

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS  
**Business Meeting**  
*Tuesday, July 19, 2022*

# **BUSINESS MEETING**

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

The committee met, pursuant to notice, at 2:33 p.m., in S-116, The Capitol, Hon. Robert Menendez, chairman of the committee, presiding.

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

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

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

Today, we are considering the NATO Accession Protocol to Finland and Sweden, 10 bills, eight nominations, and two FSO lists.

Vladimir Putin's unprovoked assault in Ukraine has not only failed in his efforts to control the Ukrainian people. It has also strengthened the resolve and importance of Transatlantic Alliance, which is rooted in our shared values of democracy, the rule of law, and collective defense against aggressive autocrats. As we continue supporting Ukraine against ongoing Russian aggression, we must strictly welcome both Finland and Sweden into NATO. This is one of the most consequential responsibilities of our committee.

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Finland and Sweden are steadfast NATO and U.S. allies with strong militaries and durable democratic institutions. They are ideal candidates for NATO membership, and they will strengthen the alliance in countless ways. The moment we find ourselves in reminds us of the importance of these transatlantic alliances, of responding forcefully to threats to freedom and stability, and of the power of collective defense and security. In advancing these protocols, we are demonstrating to the world that the answer to aggression is not isolation, but deeper engagement with likeminded democracies. I urge all of our colleagues to strongly support these treaties.

On legislation, I will note that there is a holdover request for the chairman's Taiwan Policy Act of 2022. I don't take it personally, but as a result, we will take up that bill at the next legislative markup on Wednesday, August 3rd. I also plan to mark up the State authorization bill at the August 3rd business meeting.

Today, we will be considering the Peace Corps Reauthorization Act of 2022. In addition to Senator Risch's partnership on this legislation, I appreciate the support of bipartisan co-sponsors, including Senators Cardin, Portman, Shaheen, and Young. Congress has not reauthorized the Peace Corps in more than 20 years. It is essential that we pass this bill to implement needed reforms, including enhancing healthcare, safety, and security of Peace Corps volunteers.

We will also be considering Ranking Member Risch's Secure Embassy Construction and Counterterrorism Act, which acknowledges that security requirements for embassy compounds have, at times, had the unintended effect of inhibiting the ability of our diplomats to effectively interact with their surrounding communities. I applaud Senator Risch for leading this issue. In light of his leadership on the committee in moving forward this embassy security reform bill,

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I hope we are marking an end to an era when the security and safety of our diplomats abroad, one of the most critical responsibilities of the State Department, is used as a political tool. Consistent with other bills we have considered recently which fit squarely within the scope of State authorization, I expect this bill to be included and advanced as part of the State authorization bill we will mark up on August 3rd.

I am pleased to join Senator Rubio in introducing the Western Hemisphere Security Strategy Act. As security challenges in the region will have a direct and immediate impact on the United States and our communities, they continue to abound, and it is imperative that we apprise ourselves with the tools at our disposal.

Finally, we are considering several other bills today that reflect the superb work of members of this committee, including Senators Cardin, Coons, Markey, Kaine, and Rubio. While there are still many bills awaiting markup, this legislative agenda reflects the seriousness and purpose of the committee's role in foreign policy, and I appreciate the work of ranking member and staff in making it happen.

Let me close by turning to nominations. I am pleased that we are considering eight nominees, but I will speak only of one of them, Dr. Geeta Gupta, to be ambassador-at-large for global women's issues. We have received a holdover request for Robert Godec to be ambassador to Thailand. The chair will honor that request.

At a time when women and girls are facing daunting challenges around the world and being denied education and the ability to work in Afghanistan, to fleeing brutal violence and a risk of trafficking in Ukraine, we need a Senate-confirmed ambassador. Dr. Gupta brings decades of experience in helping to empower women, improving women's economic security and

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political participation, and working to end violence against women and girls, and I urge all my colleagues to support her nomination.

Finally, I must mention that we have a backlog of nearly 40 nominees that are pending before this committee. I am pleased that after much hard work, it looks like we will be holding hearings on at least 20 of those 40 before the end of the work period. I appreciate the work by the ranking member and many members of this committee who have agreed to serve as chair and ranking members to make sure that we are fulfilling our duty to confirm nominees to critical posts. The ranking member has often said to me he would prefer to see many of these done in subcommittees. I agree, but we need ranking members for that, and I want to acknowledge Senator Rounds, Hagerty, and Romney, who have either already played that role or have agreed to play that role, and I would urge other colleagues to consider being a ranking on one of these nominations hearings so that we can move at least through the hearing process to wind them up for a business meeting.

With that, let me turn to Ranking Member Risch for his remarks.

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

**Senator Risch:** Well, thank you, Mr. Chairman. I will be brief. I know many of the members have other committees they have to attend, and I am glad we can consider such a robust agenda today, especially my Secure Embassy Construction and Counterterrorism Act, which will provide the Department with much-needed updates and flexibility in how and where it designs and builds new facilities, particularly in low-threat environments, and I appreciate the chairman's kind remarks regarding the bill. These updates will make it easier for our diplomats to get out from behind the desk and their embassy roles to better engage with

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communities around the world while saving the U.S. taxpayer millions, if not billions, of dollars.

