation, all without proper Senate oversight.

19 As reflected in the listening tour report commissioned by Secretary Tillerson, the
20 professional staff at the State Department believe these envoys do more harm than

1 good, not every single person, but as a group. Their proliferation leads to divided
2 policies, an unclear chain of command, a waste of resources. And while some envoys
3 that currently exist may need to remain, we are putting a systematic approach for the
4 Administration to inform this body as to why we want to keep them.

5 I also want to make it abundantly clear that all 47 of these envoys are being
6 treated equally. It is not presupposed that any of them should be eliminated.
7 Furthermore, it does not prevent any from being created in the future if the Secretary
8 sees fit. It also allows a Secretary to immediately appoint a special envoy to address an
9 emergency situation, as long as the name of that individual is submitted to the
10 committee within 90 days.

11 And this provision is also foundational. After we receive a full report of the
12 proposed redesign, the subsequent State Department bill will be much more concerned
13 about the structure of the Department. We will be able to determine the future of
14 specific entities with greater clarity about the direction the Administration intends to go.

15 I know you have some comments. Thank you all for letting me go through that
16 prolonged opening statement. Senator Cardin, thank you and so many others for
17 allowing us to be where we are, but especially you and your staff.

**STATEMENT OF HON. BENJAMIN L. CARDIN,
U.S. SENATOR FROM MARYLAND**

18 **SENATOR CARDIN.** Mr. Chairman let me just complete the special envoys, and
19 then I will go back to some opening comments, if I might.

1 Thank you for your explanation. I share your interpretation of Section 301 and
2 the clarity that it provides to the offices and positions of the special envoys and
3 representatives where Congress has expressed its voice, and views, and legislation. As
4 you know, it was important to me and to many members on my side that these offices
5 where Congress has expressed our views not be subject to possible administrative
6 elimination by the Secretary. So, I appreciate you working with us to ensure that we
7 have a good structure to protect these envoys.

8 I would like to add, Mr. Chairman, that currently all these positions are subject to
9 elimination by the Secretary of State without any congressional input. So, the process
10 that we put in place in this bill calling for a report and then within a period for Congress
11 to review the Secretary's recommendation before they go into effect, and to engage with
12 the Secretary, or offer legislation, or take other action if we have different views,
13 provides an important mechanism for Congress and for this committee to help play a
14 role in determining the future of these special envoy positions. This is significant, in my
15 view.

16 Mr. Chairman, let me, if I might, just on an overview of the -- of our agenda for
17 today. I strongly support the authorization bill that has been presented to our members
18 today with the manager's amendment. As Chairman Corker has said, it is our
19 responsibility, one of our principal responsibilities as oversight, and this bill carries out
20 that very important responsibility. The chairman had a very open and transparent

1 process in the development of this legislation. Our subcommittees worked and had
2 input, and much of that input is reflected in the -- in the legislation that is before you.

3 I share the chairman's view that we need to get beyond this consensus type State
4 authorization bill that we have done now, hopefully, in the 3 consecutive years. This
5 committee needs to use the same type of process that the Department of Defense, the
6 National Defense Authorization Act, the Armed Services Committee uses for taking up
7 authorization bills. That means we can be bolder in this committee and offer
8 amendments that can be challenging, that may not have consensus, but are the right
9 role for this committee. And we have confidence on the floor of the United States
10 Senate that we can defend that bill and take amendments on the floor of the United
11 States. That to me is where we need to be sooner rather than later. And I hope that this
12 process that we have started under Chairman Corker's leadership can lead to that in the
13 very, very near future.

14 This bill contains some very important provisions, and I just wanted to go
15 through them quickly. First, in reorganization. It does allow our committee and the
16 United States Senate to have feedback and influence in the process before decisions are
17 made. Without this legislation, we do not have that process. And I want to thank all
18 members who added to that, but I particularly want to thank Senator Merkley.

19 One of the last additions to the manager's package will extend the time for our
20 review, and Senator Merkley was instrumental in getting that done. Senator Shaheen

1 was also very much involved in making sure we have an effective review process so
2 that we can have our input.

3 I want to thank almost every member of this committee for expressing your
4 preferences and getting on the front end some very important priorities. We already
5 talked about the Office of Global Women's Issues and Senator Shaheen's amendment on
6 the ambassadorship, International Religious Freedom, Bureau of Democracy, Human,
7 Rights, and Labor, Bureau of International Narcotics and Law Enforcement, Office of
8 Disability Rights, the status of USAID. I want to thank on our side Senator Menendez
9 and Shaheen for raising that issue. We have certainly an intent that is expressed here
10 that we expect that office to remain at the Department of State.

11 Embassy security and construction, and Senator Shaheen picked up, I think,
12 some very important improvements in that. The science and technology fellowships at
13 the State Department. Separated families. That may not appear to be an important
14 issue that we are dealing with, but if you are part of the Foreign Service family, being
15 able to visit family is an important issue, and we take care of it in this bill. So, there are
16 issues that may not appear to be big, but they are important that we are able to move.

17 I want to talk a moment about diversity and thank Senator Booker for his real
18 leadership on this issue. We introduced legislation, the National Security Diversity and
19 Inclusion legislation. Senator Menendez, Senator Coons, and Senator Shaheen were
20 also very much involved in developing that legislation.

1 A good part of that is included in this bill, and I just urge members of this
2 committee to look at how our State Department does not represent America, let alone
3 the universe, and we have to do a much better job in recruitment and training. And if
4 you read what is included in this bill, we have -- we have the training. We have the exit
5 interviews. We have the commitment for a game plan, the recruitment. It is a major
6 step forward with our voices on the diversity within the State Department.

7 I particularly want to thank the chairman for including in here legislation that
8 Senator Rubio, Merkley, Booker, and myself authored combatting global corruption,
9 which deals with establishing a process similar, not identical, to the Trafficking of
10 Persons, to start to get reports on all countries globally and what they are doing to fight
11 corruption. But then, more importantly, targeting USAID efforts to deal with those
12 corruption, having point persons at every mission around the country that have to
13 concentrate on the anti-corruption, and having a coordinating council. I think we are
14 making a major step forward in fighting corruption.

15 The bill has shortcomings. I would be the first to acknowledge it. There are
16 certainly disappointments that we could not do more, and there is certainly uncertainty
17 as to what is going to happen within President Trump's and Secretary Tillerson's
18 actions. The absence of this committee taking action to me would be more challenging
19 for us to have input than if we -- if we do not take any action at all would be, I think,
20 worse.

1 So, I just urge us to recognize that this gives us the framework to be able not only
2 to do our responsible work in the first year of the Trump Administration, but to put us
3 on the right path to what the role of this committee should do.

4 Lastly, Mr. Chairman, let me just talk quickly on the nominations. I am
5 supporting all the nominations, except for Mr. Murray and his appointment to the
6 United Nations. His offensive comments, to me, are unacceptable, and I will vote
7 against his confirmation to be our representative at the United Nations.

8 And then, one last point, and I think some of you have heard me talk about this
9 before, the vacancies within the Department. We are going to act today, and we have
10 acted very quickly, and I thank the chairman. I have certainly tried to cooperate with
11 him to move nominations through this committee as quickly as possible.

12 I got a staff del report, which I get from whenever a staff member goes on foreign
13 travel, and this staff member went to the Democratic Republic of the Congo. And it
14 ends with this: there are lots of problems in the Democratic Republic of the Congo --

15 **VOICE.** It is going to be a long report.

16 **SENATOR CARDIN.** Yeah, there are lots of problems there. But the report ends
17 with this comment: "There is no senior director for Africa at the National Security
18 Council, no assistant secretary of state for Africa, no USAID assistant administrator for
19 Africa, no ambassador to the DRC, no special envoy for the Great Lakes." Who is there
20 to manage the policy? We do not have them in place. There are 129 positions, Mr.

1 Chairman. We are talking about adding some more envoys. There are 129 positions
2 that are subject to the advice and consent of the Senate, and 88 of those are totally
3 vacant today.

4 So, we -- this Administration has not given us and not given the State
5 Department the tools they need to carry out their job. And I am pleased that we will
6 confirm some -- recommend some confirmations today, but let us make it clear. I have
7 heard President Trump blame the Senate for not moving his appointments. President
8 Trump has not made the nominations.

9 **THE CHAIRMAN.** We could move the noms and then move to comments on the
10 authorization. I will do it in whatever way you wish. I see Senator Menendez, Coons,
11 and others. Would that be an okay thing to do to move that out? And what I would
12 like to do is hold over Mr. Murray. I realize based on the way things are that, especially
13 with Senator Rubio not being here, that that would be the most productive thing to do.

14 So, what I would like to do, I would ask that he be held over, and to entertain a
15 motion to approve all nominations except his en bloc, including the Honorable David
16 Steele Bohigian, the Honorable Kay Bailey Hutchison, the Honorable Luis Arreaga, Mr.
17 Ray Washburne, Ms. Kelley Currie, Ms. Callista Gingrich, Mr. Nathan Sales, Mr. George
18 Glass, Mr. Carl Risch, Ms. Sharon Day, Mr. Kris Urs, Ms. Kelly Craft, Mr. Woody
19 Johnson, and Mr. Lewis Eisenberg.

20 **SENATOR CARDIN.** So moved.

1 **THE CHAIRMAN.** Is there a second?

2 **VOICE.** Second.

3 **THE CHAIRMAN.** Any comments?

4 [No response.]

5 **THE CHAIRMAN.** All in favor, say aye.

6 [A chorus of ayes.]

7 **THE CHAIRMAN.** All opposed?

8 [No response.]

9 **SENATOR CARDIN.** With that, the ayes have it, and the nominations are agreed
10 to.

11 Next, we will move to the State Department Authorization Act for Fiscal Year. I
12 know you have made comments. Do other members wish to speak to this? Senator
13 Coons.

14 **SENATOR COONS.** Thank you, Mr. Chairman. I believe --

15 **SENATOR CARDIN.** Before we start that, do any members want to be recorded
16 with a no? Any no votes on those nominations? I just want to make sure -- I think there
17 may have been some members who just want to be recorded no on particular nominees.
18 If that is the case, I want to make sure they had the opportunity.

19 **SENATOR MERKLEY.** Yes. Mr. Chairman?

20 **THE CHAIRMAN.** Yeah?

1 **SENATOR MERKLEY.** I am having a little trouble tracking between my list and
2 your list which were in order.

3 **THE CHAIRMAN.** Yeah.

4 **SENATOR MERKLEY.** I believe you are holding over Murray.

5 **THE CHAIRMAN.** Murray, that is correct.

6 **SENATOR MERKLEY.** You are holding over someone else? Risch?

7 **THE CHAIRMAN.** No, we are holding no one else.

8 **SENATOR CARDIN.** No, just that one.

9 **SENATOR MERKLEY.** Okay. And I would like to be recorded as a no vote on
10 Carl Risch and on Callista Gingrich.

11 **THE CHAIRMAN.** Okay.

12 **SENATOR MERKLEY.** And is Lewis Eisenberg also --

13 **SENATOR CARDIN.** Yes.

14 **THE CHAIRMAN.** Yes.

15 **SENATOR MERKLEY.** I would like to be recorded as a no in that case, and also on
16 Kelly Knight Craft.

17 **THE CHAIRMAN.** So noted. It will be recorded. Anyone else?

18 **SENATOR BOOKER.** Yes. I would like to be recorded no on Washburne. Murray
19 is being held over. Gingrich, Sales, Risch, Craft, and Eisenberg.

20 **THE CHAIRMAN.** So noted.

1 **SENATOR RISCH.** Mr. Chairman?

2 **THE CHAIRMAN.** Yes, sir.

3 **SENATOR RISCH.** Mr. Risch is not related to me.

4 [Laughter.]

5 **SENATOR RISCH.** Maybe that will help you guys get through this.

6 **SENATOR BOOKER.** I would like to change my vote.

7 [Laughter.]

8 **SENATOR CARDIN.** Senator Udall wanted to be --

9 **THE CHAIRMAN.** Senator Menendez.

10 **SENATOR CARDIN.** Senator Udall wanted -- Senator Udall wanted to be
11 recorded as no on Gingrich.

12 **THE CHAIRMAN.** So noted. So noted.

13 **SENATOR MENENDEZ.** Mr. Chairman, now that I know that Mr. Risch is not
14 related to the senator, I would like to be recorded as a no.

15 **THE CHAIRMAN.** Yes, sir. Thank you. Thank you. Anyone else?

16 [No response.]

17 **THE CHAIRMAN.** Thank you. All those that we have noted, I appreciate us being
18 able to move them en bloc. Senator Coons.

19 **SENATOR COONS.** Thank you, Mr. Chairman. I just wanted to make brief
20 comments. Many of us share concerns about the reorganization underway at the State

1 and our lack of information about exactly what is going on, what decisions are being
2 made, not made, the timing, and the process. And I think I join a number of us in
3 having strong feelings that USAID should remain an independent agency, but am open
4 to getting input on it.

5 I am convinced that the best way for this committee to express itself and assert its
6 authority is this bill. I think restoring a healthy annual oversight and authorization
7 process is the path towards relevancy this committee. When my predecessor, Joe Biden,
8 chaired this committee, it regularly worked out annual authorization bills. We have not
9 had that process, with, I think, one exception, in 20 years. And if you look at the
10 difference between Armed Services and Foreign Relations, we can either do
11 meaningless resolutions or we can get back to being a functioning committee.