However, the chief item on this agenda today concerns one of the most serious responsibilities we as a committee have: approval of the accession of two new nations into the North Atlantic Treaty Organization. We do a lot of things around here, and they are very difficult. It is really good to do something that feels very natural. When you look at the map and everything about this, this is a natural thing to do. In the face of Russian belligerents, Sweden and Finland have come to the conclusion we, and many other NATO nations, came to over 73 years ago: when the United States and European allies and partners join forces, we can defeat any foe.

Sweden and Finland did not ask for this fight, but now that it is at their back door, they have made the brave choice to not back down, but rather to stand with us against Putin and his cronies. I am 100 percent convinced that Finland and Sweden will be excellent allies, will strengthen NATO politically and militarily, and offer the alliance new capabilities, more specifically the Arctic.

Finland already spends more than 2 percent of its GDP on defense, and Sweden is on track to do so by 2028. Sweden brings a strong defense industry to the alliance, while Finland's huge military reserves and fighting spirit are an example we encourage other NATO members to follow. There is a list, very long, as to why we should do this. Certainly, Finland brings their naval capabilities which are very significant, to NATO, and their naval facilities are outstanding. Sweden brings a strong, strong defense manufacturing industry with them. Both are solid financially. They will make great additions to NATO.

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Both nations have long participated in NATO missions in the Balkans, the Middle East, and Afghanistan. In fact, in NATO missions, they came to the fight with less restrictions than other NATO allies. The U.S. military considers them highly effective and highly interoperable with NATO and the United States. They have been guarding NATO's backyard in the high North for decades, and it is time they have a full seat at the table. Also, notably, when you put the two of them together with their air power, it is going to add very significantly to the air power that we have, particularly on the Eastern and Northern lands.

I appreciate the Administration's quick processing of these accession documents. I urge my colleagues to move this resolution without delay. I understand there is a possibility of a couple of amendments to this. Regardless of those amendments, we cannot change the Constitution. The Constitution has very clear provisions as to what we have to do if, indeed, we are attacked or if we are going to commit military resources. I would urge anyone who is going to take anything away from any of these amendments not to think that this is any way undermining the NATO treaty. There is nothing here that undermines our NATO treaty.

On nominations, I will just briefly say that I will be voting "no" on the Gupta nomination. In publication and public statements, she has ardently advocated for access to abortion as a reproductive right, including abroad. I am concerned this could lead to an expansion of the mission of the Office of Global Women's Issues on abortion advocacy in violation of U.S. law. I know this is a controversial appointment. On the other hand, I think each of us have our own moral compass on the abortion issue.

Mr. Chairman, I also ask that members of the committee be permitted to submit to the clerk any request to be recorded as a "no" on any item on today's agenda. Thank you, Mr. Chair.

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**The Chairman:** Thank you. I know there are going to be members who want to speak to nominations and other things, but because of the importance of this, I would just ask members' forbearance so that we could just move on the NATO accession first and then go to the rest of the agenda.

Without objection, we will consider the Resolution of Advice and Consent for the NATO Accession Protocols for Sweden and Finland. Does any member wish to be heard on the resolution or offer any amendments? Senator Paul.

**Senator Paul:** I have been consistently opposed to the expansion of NATO for two main reasons: one, the disproportionate amount of cost that we bear, both the financial costs as well as the cost in terms of lives. The second reason I oppose the expansion of NATO has been the argument that the provocation of expanding NATO up to the rivers of Russia is provocative and could lead to war.

The second argument, I think, has less value since we have seen that Putin can clearly be provoked, even short of admitting Ukraine or Georgia into NATO. I still think it is a bad idea to admit Ukraine or Georgia into NATO and is incredibly provocative. I do believe that there is a possibility that war could have been prevented a year ago. There is no justification for Putin's invasion, and yet I still think that there is a possibility, had there not been significant agitation of pulling Ukraine into NATO, that war could have been avoided.

I do think that actions have reactions by our adversaries. The deposing of the Russian leader in Ukraine in 2014 -- and I will argue that was not a bad idea to get rid of the guy - when he was gotten rid of, the Russians did react. So we have to see the world in a realistic way and understand that for our actions, there will be reactions. When he was deposed, the Russians decided to take Crimea. When the Biden Administration, I think, provocatively and

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in an agitated way, continued to put its thumb in the eye of the Russians and say Ukraine will be a member of NATO, as recently as last fall - I think it is hard not to argue that that was part of precipitating reasons for the war.

Interestingly, as we look at the war, one of the possible outcomes, I think, it is very unlikely that there will be a, you know, complete victory by either side. We are looking at a long stalemate. Even Zelensky has admitted and said, well, perhaps one possibility and a result of this as a way to seek peace would be that Ukraine would be a neutral country. It is easier to look backwards, but I think it would have been a better discussion, you know, a year ago or two years ago.

We have been saying for 14 years now that they will be - because we are involved, we are mighty, and we can do whatever we want - that Ukraine will be part of NATO. We have been saying it for 14 years, and yet they did not become part of NATO, and perhaps we should have had that discussion. Perhaps we should have thought twice about whether it was a good idea. Does any of this justify the invasion? No, and the invasion has changed my perception of this. So my perception has gone and conclusion has gone from adamantly against expansion to I will vote "present" today.

I do not presently think it is a good idea. I think there still are some advantages to Finland and Sweden being neutral. One of the advantages is when there is a final peace agreement through this agreement that I think it could be leveraged towards a peace agreement. What are things that the West could offer in exchange for some sort of peace agreement? One of the things the West could offer was, well, we have considered this, and Finland and Sweden have decided to remain neutral as opposed to becoming part of NATO.