12 Senators Udall and Shaheen have left, and I am about to because seven members
13 of this committee are appropriators. Five of us serve on the State Foreign Ops
14 Appropriations Subcommittee. I think the vehicle for us to assert ourselves on this
15 issue is to work together on both authorizing and appropriating, because while we may
16 not currently authorize, we do appropriate.

17 We are not as healthy as we should be in either process, but I think this was a
18 good and productive process for this bill. I am grateful for Senator Cardin's leadership.
19 A number of things I cared about got into this bill early in the manager's package. So, I
20 look forward to supporting this bill, and I just wanted to express my appreciation to

1 both Senators Cardin and Corker for working well together on what is a difficult
2 process.

3 Many of us are disappointed that there are not more things in this bill, but I
4 accept the framework that Senators Cardin and Corker have laid out, which is we need
5 to walk before we can run. I would like to see numbers in this bill. I would like to see
6 more directive language in this bill, but we are not yet there. Let us keep moving
7 forward. Thank you.

8 **THE CHAIRMAN.** Thank you. Thank you. Senator Menendez.

9 **SENATOR MENENDEZ.** Mr. Chairman, thank you for the opportunity. I hate to
10 be a dissenting voice, but I feel compelled to be so.

11 I think it is difficult to build out when everything is permissive, when there are
12 no numbers assigned so that the appropriators could actually do whatever they want at
13 the end of the day because we do not even give them a ceiling, and when entities like
14 AID cannot be fully protected. So, I do not how you assert your authority when
15 everything is permissive at the end of the day.

16 So, I appreciate the efforts of the chairman and the ranking member in trying to
17 move us forward to regular order, but I believe this effort falls short. I appreciate you
18 and your staff trying to accommodate some of our requests, but this bill does not
19 address funding levels of the Department. It does not provide authorizations for

1 foreign assistance to USAID. It offers no mandatory Department specific policies or
2 priorities.

3 The committee, in my view, in its most basic functions has a constitutional
4 responsibility to exercise oversight of the Department and provide funding levels, and
5 this bill does not accomplish those functions. Saying that the Department should do
6 certain things, but, in essence, permitting them to do whatever they wish, at the end of
7 the day is not my idea of the essence of providing oversight. It is not a separate co-
8 equal branch of government acting in a way that ultimately asserts its authority, its
9 prerogatives, and, most importantly, its vision of what foreign policy should be and the
10 structure that foreign policy should be at the State Department.

11 And then finally, on something as important as this, and the chairman in just
12 about everything else has been very magnanimous. But I must say that we have not
13 even had a hearing specifically on this bill. We had one hearing that was a hybrid
14 hearing between the deputy secretary at five p.m. on a Monday that speaks to the
15 question of reorganization more broadly, and that was it.

16 And I have yet to receive a response from that hearing from the State
17 Department of questions I submitted for the record, questions that would have helped
18 me understand whether even this permissive reorganization would have been
19 acceptable. I asked him questions about personnel, about operations, about policy
20 objectives that are crucial to understand. And I really do not want to give my

1 imprimatur at the end of the day to a reorganization that, as I understand it going on, is
2 not one that I could possibly in my wildest imagination support.

3 So, all of these shortcomings as leaders of the Department and the
4 Administration are undertaking what I believe is a radical, irresponsible, and ill-defined
5 reorganization that has resulted in countless vacancies of critical positions, ceding of
6 foreign policy making authority to the Department of Defense, and ceding U.S.
7 leadership abroad, is not something that I think we right the ship on by virtue of an
8 overall permissive authorization.

9 So, I am going to try to take two stabs, Mr. Chairman. I know you do not like --
10 but I am going to try to take two stabs at trying to make this a little bit more of what I
11 think we should be doing. One is to just ensure that we actually do not permit AID to
12 be folded into State. It has a unique mission. Many of you have visited across the
13 world AID missions. It has a very unique mission and culture. I think at a minimum
14 we should be able to make sure that does not happen. And secondly, I think there
15 should be -- should be -- and shall be departments on democracy and human rights.
16 And if we cannot even establish that, then I am not quite sure what we are doing.

17 **THE CHAIRMAN.** Okay.

18 **SENATOR MENENDEZ.** But I have the deepest respect for the chairman and
19 ranking member. I look forwarding to offering those amendments.

1 **THE CHAIRMAN.** If I could, I know other people want to speak. I appreciate the
2 comments, and, as you know, I worked very closely with you and everyone else on this
3 committee.

4 We went from 2002 until I became chairman of this committee without passing a
5 State Department authorization bill. 2002 until I became chairman. So, you know, I
6 hear the criticisms about where we are. Sure, it is going to take a few years to build to a
7 place where this committee is doing what it is supposed to do.

8 I would just ask what the hell was happening between 2002 and when I became
9 chairman of this committee? So, apparently the committee decided we did not need to
10 do State Department authorizations. They were not important. So, yes, it is going to
11 take a few years for us to build to a place where this committee exercises its authority in
12 the appropriate way, and, yes, it is unsatisfying.

13 But I got to tell you, I cannot let that comment stand. We had distinguished
14 chairmen of this committee all these years that chose not to pursue this? I do not what
15 the member, my good friend from New Jersey, was doing all those years, but he sure
16 was not passing a State Department authorization. So, I say that with all amicability --

17 **SENATOR MENENDEZ.** Mr. Chairman, since you invoked my name, I would like
18 to be able to respond.

19 [Laughter.]

20 **THE CHAIRMAN.** Okay.

1 **SENATOR MENENDEZ.** The distinguished chairman changed his tune when he
2 became the chairman. When I wanted to do a State Department authorization through
3 NDAA, you told me no. And we would have had an opportunity to have a more
4 significant State Department authorization attached to NDAA as a vehicle, and you did
5 not desire to do that. So, and I was not the chairman for all the years that you espouse
6 from 2002.

7 **THE CHAIRMAN.** Yeah.

8 **SENATOR MENENDEZ.** So, I can only speak for the time that I was. I did attempt
9 to have one. I did attempt to work with you then as the ranking member, and I did
10 attempt to get it in NDAA, and I think it would have been far more robust.

11 **THE CHAIRMAN.** Well, actually I did, so I will take that amendment. There were
12 a lot of years from 2002 and the other, and we did end up incorporating that
13 authorization into the one that actually passed. But anyway, look, this is unsatisfying,
14 but we are making progress to a point in time where we will have a full and robust
15 debate on the floor where you and others will be directing what is happening on the
16 floor. Yes, sir?

17 **SENATOR MERKLEY.** Mr. Chairman, thank you. I will have to depart
18 momentarily for Appropriations, but I did want to ask my colleagues to seriously
19 consider Senator Menendez's amendment, which I gather you are going to propose, for
20 separating and protecting USAID.

1 The language in the current law that addresses it establishes USAID as an entity,
2 and there has been a difference of opinion over whether an entity could be within State
3 Department or it could be outside of State Department. I believe it is the understanding
4 of the -- both the minority and majority lawyers who have looked at this and said we
5 think that it means that it has to be outside of the State Department. And if that is, in
6 fact, the case and the will of this committee, then let us just be explicit and clear up this
7 place of uncertainty.

8 USAID has such a different mission in terms of its trajectory, and it is attempting
9 to use it in a diplomatic way for short-term gain when it really takes long-term
10 investment. So, if indeed, both our majority and minority teams believe that this is
11 what the current law means, let us clarify it, and let us adopt Senator Menendez's
12 amendment.

13 **THE CHAIRMAN.** Yeah.

14 **SENATOR CARDIN.** Would my colleague yield for a moment because there is
15 language in the manager's package that expresses our intent that it is as you have
16 described it. Whether that can be made stronger is something we will look at as we
17 move forward, but there is language in the manager's package that does move in that
18 direction.

19 **THE CHAIRMAN.** And USAID cannot be combined into the State Department
20 without legislation that causes that to be the case.

1 **SENATOR MERKLEY.** Mr. Chairman, there is a difference of opinion among
2 those who have examined the existing law, and I would like to clarify it if we can.

3 **THE CHAIRMAN.** Okay. I got it. Anybody else like to speak -- I know that we
4 have amendments that people may wish to speak.

5 **SENATOR KAINE.** Mr. Chair?

6 **THE CHAIRMAN.** Yeah.

7 **SENATOR KAINE.** Just quick to the chair and to all my colleagues, I think there
8 are really good arguments on both sides of this one. And I think what I would like to
9 do is just point out two realities external to this committee that make this one hard,
10 because I think the chair and ranking have worked together and entertained
11 amendments.

12 But the external realities are, one, there are not numbers in it because we do not
13 have a budget and we do not have top lines. And so, as you know from being a Budget
14 Committee member how frustrating that that is for all of us on the Budget Committee.
15 So, with no budget, that is a challenge. That is the more minor challenge.

16 The one that I think is harder for some of us on this side is the point that Senator
17 Menendez made, and I just wrote it down quickly. I think many of us are worried that
18 a vote here, and I heard Senator Coons made the alternate case, but that a vote would
19 be an imprimatur to a reorganization I cannot possibly support. What I am hearing out
20 of the State Department, and some of these State Department folks live in Virginia.

1 What I am hearing out in the sort of broad community is great confusion and
2 anxiety. What is going to happen, they do not know. And I do not think this
3 necessarily puts us in the role where we are asserting authority over, and I would worry
4 about it being an imprimatur over a reorganization that we might find very
5 objectionable. It might be that the reorganization has not been put on the table and we
6 do not find it objectionable. It is just that we really do not know where it is going, and
7 we are hearing a lot of anxiety.

8 So, I think some of us are kind of struggling. Recognizing the hard work has
9 been done, there is sort of a horse and cart issue because of that pending issue. So, it is
10 certainly without -- it is in no way to demean the work and the effort to bring people
11 together to say that that separate process that is going on at State has caused a lot of
12 anxiety, and none of us -- some of us do not want to look like we are putting our
13 thumbprint on a work product when we do not know what the work product is.

14 **THE CHAIRMAN.** Thank you. I heard it. Any other comments? Do you want to
15 move to amendments? I thank all of you for still being here.

16 **SENATOR MURPHY.** Mr. Chairman, are we on Senator Menendez's amendment?

17 **THE CHAIRMAN.** No. No, it is getting called up in just a moment.

18 **SENATOR MURPHY.** Okay. I have an amendment, but I will offer it --

19 **THE CHAIRMAN.** I will first entertain a motion to consider the manager's
20 amendment with Johnson's amendment 2, as amended by the Johnson-Gardner second

1 degree and the Shaheen Number 1, en bloc by voice vote. Senator Cardin, I heard what
2 many had to say about this bill and their amendments, and incorporated many of their
3 changes into the original text. We have also agreed to include concepts of Merkley 2
4 with a 60-day waiting period as you noticed in the revised manager's package that has
5 been moved around.

6 I believe your contributions have made this bill stronger. I thank you, and I
7 thank Senators Menendez, Shaheen, and Merkley, who proposed various ways to
8 demonstrate their concern for the independence of USAID. By working with them and
9 their staff, we have come up with language that while not presupposing any
10 recommendation, makes clear that any change to the independence of USAID would
11 need an act of Congress. I realize that they may want to speak to that in a different way
12 in a moment.

13 We have also incorporated the amendments filed by various members on our
14 review of the Administration's reorganization plan. We have included ideas from
15 Senator Booker to demonstrate our commitment to the Rangel, Pickering, and Payne
16 fellows, Senator Johnson's amendment on Kaspersky.

17 **SENATOR JOHNSON.** Kaspersky.

18 **THE CHAIRMAN.** I will let you pronounce it. I think that this process has been
19 transparent and bipartisan. I want to thank all of you for engaging with me and my
20 staff and the ranking member, and working with us to obtain a joint manager's

1 amendment that moves this legislation forward. Do you want to speak anymore to
2 that?

3 **SENATOR CARDIN.** I move the manager's amendment.

4 **THE CHAIRMAN.** Is there a second?

5 **SENATOR RISCH.** Second.

6 **THE CHAIRMAN.** It has been moved and seconded.

7 The question is on the motion to approve the manager's amendment with the
8 Johnson 2 amendment, as amended, and Shaheen Number 1 en bloc by voice vote.

9 All those in favor, say aye.

10 [A chorus of ayes.]

11 **THE CHAIRMAN.** Opposed?

12 [No response.]

13 **THE CHAIRMAN.** With that, the ayes have it, and the amendments are agreed to.

14 Are there any further amendments? My guess is there is. Senator Menendez.

15 **SENATOR MENENDEZ.** I have two amendments, Mr. Chairman. I will offer the
16 first one, which is Menendez 2, which is, in essence, about AID. And I would just say
17 that I share your desire to move forward with the regular authorization process for
18 State and for USAID. So, let us use this opportunity to actually produce a bill that truly
19 lays out congressional directives and oversight, not simply suggest.

1 It may be the sense of Congress that USAID is a critical component of a
2 comprehensive American foreign policy that includes long-term strategic programs that
3 help countries develop better governance, institutions, and economic development
4 programs that ultimately build resilient countries that make the best security and
5 economic partners for the United States. But if we do not definitively legislate that
6 sentiment, it falls short of ensuring the independence and potentially the very existence
7 of that Agency.

8 Now, I know many of my colleagues have seen the important work of AID, and I
9 have read the language that you are trying to use to suggest that we have taken care of
10 that problem. But the problem is that all it is is a sense of Congress, not a direction.
11 And you cite a section of a different law, the Foreign Affairs Reform and Restructuring
12 Act of 1998, to say that congressional authorization is a prerequisite. I do not know
13 why it is a sense of Congress than versus why it is not a restatement of the law.