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Now, time will tell. I mean, if there is no war, people will say, well, this is great, NATO prevents war. But there are also things that Ebben said, and I think we are foolish not to at least listen to what our adversaries say. Russia has said, yeah, they will probably accept it. They do not have a whole lot of choice. They are going to accept them being part of NATO, but they have also warned that placing missile systems in Finland will be a red line.

I do not think it is an overstatement to remember that the U.S. putting missiles into Turkey and into Italy during the 1960s was precipitation of Russia putting missiles in Cuba. For every action, there is a reaction. I do not think we should be blind to the dangers or risks of moving forward, particularly if moving forward means putting missile systems into Finland.

With that in mind, I would like to offer an amendment to make absolutely clear that our Constitution supersedes all treaties, and all treaties are subject to our Constitution. I think that it is loosely argued by many that Article V says when we go to war, you know. We now have -- we have 30-some odd countries in Europe. Is there a possibility that Montenegro gets attacked by Luxembourg, you know? I mean, does that mean we are automatically at war? No, in our country, we vote on this. The Constitution is very clear that that is how we go to war. But I think so many people have argued so strenuously that Article V is sort of part of our Constitution, they do not understand there is another step.

So I think it is important to add to this treaty that it will require no action on the part of any other country, and it simply reads that Article V of the North Atlantic Treaty does not supersede the constitutional requirement of Congress to declare before the United States engages in a hostility. This simply restates the Constitution, but I think it is important because I think people have been good with the argument that Article V guarantees war, and I

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think this will be a useful addition to let the world know that at least the United States will still obey the Constitution.

Request a recorded vote.

**The Chairman:** The Senator has requested a recorded vote.

Let me respond. First of all, I will not go at length. I have a different view of history than the Senator has about Ukraine and us insisting that it become a part of NATO. Things are different between insisting it become part of NATO and saying it has the possibility of becoming part of NATO if it met all the requirements. I understand Senator Paul's interest in ensuring that approving these protocols would not afford new constitutional authorities. However, this amendment is unnecessary and would set a damaging precedent for other countries.

There is no question that the North Atlantic Treaty and these protocols cannot supersede the Constitution. No treaty can. This is well established and well understood. Not only is this amendment unnecessary, but it would also be harmful. Unlike declarations and conditions, which this committee has included in every NATO protocol reservation to date, the reservations which Senator Paul has proposed here would change the dynamics of this treaty. And so the United States has never ratified NATO protocols with a reservation, and doing so now would be an invitation to other NATO members, like Turkey, to do exactly the same, limiting the scope of their obligations under NATO. For those reasons and others, I will be voting "no" and urge my members to do so.

Is there anyone else who wishes to be heard on the amendment? Senator Cruz.

**Senator Cruz:** Mr. Chairman, I find myself somewhere in between the chairman and Senator Paul. I agree with Senator Paul that it would be a mistake for Ukraine to be a member of NATO. I think the risks and obligations of military conflict exceed the benefits to the United

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States for doing so. I am going to vote "yes" on the accession motion today because I think the benefits to the United States of Sweden and Finland joining NATO are far greater than the risk and exposure.

I want to support Senator Paul's amendment. I agree with the spirit of it. I think Congress has been far too reluctant to assert our authority under the Constitution to declare war and far too willing to cede war making to the executive. However, as I read it, I do not think the text of this amendment accurately states the constitutional provision. And in particular, it says, "Nothing in Article V" -- "Article V does not supersede the constitutional requirement that Congress declare war before the United States engages in hostilities." "Hostilities" is a broad term. I do not think it is accurate to say the Constitution requires a declaration of war for any hostilities.

For example, the United States took out General Soleimani. I think that was the right decision. I introduced a resolution of the Senate, that a supermajority of Senators from both parties voted for, commending the President for taking out General Soleimani. I do not believe that necessitated a declaration of war. What I would suggest to Senator Paul, and I do not know if he would be amenable to this or not, but I would offer as potentially a friendly amendment changing the word "hostilities" to the word "war." And if we change that to "war," I would vote for this amendment because then I think it is accurate that we must have a declaration of war before we engage in war.

**Senator Paul:** That would be fine with me.

**Senator Cruz:** Okay. With that amendment, I will vote "yes."

**The Chairman:** The motion has been made to amend the amendment, and with that -- okay. Do you make that amendment as your own?

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**Senator Paul:** Yes.

**The Chairman:** Okay. So your amendment is now amended in accordance with Senator Cruz's recommendation.

**Senator Kaine:** Mr. Chair?

**The Chairman:** Senator Kaine.

**Senator Kaine:** Mr. Chair, I have a question for you. I want to follow up on your logic in opposing the amendment. My understanding is you do not oppose the principle as stated, but you are objecting because we have never included such language in a treaty. So you said it was sort of unnecessary because it is -- I mean, it is a statement with this edit that I think is an unobjectionable statement. It is just in terms of what the constitutional principle is. But I understood your objection is when we have done earlier such treaties, this is not like a resolution. This is treaty language, and when we have done such treaties, we have not included such language. Do I understand that correctly?