14 So, I do not want to, in essence, move forward without making it very clear that
15 AID is a separate entity. It existed separately under law and needs to be preserved
16 separately under law, unless the Congress acts differently. And that is why I offer this
17 amendment because I think this is one of the critical elements of an authorization bill.

18 **THE CHAIRMAN.** Thank you for offering it. I understand many members have
19 concerns. I do want to say I get no indication that that is a direction that they are
20 beginning with. I would like to see what they propose. I do believe and know that

1 Congress has to act for USAID to be combined into State. That is something that takes
2 legislation, and I would prefer to let them run their course. There may be some valid
3 reason for that discussion to take place.

4 So, I think the amendment is premature personally, and I would like to see a
5 reorganization process take place where we look fully at what we are doing and what
6 our missions are. Again, with the Merkley amendment, nothing can happen for 60 days
7 as part of this package, and then we would have to take action legislatively to make that
8 happen. So, I oppose the amendment, but I thank you for concerns about USAID.

9 Any other comments?

10 **SENATOR YOUNG.** Just briefly, Mr. Chairman. I intend to support this
11 amendment. You know, I work with Senator Shaheen on a -- on a task force -- I have
12 mentioned it a number of times in committee -- and there were three findings with
13 respect to reorganizing U.S. foreign assistance. CSIS indicated recommendation
14 number one was to maintain USAID as an independent agency overseeing all new
15 foreign assistance efforts.

16 If I had some window into the reforms that are ongoing within State right now
17 and some security that the homework was rigorous and so forth, I would be prepared
18 to wait on that report. But that is why I just felt the need to justify why I am going to be
19 supportive of Senator Menendez's amendment.

20 **THE CHAIRMAN.** Is there a motion to approve the legislation?

1 **SENATOR MENENDEZ.** So moved.

2 **THE CHAIRMAN.** Is there a second?

3 **SENATOR YOUNG.** Second.

4 **THE CHAIRMAN.** Okay. So moved and seconded. I guess we will need a roll call
5 vote.

6 **THE CLERK.** Mr. Risch?

7 **SENATOR RISCH.** No.

8 **THE CLERK.** Mr. Rubio?

9 **SENATOR RUBIO.** Aye.

10 **THE CLERK.** Mr. Johnson?

11 **SENATOR JOHNSON.** No.

12 **THE CLERK.** Mr. Flake?

13 **SENATOR FLAKE.** No.

14 **THE CLERK.** Mr. Gardner?

15 **SENATOR GARDNER.** No.

16 **THE CLERK.** Mr. Young?

17 **SENATOR YOUNG.** Aye.

18 **THE CLERK.** Mr. Barrasso?

19 **SENATOR BARRASSO.** No.

20 **THE CLERK.** Mr. Isakson?

1 **SENATOR ISAKSON.** No.

2 **THE CLERK.** Mr. Portman?

3 **SENATOR PORTMAN.** No.

4 **THE CLERK.** Mr. Paul?

5 **SENATOR PAUL.** No.

6 **THE CLERK.** Mr. Cardin?

7 **SENATOR CARDIN.** No.

8 **THE CLERK.** Mr. Menendez?

9 **SENATOR MENENDEZ.** Aye.

10 **THE CLERK.** Mrs. Shaheen?

11 **SENATOR CARDIN.** Aye by proxy.

12 **THE CLERK.** Mr. Coons?

13 **SENATOR CARDIN.** Aye by proxy.

14 **THE CLERK.** Mr. Udall?

15 **SENATOR CARDIN.** Aye by proxy.

16 **THE CLERK.** Mr. Murphy?

17 **SENATOR MURPHY.** Aye.

18 **THE CLERK.** Mr. Kaine?

19 **SENATOR KAINE.** Aye.

20 **THE CLERK.** Mr. Markey?

1 **SENATOR MARKEY.** Aye.

2 **THE CLERK.** Mr. Merkley?

3 **SENATOR CARDIN.** Aye by proxy.

4 **THE CLERK.** Mr. Booker?

5 **SENATOR BOOKER.** Aye.

6 **THE CLERK.** Mr. Chairman?

7 **THE CHAIRMAN.** No. The clerk will report.

8 **THE CLERK.** Mr. Chairman, the yeas are 11; the nays are 10.

9 **THE CHAIRMAN.** The amendment is adopted.

10 **SENATOR JOHNSON.** Mr. Chairman?

11 **THE CHAIRMAN.** Yes?

12 **SENATOR JOHNSON.** Just for clarification, my second amendment on requiring

13 the report on what software is being used by the State Department has been moved in

14 the manager's package?

15 **THE CHAIRMAN.** Say again?

16 **SENATOR JOHNSON.** My second amendment requiring a report --

17 **THE CHAIRMAN.** Yes.

18 **SENATOR JOHNSON.** -- on what -- that has been included?

19 **THE CHAIRMAN.** That is correct.

1 **SENATOR JOHNSON.** Okay. Let me -- let me thank the chairman and ranking
2 member for including that, and just briefly say this is -- I want to thank Senator Gardner
3 for working with me, Senator Lankford and Harris for bringing it to my attention,
4 proud members of the Intel Committee. They requested a secure briefing on Kaspersky
5 Laboratory.

6 And this is something we have known about for years. I think from my
7 standpoint, the greatest -- one of the greatest threats to this Nation really is
8 cyberattacks. And there are a number of bad actors. There are a number of potential
9 companies that we have got to be aware of what they are doing, what hardware and
10 software is potentially in our departments.

11 And so, this from my standpoint is just a first step at-- we said this is
12 authorization oversight. We are going to have to be rigorous in our oversight of this
13 particular issue with this committee with the State Department, but government as well.
14 So, again, I just want to thank everybody who participated in this, and thank you for
15 including it. It is an important amendment. It is an important part of this authorization
16 bill.

17 **THE CHAIRMAN.** Thank you. Thank you for your addition to this, and I
18 appreciate our conversation last night.

19 **SENATOR GARDNER.** And I would just add my thanks to Senator Johnson for his
20 leadership on this. I think we have a broader issue than just the Foreign Relations

1 Committee. You know, last year we tried to get the Defense Department to disclose
2 through a classified annex critical infrastructure; that is, that they have a purchase that
3 they already have installed regarding many of these same actors, individuals, and
4 contractors. And that was defeated led, in part, by the Department of Defense.

5 And so, I think when it comes to our critical infrastructure, we have great
6 challenges. This is the first step, like Senator Johnson said, that we have got to address
7 this, and we have to address our partners overseas. When South Korea entertains major
8 telecom contracts with Huawei and others where we have a significant troop presence, I
9 think we have got to look at what our partner states are doing where we have
10 significant troops stationed.

11 **SENATOR RISCH.** Mr. Chairman?

12 **THE CHAIRMAN.** Yes.

13 **SENATOR RISCH.** Senator Rubio and I sit on the Intel Committee, and we are
14 supposed to be the liaison between the two committees. And in that spirit, I would say
15 as much as I can say that there is a lot of stuff going on on this. This is -- is this on
16 people's radar screen that it should be on. We have got along ways to go. I appreciate
17 your efforts. But we are going -- through the various committees, we are going to
18 continue pressing. Thank you, Mr. Chairman.

19 **THE CHAIRMAN.** Thank you. Any other amendments? Yes, sir.

1 **SENATOR MURPHY.** Thank you, Mr. Chairman. I want to associate myself with
2 the remarks of Senator Menendez and Senator Kaine, while acknowledging that I think
3 the chairman is right that after a long period of lack of authorization, you probably do
4 have to walk before you run. And I think for those of us that are going to vote no, part
5 of it is based on our belief that this is a year where you have to run given the fact that
6 there is a major reorganization pending that may end up proposing changes that many
7 of us on both sides of the aisle object to.

8 This would have been our opportunity to make our claim to some of the most
9 important capacities in that Department, and perhaps guard against some of the more
10 reckless changes that we worry about. And there are exceptional things that are
11 happening there right now, which give us that worry. There is the hiring freeze that
12 initially applied to the entire Federal government that now only applies to the State
13 Department. There is a ban on many lateral transfers that has tied the hands of many
14 agencies and embassies. And so, it gives us worry for what is to come next.

15 There are a lot of appropriators -- I am one of them -- on this committee, and we
16 feel good that we have a bipartisan consensus around fighting back against the deep
17 and harmful cuts that are proposed by this Administration to their own State
18 Department. But one of the things that we could do here to try to guard against that
19 risk of imprimatur that Senator Kaine talks about is to at least authorize a top number
20 for the State Department to make it clear that in authorizing this bill, while we are not

1 authorizing the entirety of the Department, we at the very least expect that the Fiscal
2 Year 2017 appropriated amount will be the authorization level moving forward.

3 So, in that spirit, Mr. Chairman, I do have an amendment, which would set an
4 overall authorizing level at \$53.2 billion, which is the Fiscal Year 2017 funding levels
5 with OCO built in. Those are the approximate numbers that the Appropriations
6 Committee is dealing with. And I think it would send a very important message in this
7 authorizing bill that this committee does not support the 40 percent cuts that have been
8 proposed by this Administration, and that we will support an Appropriations
9 Committee process that that will, at the very least, continue 2017 levels.

10 And so, I would offer that amendment for discussion.

11 **THE CHAIRMAN.** Well, let us have some discussion.

12 **SENATOR CARDIN.** Mr. Chairman, if I could. I am going to -- I thank Senator
13 Murphy. I hope one day we are at this point where we will not only be authorizing a
14 top number, but, like the Armed Services Committee, we will get more granular as to
15 what we authorize as far as spending, and that it will be credible and acceptable in the
16 appropriations process as the Armed Services recommendations in the National
17 Defense Authorization Act is in the defense appropriation bill. The challenge is that we
18 got to be much more granular than just one number, and we are not prepared to do that
19 at this particular moment, and I think Senator Murphy would agree with that.

1 The second challenge is that once we have an authorized level out there, and let
2 us say it happened to pass and it happened to be enacted, what is -- we do not have the
3 reputation of doing this on an annual basis. And while this might appear to be the right
4 number for 2018, if we do not -- we have that number in law, and we want to do a -- if
5 we all want to get a different number for 2019, and yet, we cannot get an authorization
6 through, it could actually work in a counter constructive way.

7 We have got to get there, but I would just say we are not there yet, and for that
8 reason I would oppose your amendment.

9 **THE CHAIRMAN.** Any other comments? Senator Portman.

10 **SENATOR PORTMAN.** Mr. Chairman, I appreciate the concerns that Senator
11 Murphy has about the reorganization, about the budget, and, in particular, the budget
12 that came out, the proposed budget. And I think -- I think he is right, and I think on a
13 bipartisan basis you are going to see a different number come out of the appropriations
14 process.

15 I just want to make a general statement that this would definitely apply to, which
16 is if we are trying to get something by UC, which is our only opportunity to get an
17 authorization done, this clearly would be a problem because we are not going to get
18 unanimous consent for a specific number. And I would raise the point that we have a
19 90-some page authorization bill before us, so there is substance in here. It is not
20 everything that the chairman would want or the ranking member would want, but I just

1 wanted to go on record saying I am voting no on the amendment with the
2 understanding that we are going to try to get this thing through by unanimous consent.
3 And then, the chairman has committed to build on this over time so we can have a
4 debate and discussion on issues like this one.

5 Thank you, Mr. Chairman.

6 **THE CHAIRMAN.** Thank you. Thank you, sir. Any other comments?

7 [No response.]

8 **THE CHAIRMAN.** Would someone move to this amendment if you would?

9 **VOICE.** So moved.

10 **THE CHAIRMAN.** Is it seconded?

11 **SENATOR MENENDEZ.** Second.

12 **THE CHAIRMAN.** It is my understanding you will accept a voice vote. Is that
13 correct?

14 It has been moved and seconded.

15 All in favor of the Murphy amendment, signify by saying aye.

16 [A chorus of ayes.]

17 **THE CHAIRMAN.** All opposed?

18 [A chorus of noes.]

19 **THE CHAIRMAN.** The noes have it. With that, are there other amendments?

20 **SENATOR MENENDEZ.** Mr. Chairman?

1 **THE CHAIRMAN.** Yes, sir?

2 **SENATOR MENENDEZ.** Mr. Chairman, this is Menendez 1. It is an amendment
3 that I think goes to the core of what really an authorization is supposed to be. The bill
4 should serve as a guiding document for the State Department, and I would even argue
5 it must be a guiding document. And in its current form, it seems the State Department
6 shall be able to do whatever it pleases with permissive approval from the State
7 Department.

8 So, as I have said, there should be a Department that is responsible for promoting
9 human rights and democracy. It is quite different from saying that there must be one.
10 Saying the Department should prioritize good governance and effective rule of law
11 reform efforts is also quite different from saying they shall. These strategic priorities
12 should not be up for discussion. There should be a purpose in promoting and securing
13 American foreign policy.

14 So, I think at a -- while I would want to see a more expansive set of "shalls," I
15 think if we cannot do this one, then it speaks volumes about what we are doing in
16 authorizations. So, I would move the amendment.

17 **THE CHAIRMAN.** The amendment has been moved. Is it seconded?

18 **SENATOR KAINE.** Second.

1 **THE CHAIRMAN.** I would just say that, you know, for many reasons that we have
2 discussed already, I oppose the amendment. I thank you for your concern in this
3 regard. Does anyone else wish to speak to this amendment?

4 [No response.]

5 **THE CHAIRMAN.** All in favor --

6 **SENATOR MENENDEZ.** I ask for a recorded vote.

7 **THE CHAIRMAN.** Okay. I would like a recorded vote.