**The Chairman:** We have not included reservations.

**Senator Kaine:** Yeah.

**The Chairman:** And Senator Paul's amendment is a reservation to the treaty.

**Senator Kaine:** Mm-hmm.

**The Chairman:** As such, it would change the dynamics, and it would be conveyed to every nation in NATO, and it would permit -- open the door for them to change their --

**Senator Kaine:** For a renegotiation of something.

**The Chairman:** Reservations.

**Senator Kaine:** If the language were to not say something about reservation or understanding and just say, you know, that nothing supersedes the -- does not use the word

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"reservation," "understanding," "limitation," whatever, nothing supersedes the constitutional provision as described, does that make it less objectionable to merely state the unnecessary principle but not do a reservation or an understanding?

**The Chairman:** Well, my understanding is that when we amend the process of a treaty, we ultimately are changing the nature of it and I do not know how you amend without it ultimately being a reservation and --

**Senator Kaine:** Mm-hmm, opening it up for other nations to maybe do the same.

**The Chairman:** Yeah.

**Senator Kaine:** Yeah.

**The Chairman:** So --

**Senator Paul:** Can I respond?

**The Chairman:** Can I finish?

**Senator Paul:** Sure.

**The Chairman:** Thank you. So that is part of the challenge.

**Senator Kaine:** Mm-hmm.

**The Chairman:** Now, you know, --and as I said in my comments, there is nothing that can supersede the Constitution.

**Senator Kaine:** Right. Right.

**The Chairman:** Not Article V, not the NATO treaty, nothing else. And so it just complicates something that is so important to decide, and in a timely fashion, that otherwise has no significance because nothing can supersede the Constitution.

**Senator Kaine:** Right. Right. Okay. Thanks.

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**The Chairman:** So does that satisfy other Senators? As I understand, the Senator would be satisfied in moving forward with --

**Senator Kaine:** Yes. I mean, I think it is a statement of the law, but your point is there is nothing that supersedes the Constitution whether we say or not, so it is unnecessary. Right.

**The Chairman:** Senator Paul.

**Senator Paul:** By adopting this, we do not change anything that other countries can or will do. They are welcome to put reservations on at any point in time, so this does not change anything. It may not have been, but it does not change anything that other countries that are allowed to do or might do. The reservation does not have to be approved by any other countries. It does not materially change the treaty. The reservation, if nobody objects to it, becomes part of the body of knowledge surrounding the treaty after a year's time.

There are different categories. There is a declaration you can add that does not have to be ever acknowledged by the other side. A reservation can be acknowledged, and other countries do nothing. I find it hard to believe that other countries are going to object to us following our Constitution. You would think, well, gosh, yeah, this is duplicative. Why do we have to say we are going to obey our Constitution? Well, because in our country, we often have not. I mean, we have gone to war many, many times without a declaration of war. We are involved in wars around the planet without declarations.

So this is an alternative way of discussing a larger issue of whether or not we should declare war when go into hostilities, but it also is important that people are very clear. We read often that Article V means we are going to war, and we are not going to war. We will, frankly, have to have a vote. Is it the likelihood that Congress will support war? Probably so, if NATO is attacked.

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But I think knowing that this power resides in Congress and acknowledging that, and voting against it really calls into question -- I mean, those who vote against this, it is like, really? Are you worried that we would follow the Constitution? I do not think it is a strong argument to say it is duplicative.

**The Chairman:** Let me just say I totally reject that proposition. Because the Senator proffers it does not mean that voting against it is a rejection of the Constitution because I take a higher calling. The Constitution is supreme. You actually create a more limiting function where you have state that in order to do something. The Constitution is supreme. And secondly, there is a consequence. If we make reservations, other countries can say, according to our constitution, we reserve according to our Constitution, and that may very well have a limiting obligation in their Article V obligations.

So either we are committed to Article 5, and, yes, we would have to declare war to do that, or not. And when we start to diminish Article V, the essence of NATO is dramatically diminished. Senator Johnson.

**Senator Johnson:** I am also sympathetic with what Senator Paul would like to do here, and I would just suggest if you would like to get a result, it sounds like if you insist on this being a reservation, it will fail. But if we maybe change it to "declaration" with the change already made in terms of "war" versus "hostilities," I will certainly support it. Maybe others would as well. Is that something you would be willing to do?

**Senator Paul:** Well, that is the question, and we have both. We have both of those amendments filed, and the question is whether or not, on the other side, Senator Kaine and others are willing to vote for a declaration as opposed to a resolution.

**The Chairman:** Senator Kaine?

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**Senator Kaine:** I am convinced by the chair's argument that we need not make this statement because of the Constitution --

**Senator Paul:** Under either "reservation" or "declaration."

**Senator Kaine:** I do not think we need to. I mean, I am with you on the principle.

**The Chairman:** Senator Romney.

**Senator Romney:** I am just concerned that at a time when Russia invaded Ukraine, and the world is watching, Ukrainians and our allies are watching, to do or say, anything that sounds like we are going a little wobbly on Article V is a very dangerous thing to do. There may be a time and a place for us to talk about the War Powers and the need to bring conflict before the Senate, but doing so with the accession of Sweden and Finland, and during a time when Russia is at war with Ukraine and obliterating their people, I think this is the wrong time for that kind of message.

**The Chairman:** Senator Cruz?

**Senator Cruz:** So I think the question of reservations - we enter treaties all the time. Other countries enter treaties all the time. When they make reservations, that is part of the treaty-making power. You are right that on the face of this, this reservation does not alter the underlying terrain. In many ways, it is an implicit reservation of every treaty we sign that it is pursuant to the Constitution. At the same time, I would say it is an implicit reservation of every country that makes a treaty with us that they are going to act pursuant to the Constitution.

So I have no interest in undermining Article V. I am a co-sponsor with Senator Kaine of his legislation to reassert NATO's role and centrality. I believe in that. I think Article V is significant, but I also think this is relevant here because the American people are hesitant to

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send our sons and daughters into harm's way. As they read about the expansion of NATO, the concern some understandably have is, are we undertaking an obligation to engage in active combat with our enemies?

Now look, on the question of Ukraine and Russia, we have gone round and round on this committee on Nord Stream 2, and you know my passions on that issue. I wish we had avoided this conflict, and I think we could have. We did not. I think, as I understand voting on Senator Paul's amendment, there are many members of this committee that have expressed a desire for Congress to more vigorously assert its authority over declaration of war. There are at least as many other Democratic side of the aisle as there are on the Republican side of the aisle. I think in the context, when the American people are concerned about us undertaking treaty obligations that potentially obligates us to engage in war, acknowledging that there is an ongoing limitation does not alter the treaty obligation, but I think is a reasonable assertion of Congress' constitutional authority.

**The Chairman:** With that, I think --

**Senator Shaheen:** Well, I just want to echo what Senator Romney has said. You know, Senator Coons and I were with a bipartisan delegation to the NATO Summit in Madrid, and one of the things that we heard from our allies who are NATO members and from those NATO-aspirant states, was the importance of what the U.S. did with respect to not just Ukraine, but on the treaty ratification.

And I think at a time when we are looking at two critical allies to NATO who are not security consumers --they are security providers -- they add to our ability in NATO to defend the NATO alliance and our security. And for us to do anything, as Senator Romney says, that calls into question whether we are 100 percent behind this ratification, I think is it not helpful

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to United States security and NATO security at this time. I think the message we want to send out of this Senate is our overwhelming support for NATO and Sweden and Finland joining NATO, and the message that sends, not just NATO, but to Russia and Putin for his future ambitions, is really important.

So I would hope that we would put as much support behind this ratification as possible and not do anything that calls into question the message that that sends to all of our allies and to our adversaries.

**The Chairman:** The Senator has asked for a recorded --

**Senator Paul:** Mr. Chairman?

**The Chairman:** Senator Portman. I am allowing those who have not had an opportunity to speak.

**Senator Portman:** Right. Not everybody has spoken, no. Look, I am going to vote "no," and the reason is very simple. Maybe I am too caught up in the Ukraine situation, but I think NATO is the most successful military alliance in the history of the world, and I think we need them more than ever. I disagree, I think, with the notion that they need us when we need them. I mean, we need allies right now. Russia and China, in particular, but other countries as well -- North Korea -- are constantly trying to develop alliances to counter our interests all over the world. NATO is it, and the fact that Sweden and Finland have for decades with neutrality, in one case, forever, have decided to come forward and join our alliance, I mean, we should embrace it with open arms.

So I do not disagree with what Senator Paul says about the Constitution, nor what you said, Mr. Chairman. I think that is clear. But I would not want to send any signal right now to our NATO allies that we are anything other than overwhelmingly, enthusiastically supportive of

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two countries coming in who have enormous military assets, and financial resources, and a commitment to exceed the 2 percent. This is all good, and for us to send any note of ratification discouragement in even having to notify our allies of this reservation, to me, sends the wrong message. So that why I am going to vote --

**Senator Paul:** Mr. Chairman?

**The Chairman:** Senator Risch.

**Senator Risch:** I am going to vote "no" on this. Look, we are arguing about how many angels can dance on the head of a pin here. We cannot change the Constitution with this. The treaty could not change the Constitution with this. The President of the United States and the United States Congress know that you cannot go to war without a declaration. We do not want to be messaging in any way, shape, or form that tells our 29 allies in NATO that, oh, hang a reservation on -- about your Constitution. Look, guys, we need to get this done. I think it needs to be clean. Thank you, Madam Chair.

**Senator Paul:** Very quickly.

**The Chairman:** Last word, yes.

**Senator Paul:** Very quickly. It has been mentioned that we should not go wobbly on Article V. I think if you were to ask a Gold Star family whether, you know, being wobbly on Article V is more important than being wobbly on the Constitution, I think most parents would say the Constitution is what their sons and daughters are defending.

**The Chairman:** The Senator has asked for a recorded vote.

The clerk will call the roll.

**The Clerk:** Mr. Cardin?

**Senator Cardin:** No.

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**The Clerk:** Mrs. Shaheen?

**Senator Shaheen:** No.

**The Clerk:** Mr. Coons?

**Senator Coons:** No.

**The Clerk:** Mr. Murphy?

**Senator Murphy:** No.

**The Clerk:** Mr. Kaine?

**Senator Kaine:** No.

**The Clerk:** Mr. Markey?

**Senator Markey:** No.

**The Clerk:** Mr. Merkley?

**Senator Merkley:** No.

**The Clerk:** Mr. Booker?

**Senator Booker:** No.

**The Clerk:** Mr. Schatz?

**Senator Schatz:** No.

**The Clerk:** Mr. Van Hollen?

**Senator Van Hollen:** No.

**The Clerk:** Mr. Risch?

**Senator Risch:** No.

**The Clerk:** Mr. Rubio?

**Senator Risch:** No by proxy -- or excuse me. I have no proxy.

**The Clerk:** Mr. Johnson?

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**Senator Risch:** I changed it.

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Romney?