8 **THE CLERK.** Mr. Risch?

9 **SENATOR RISCH.** No.

10 **THE CLERK.** Mr. Rubio?

11 **SENATOR RUBIO.** Aye.

12 **THE CLERK.** Mr. Johnson?

13 **SENATOR JOHNSON.** No.

14 **THE CLERK.** Mr. Flake?

15 [No response.]

16 **THE CLERK.** Mr. Gardner?

17 **SENATOR GARDNER.** Aye.

18 **THE CHAIRMAN.** Flake, no by proxy. Go ahead, Gardner.

19 **SENATOR GARDNER.** Pass.

20 **THE CLERK.** Mr. Young?

1 **SENATOR YOUNG.** Aye.

2 **THE CLERK.** Mr. Barrasso?

3 **SENATOR BARRASSO.** No.

4 **THE CLERK.** Mr. Isakson?

5 **SENATOR ISAKSON.** No.

6 **THE CLERK.** Mr. Portman?

7 **SENATOR PORTMAN.** No.

8 **THE CLERK.** Mr. Paul?

9 **SENATOR PAUL.** No.

10 **THE CLERK.** Mr. Cardin?

11 **SENATOR CARDIN.** No.

12 **THE CLERK.** Mr. Menendez?

13 **SENATOR MENENDEZ.** Aye.

14 **THE CLERK.** Mrs. Shaheen?

15 **SENATOR CARDIN.** Aye by proxy.

16 **THE CLERK.** Mr. Coons?

17 **SENATOR CARDIN.** Aye by proxy.

18 **THE CLERK.** Mr. Udall?

19 **SENATOR CARDIN.** Aye by proxy.

20 **THE CLERK.** Mr. Murphy?

1 **SENATOR CARDIN.** Aye by proxy.

2 **THE CLERK.** Mr. Kaine?

3 **SENATOR KAINE.** Aye.

4 **THE CLERK.** Mr. Markey?

5 **SENATOR CARDIN.** Aye by proxy.

6 **THE CLERK.** Mr. Merkley?

7 **SENATOR CARDIN.** Aye by proxy.

8 **THE CLERK.** Mr. Booker?

9 **SENATOR CARDIN.** Aye by proxy.

10 **THE CLERK.** Mr. Chairman?

11 **THE CHAIRMAN.** Senator Gardner, did you wish to vote?

12 **SENATOR GARDNER.** Am I recorded? I wish to be recorded as no.

13 **THE CHAIRMAN.** Okay. And I'm a no. The clerk will report.

14 **THE CLERK.** Mr. Gardner, you are a no?

15 **SENATOR GARDNER.** No. Correct.

16 [Laughter.]

17 **THE CLERK.** Mr. Chairman, the yeas are 11, the nays are 10.

18 **THE CHAIRMAN.** The amendment passes. Senator Paul.

19 **SENATOR PAUL.** I have Paul Amendment Number 1. Some discussion has been

20 made about the concern that the overall bill does not have monetary amounts. Some

1 think that maybe we will not spend enough. Some of us think maybe we will spend too
2 much. But most of us do not know what we will be spending since it is not listed.

3 **VOICE.** You might speak up a little, Rand. I am sorry.

4 **SENATOR PAUL.** I guess there is some concern about having no numbers in the
5 bill by some parts of the committee in saying people will spend too little, and some
6 parts of the committee might think we spend too much. So, count me as in favor of we
7 should authorize dollar amounts. What I have is a specific amendment that says we
8 should not use OCO funds for UN dues. It does not mean we should not pay UN dues.
9 They should just come out of the base budget if we think we should pay UN dues.

10 The reason for pointing this out is an overall reason that fiscal conservatives have
11 brought up for a long time. And I think Republicans actually often are guilty of going
12 against their fiscal conservatism by saying, well, we will just the OCO funds. Many of
13 us have said, oh, we believe in budget caps. Well, we do until we start using OCO
14 funds.

15 Since the 70s, starting with the Budget Act, then Gramm-Rudman-Hollings, then
16 pay as you go, the American people elect us and say do something. We pass these
17 reforms on spending, and then we ignore our own reforms. We are the ones guilty of
18 this \$20 trillion debt, and this is not going to cure the debt, but it is one step in the right
19 direction that we would actually do and obey our own rules.

1 We have budget caps. We are going to exceed our budget caps by taking OCO
2 funding. We are going to do it in the defense bill, and we are going to do it in this bill as
3 well.

4 **SENATOR KAINE.** Might I --

5 **THE CHAIRMAN.** Yeah. So, you are calling up Amendment 1, Paul Amendment
6 1?

7 **SENATOR PAUL.** And basically, it says you cannot use OCO funds for the UN.
8 You can use money out of your State Department budget.

9 **SENATOR KAINE.** And I just have a question when it is appropriate.

10 **THE CHAIRMAN.** Yeah.

11 **SENATOR KAINE.** I do not know.

12 **THE CHAIRMAN.** I tell you what. There is a motion. Is there a second for Paul 1?

13 **VOICE.** Second.

14 **THE CHAIRMAN.** Second? Okay.

15 **SENATOR BARRASSO.** I want to speak against it, so.

16 **THE CHAIRMAN.** Go ahead, sir.

17 **SENATOR KAINE.** I am in favor of -- I think we use OCO for too many things,
18 and I do not think OCO should be used for dues. But I --

19 **SENATOR PAUL.** Well, thanks for supporting my amendment.

20 [Laughter.]

1 **SENATOR KAINE.** I may well do it. I have not read the text. I am sorry to say. I
2 will just be honest.

3 **THE CHAIRMAN.** Yeah.

4 **SENATOR KAINE.** An international organization that was providing some
5 peacekeeping activity that would crop up, I think could be emergency funding. Paying
6 dues is not emergency funding.

7 **SENATOR PAUL.** This is planned annual funding.

8 **SENATOR KAINE.** So, is that -- that is the intent.

9 **SENATOR PAUL.** That is all we are doing with the language.

10 **SENATOR KAINE.** All right.

11 **SENATOR CARDIN.** Mr. Chairman?

12 **THE CHAIRMAN.** Yes?

13 **SENATOR CARDIN.** If we had an amendment that said we could not use OCO
14 funds, you might have more support -- I am just letting you know that -- for ongoing
15 expenses. You could get support. Here, you are picking one --

16 **SENATOR PAUL.** I am happy to amend if you will support it.

17 **SENATOR CARDIN.** We do not have jurisdiction over the Department --

18 **SENATOR PAUL.** If you will support it, I am happy to -- I am happy to accept a
19 second --

1 **SENATOR CARDIN.** We do not have jurisdiction over the Department of
2 Defense, and that is where most of the OCA money is used, and we do not have
3 jurisdiction over that. And the State -- the Armed Services Committee has, in fact,
4 specifically authorized the use of OCO funds for defense purposes.

5 **SENATOR PAUL.** Absolutely wrongheaded.