**Senator Romney:** No.

**The Clerk:** Mr. Portman?

**Senator Portman:** No.

**The Clerk:** Mr. Paul?

**Senator Paul:** Yes.

**The Clerk:** Mr. Young?

**Senator Risch:** I have no proxy.

**The Clerk:** Mr. Barrasso?

**Senator Risch:** I have no proxy.

**The Clerk:** Mr. Cruz?

**Senator Cruz:** Aye.

**The Clerk:** Mr. Rounds?

**Senator Rounds:** No.

**The Clerk:** Mr. Hagerty?

[No response.]

**The Clerk:** Mr. Chairman?

**The Chairman:** No.

**Senator Risch:** How did I record Senator Johnson?

**Voice:** We said no.

**Senator Risch:** It should be an aye by proxy, Mr. Chairman.

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**The Chairman:** The clerk will report.

**The Clerk:** Mr. Chairman, the ayes are 3; the nays are 15.

**The Chairman:** And the amendment is not agreed to.

Is there a motion to approve the resolution of advice and consent?

**Senator Coons:** So move.

**Voice:** So move.

**The Chairman:** So moved. Seconded.

All those in favor will say aye.

[Chorus of ayes.]

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

[No response.]

**The Chairman:** The ayes have it, and the resolution, having been voted in the affirmative, the ayes have it, and the resolution for advice and consent is agreed to.

**Senator Paul:** Mr. Chairman, can I be recorded as "present?"

**The Chairman:** Senator Paul shall be recorded as a "present."

All right. Thank you for the debate, and we are moving forward now. Without objection, we will consider en bloc the entire remaining of the agenda that was noticed for this business meeting, which are 10 bills, eight nominations, and two FSO lists.

Is there a motion to that effect?

**Voice:** So move.

**Senator Risch:** Mr. Chairman?

**The Chairman:** Is there a second?

**Senator Shaheen:** Second.

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**The Chairman:** Second? Yes.

**Senator Risch:** I would ask that Dr. Gupta be a separate roll call.

**The Chairman:** Okay.

**Senator Risch:** Thank you.

**The Chairman:** Ms. Gupta will be withdrawn from that en bloc, and we will have a separate vote.

**Voice:** For who?

**Senator Cardin:** Mr. Chairman, are the amendments that were included as manager's amendments included in the motion that you made?

**The Chairman:** Yes.

**Senator Cardin:** With all the manager's --

**Senator Cruz:** Mr. Chairman, if we are considering them in en bloc, will we have an opportunity to call up amendments?

**The Chairman:** Are there amendments that you -- is there a specific piece of legislation?

**Senator Cruz:** Yes. Yes.

**The Chairman:** So why do we not -- which piece of legislation?

**Senator Cruz:** It is an amendment on the Western Hemisphere Security Strategy Act.

**The Chairman:** Okay. So let us pull the Western Hemisphere Security Strategy Act and the Gupta nomination out. Everything will be en bloc, as amended.

**Senator Risch:** And, Mr. Chairman, anyone can be recorded --

**The Chairman:** Of course. All those in favor will say aye.

[Chorus of ayes.]

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

[No response.]

**The Chairman:** The ayes have it, and the agenda, except for those two items, is approved.

So now, let me go to the Gupta nomination to be ambassador-at-large for Global Women's Issues. Is there anyone who wishes to speak to it? Senator Shaheen.

**Senator Shaheen:** Mr. Chairman, I am really disappointed with the way this nomination has been discussed, and I want to go back to the Office of Global Women's Issues because that office was set up because of very good data that we have that shows the impact of looking at foreign policy through a gender lens. It is not through a healthcare lens. It is not through a reproductive lens. It is not through an abortion lens. It is through looking at the impact that empowering women around the world has on stable communities, stable families, and stable societies, and that is the mission of the Office of Global Women's Issues.

You know, when Kelly Curry was nominated by President Trump to chair -- to be ambassador for the Office of Global Women's Issues, I did not ask what her position was on choice, abortion because that was not the mission of this office. And the fact that we have a number of outside groups who have tried to make an issue of abortion and Dr. Gupta's belief that women should make decisions about abortion themselves, is not what this office is about. And the fact that people are looking at her nomination through that lens, I think, is just wrong because the allegations that have been made against her are inaccurate.

There has been an attack that says that she worked to see that abortion was an essential service of the World Health Organization. That is not true. She never even talked about abortion at WHO. That was not her role there, and she did not even discuss it, and

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there have been several other allegations, and I am happy to go through them one by one, but I assume we do not need to do that. But the fact that this has become an issue with respect to Dr. Gupta has just undermined the whole role of the Office of Global Women's Issues.

There are other agencies within the Department of State that deal with reproductive health, which deal with the issues that Dr. Gupta has been accused of supporting. She has said she supports the mission of that Office and will stick to that. She does not have another agenda, and the suggestion by number of outside groups that she is being placed there to undermine women's reproductive health is just disinformation that is being spread in a way that undermines the role of that Office. So I am really disappointed to hear our colleagues talking about this as being an issue on which they are going to make a determination.

This is a woman who has her Ph.D., who has spent her whole lifetime to addressing issues that affect women that are going to be dealt with by the Office of Global Women's Issues. And the fact that that now that is being reduced to the fact that she has said in her personal life she supports a woman's right to make her own decisions about her reproductive health, and that people say that that is going to determine whether they are going to support her in this office, I mean, are we going to say that anything that has to do with women and girls breaks down to abortion or not? Geez, I hope not because I do not believe that is the lens through which we ought to be looking at any issues that affect women and girls.

And the fact that so many people here at this table have said that that is the issue on which they are going to make a determination is just not fair to Dr. Gupta, and it is not in keeping with the mission of the Office of Global Women's Issues. So I understand that people are going to vote the way they are going to vote, but I would ask you all to reexamine your position because I think it is just wrong.

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**The Chairman:** Any other members seeking recognition?

[No response.]

**The Chairman:** If not, do you want a roll call vote?

**Senator Risch:** Yes, please.

**The Chairman:** Senator Risch has asked for a roll call vote.

The clerk will call the roll.

**The Clerk:** Mr. Cardin?

**Senator Cardin:** Aye.

**The Clerk:** Mrs. Shaheen?

**Senator Shaheen:** Aye.

**The Clerk:** Mr. Coons?

**Senator Coons:** Aye.

**The Clerk:** Mr. Murphy?

**Senator Murphy:** Aye.

**The Clerk:** Mr. Kaine?

**Senator Kaine:** Aye.

**The Clerk:** Mr. Markey?

**The Chairman:** Aye by proxy.

**The Clerk:** Mr. Merkley?

**Senator Merkley:** Aye.

**The Clerk:** Mr. Booker?

**Senator Booker:** Aye.

**The Clerk:** Mr. Schatz?

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**Senator Schatz:** Aye.

**The Clerk:** Mr. Van Hollen?

**Senator Van Hollen:** Aye.

**The Clerk:** Mr. Risch?

**Senator Risch:** No.

**The Clerk:** Mr. Rubio?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Johnson?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Romney?

**Senator Romney:** No.

**The Clerk:** Mr. Portman?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Paul?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Young?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Barrasso?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Cruz?

**Senator Cruz:** No.

**The Clerk:** Mr. Rounds?

**Senator Rounds:** No.

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**The Clerk:** Mr. Hagerty?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Chairman?

**The Chairman:** Aye.

The clerk will report.

**Senator Markey:** Mr. Chairman, may I be recorded as "aye" in person?

**The Chairman:** Senator Markey will be recorded "aye" in person.

**The Clerk:** Mr. Chairman, the ayes are 11; the nays are 11.

**The Chairman:** The motion is tied. In accordance with Section 3 of Senate Resolution 27, I will transmit a notice of a tie vote to the Secretary of the Senate, thereby giving either majority or the minority leader the authority to make a motion to discharge the nomination.

**Senator Coons:** Mr. Chairman?

**The Chairman:** Yes.

**Senator Coons:** Mr. Chairman, if I could just speak briefly. I also strongly support Dr. Gupta's nomination. And whoever is holding over Ambassador Godec's nomination, I have worked closely with him for many years and would urge them to reach out to me. I am thrilled that we are advancing two different pieces of legislation today, the Global Malnutrition Act I am leading with Senator Wicker, and the Madeleine Albright Democracy in the 21st Century Act I am leading with Senator Graham.

But I briefly just wanted to thank and recognize an incredible member of my team, Ally Davis, who is leaving us after 6 years and is going from here to the House Foreign Affairs Committee.

[Laughter.]

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**Senator Coons:** A stunning lack of seniority --

**Senator Risch:** I thought the rules did not allow that.

[Laughter.]

**Senator Cruz:** What did Senator Cruz teach his team?

**Senator Coons:** I know that Chairman Meeks will benefit from her incredible work ethic, values. We first bonded over a shared experience of spending time in South Africa. This bill we are marking up, the Democracy in the 21st Century Act, she has worked on, but she also helped craft the Nita Lowey Middle East Partnership for Peace Act, the Global Fragility Act, and was the outcome determinative leader on the Sudan Claims Resolution Act.

We got a chance to go to Ethiopia on a very difficult mission a year and a half ago, and to go to Sudan where she has been personally very vested and has made an enormous impact. She started in my office as a fellow, became a colleague, and I count her as a friend. She embodies the spirit of Ubuntu and is one of the people I have most cherished in my time in the Senate.

Please join me in a quick round of applause.

[Applause.]

**Senator Coons:** Thank you.

**The Chairman:** Very well -- very well put.

**Senator Booker:** Mr. Chairman?

**The Chairman:** Yes. I have one more piece of legislation --

**Senator Booker:** Please go ahead.

**The Chairman:** Please, please go ahead.

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**Senator Booker:** I will do what my senior Senator tells me do. I will be very quick because I am not like Senator Coons. I want to register my outrage, disappointment, and betrayal of my staff who are behind me, Francesco, who is leaving me today.

[Laughter.]

**Senator Booker:** I have abandonment fears, and he is fulfilling them. He came to my office, quickly made me fall in love with him because of his expertise, his knowledge, his dedication, and his above-and-beyond commitment, and then turns around and leaves me. He will be going to Nairobi to work in the State Department there, which hopefully we will see. All of us should be doing codels to that great country. I wish him the best, and he is going to be an extraordinary leader for our State Department. And I am just grateful for his service to us, but I am indeed very, very furious that he has decided to leave me.

**The Chairman:** Good luck to you, and thank you for your service to the committee.

[Applause.]

**The Chairman:** We have one more vote, if we may. We will call up S. 3589, the Western Hemisphere Security Strategy Act. Are there any amendments to be offered? Senator Cruz.