6 **SENATOR CARDIN.** I understand that, but this amendment would basically put
7 us in default in the United Nations.

8 **SENATOR PAUL.** I do not think so.

9 **SENATOR CARDIN.** There is not the appropriated money for it. It would put us
10 in default. We would lose our seat. You should not pick one appropriation. I am for
11 the State Department having permanent funding not through OCO. I agree with you,
12 but putting in a restriction as to one appropriation is exactly the wrong way to go. And
13 it is for the reason I said to Senator Murphy in opposing his amendment when you start
14 dealing with specific appropriations when we are not granular on everything else. I
15 would hope we would defeat this amendment.

16 **SENATOR PAUL.** If I could just make a quick response.

17 **THE CHAIRMAN.** Sure.

18 **SENATOR PAUL.** I would just say that we all say this, that using OCO funds is
19 wrong, on both sides.

20 **THE CHAIRMAN.** Yeah.

1 **SENATOR PAUL.** And then we never, ever do anything about it. I would accept
2 your approach. If you think it is unfair to target one thing, right now I would accept
3 your approach, and we could just do it for the State Department. We would be leading
4 the way and saying we are actually the only fiscally responsible people in the Senate,
5 and we would do it.

6 **SENATOR CARDIN.** In response, what we would do is we would take our
7 money, and it would be used for something else.

8 **SENATOR PAUL.** Well, there would still be State Department money
9 appropriated. Of the \$53 billion that are appropriated, they would get their dues out of
10 the \$53 billion, not out of an extra fund, a slush fund.

11 **THE CHAIRMAN.** So, I appreciate the point that you are trying to make, and I will
12 say that based on meetings I have had with Mick Mulvaney, things that they may wish
13 to do this year with OCO are incredibly grotesque.

14 [Laughter.]

15 **THE CHAIRMAN.** Grotesque, far different than what he planned -- what he said in
16 his budget hearing. Grotesque. So, I thank you for your intent. I think people have a
17 pretty good sense how they will vote. Is a voice vote okay?

18 **SENATOR PAUL.** I would like to have a recorded vote because I think it is
19 important beyond just the symbolism of this, of we are not fiscally conservative on this
20 issue.

1 **THE CHAIRMAN.** Thank you so much. Yes.

2 **SENATOR GARDNER.** I have a question. In your response to Senator Kaine's
3 question, you talked about the use of these funds for peacekeeping operations.
4 Contributions for peacekeeping operations would be -- if that language is in here, how
5 is that a response to there being --

6 **SENATOR PAUL.** My understanding of the way this would work is this is just
7 for the annual dues. This is not for any emergency funding.

8 **SENATOR KAINE.** My reading of it makes me wonder about that. The language
9 seems broad.

10 **SENATOR PAUL.** If people want to vote for this and are willing to second degree
11 it to remove a word here or there, I am happy to take an amendment, a friendly
12 amendment if you would like to be recorded in favor of that we should not use OCO
13 funds this way. So, I am more than happy to try to make it better if somebody wants to
14 vote for it and wants to offer a second-degree amendment to it.

15 **THE CHAIRMAN.** Hearing no revisions, the clerk will call the roll.

16 **THE CLERK.** Mr. Risch?

17 **SENATOR RISCH.** Aye.

18 **THE CLERK.** Mr. Rubio?

19 **SENATOR RUBIO.** No.

20 **THE CLERK.** Mr. Johnson?

1 **THE CHAIRMAN.** Aye by proxy.

2 **THE CLERK.** Mr. Flake?

3 **THE CHAIRMAN.** Aye by proxy.

4 **THE CLERK.** Mr. Gardner?

5 **SENATOR GARDNER.** No.

6 **THE CLERK.** Mr. Young?

7 **SENATOR YOUNG.** No.

8

1 THE CLERK. Mr. Barrasso?
2 SENATOR BARRASSO. Aye.
3 THE CLERK. Mr. Isakson?
4 SENATOR ISAKSON. No.
5 THE CLERK. Mr. Portman?
6 SENATOR PORTMAN. Aye.
7 THE CLERK. Mr. Paul?
8 SENATOR PAUL. Aye.
9 THE CLERK. Mr. Cardin?
10 SENATOR CARDIN. No.
11 THE CLERK. Mr. Menendez?
12 SENATOR MENENDEZ. No.
13 THE CLERK. Mrs. Shaheen?
14 SENATOR CARDIN. No by proxy.
15 THE CLERK. Mr. Coons?
16 SENATOR CARDIN. No by proxy.
17 THE CLERK. Mr. Udall?
18 SENATOR CARDIN. No by proxy.
19 THE CLERK. Mr. Murphy?
20

1 **SENATOR CARDIN.** No by proxy.

2 **THE CLERK.** Mr. Kaine?

3 **SENATOR KAINE.** No.

4 **THE CLERK.** Mr. Markey?

5 **SENATOR CARDIN.** No by proxy.

6 **THE CLERK.** Mr. Merkley?

7 **SENATOR CARDIN.** No by proxy.

8 **THE CLERK.** Mr. Booker?

9 **SENATOR CARDIN.** No by proxy.

10 **THE CLERK.** Mr. Chairman?

11 **THE CHAIRMAN.** No.

12 **THE CLERK.** Mr. Chairman, the nays are 15, and the yeas are six.

13 **THE CHAIRMAN.** The amendment does not pass, but I truly appreciate the
14 sentiment of the gentleman who offered the amendment, and I hope as we move along,
15 we will move away from OCO funding. It is a grotesque arrangement that we need to
16 stop.

17 Any other amendments?

18 [No response.]

19 **THE CHAIRMAN.** Let us see. As we close out then, the question is on the motion
20 now to approve the State Department authorization, as amended.

1 **SENATOR CARDIN.** Second.

2 **THE CHAIRMAN.** It has been seconded.

3 The question is on the motion to approve the State Department Authorities Act,
4 Fiscal Year 2018, as amended.

5 All those in favor, say aye.

6 [A chorus of ayes.]

7 **THE CHAIRMAN.** All opposed?

8 [A chorus of noes.]

9 **THE CHAIRMAN.** The ayes have it. The legislation, as amended, is agreed to.

10 Who would like to be recorded? I think Senator Kaine, Senator Menendez,
11 Senator Paul.

12 **VOICE.** We have some more.

13 **SENATOR CARDIN.** Murphy, Udall, and Booker would also like to be recorded
14 as no.

15 **THE CHAIRMAN.** Thank you. Anyone else?

16 [No response.]

17 **THE CHAIRMAN.** Thank all of you for staying this long and for participating in
18 the way you have.

19 That completes the committee's business. I ask unanimous consent that staff be
20 authorized to make technical and conforming changes.

1 Without objection, so ordered.

2 With that, the committee is adjourned. Thank you.

[Whereupon, at 11:10 a.m., the hearing was adjourned.]