**Senator Cruz:** Mr. Chairman, I would like to call up Cruz First Degree 1 to S. 3589. My amendment would re-impose terrorism sanctions on the Revolutionary Forces of Colombia, on the FARC.

In November, the Administration withdrew the designations of the FARC as a foreign terrorist organization as a specially-designated global terrorist. They also removed the designations of 275 individuals. This decision, I believe, was both ill-advised and reckless. The FARC is responsible for some of the most heinous terrorism in the Western Hemisphere. First

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and foremost, it was a gift to the Colombian far left. It provided them with momentum going into the most recent election, and it facilitated the ascendancy of Gustavo Petro, a development that I think is deeply harmful to the Western Hemisphere and the interest of the United States. The catastrophic effects on our national security and potentially on the U.S.-Colombian relationship may be felt for decades.

By withdrawing the FARC's group designation, the Administration gave up a key tool through which the United States was keeping terrorists accountable for their role in a half-century armed conflict. The decision was made without consulting, let alone coordinating, with the Colombian Government. A few weeks after the decision was made, Columbia Special Jurisdiction for Peace, tasked with implementing the Peace Accords, issued summons for 47 FARC members for alleged involvement in the trafficking and forced recruitment of children. The list included five individuals delisted by the Administration.

My amendment will begin to repair the damage of that decision by re-designating the FARC as an FTO and as an SDGT. It also designates seven individuals who have been instrumental in boosting the FARC and its terrorism. These are the five who were summoned by the Special Jurisdiction for Peace and two more FARC associates, and I would urge my colleagues to support the amendment.

**The Chairman:** In November 2021, the Biden Administration removed the umbrella designation over the entity of the FARC, which has renounced violence and is a legitimate political party, and includes rank-and-file former combatants that are complying with the terms of the 2016 Peace Accord, as well as former FARC members who are now serving as members of the Colombian Congress. The Administration made two new targeted FTO

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designations on the FARC dissident Segunda Marquetalia groups, which have denounced the peaceful transition that the other FARC members have created.

These new designations ensure that our sanctions are targeted against the groups that have refused to lay down their arms and are still involved in terrorist activities in Colombia. Recalibrating our sanctions also ensures that individuals who laid down their arms and are fully complying with the terms of Colombia's Peace Accord are given the chance to be reincorporated into Colombian society.

I firmly believe in the strategic and targeted use of U.S. sanctions. I have offered most of them, including our sanctions against terrorist organizations, but this amendment, I would say, is neither strategic nor targeted. The amendment would also seek to modify the existing FTO statute, which requires the executive branch to review designation every 5 years. This longstanding statutory framework has worked well for Democratic and Republican Administrations alike. Sudden modification should not take place in a piecemeal manner, and for all of these and other reasons, I will be voting "no."

Is there anyone else who wishes to be heard on the amendment?

**Senator Kaine:** Mr. Chair, briefly.

**The Chairman:** Senator Kaine.

**Senator Kaine:** I am going to vote against the amendment for the same reason. The FARC entered into a peace agreement with the Colombian Government in 2016. The FARC surrendered millions of rounds of ammunition, 8,000 weapons, thousands of landmines, grenades, and integrated into the political process and the life of the country. There are dissident elements, who, in 2019, renounced that, but they are a tiny fraction of the FARC

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membership that signed the peace treaty, turned in their weapons, and have decided to operate within the bounds of civil society in Colombia.

And so I think a re-imposition of the designation on the FARC at this point is not strategic. Instead, we should focus on the smaller group of dissident elements rather than have the broad-brush approach.

**Senator Cruz:** Mr. Chairman, if I can respond. The chairman has suggested that members of the FARC have renounced terrorism and laid down their arms. That may be true of some of them, but it is certainly not true of others. The individuals that are specified in this amendment to give some of the background, understand what the evidence is against them, first is Jose Benito Cabrera Cuevas, a/k/a Fabian Ramirez, who was the FARC's 14th Front Commander until 2004. He has an outstanding red notice from Interpol. He has 32 arrest warrants, 17 detention orders, and two convictions in absentia. He was responsible for all drug-related operations of the FARC's drug trade and was a notorious executioner.

The State Department offered a reward of up to \$2.5 million for information leading to his arrest. He was presumed dead, but then he turned up alive. On December 11th, 2021, so not that long ago, the Special Jurisdiction for Peace issued a summons for him to appear due to credible charges of child trafficking. That is one of the individuals that the Biden Administration lifted the designation on.

Another individual, Erasmo Traslavina Benavides, a/k/a, Jimmy Guerrero -- I am not sure why they all have names so different from their given names, but they do.

[Laughter.]

**Senator Cruz:** He was the FARC's 33rd Front commander, one of the FARC's most violent battalions. There is an outstanding U.S. extradition order against him since 2005 for

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overseeing FARC's drug trafficking operations aimed at getting drugs into the U.S. He is responsible for several terrorist attacks, the most notable being the bombing of a radio station in 2010. In 2012, Colombia's then defense minister and, today, their current ambassador to the United States announced a \$2 million reward for information leading to his arrest. And on December 11th, 2021, again, the Special Jurisdiction for Peace issued a summons for him to appear before it due to credible charges of child trafficking. Three others that are in a similar situation are Emiro Repero, Guillermo Enrique Torres Cueter, and Rodrigo Granda, all of whom are subject to summons from the Special Jurisdiction of Peace for credible charges of child trafficking.

I believe our terrorism sanctions ought to have teeth. They should have meaning. It was a mistake for the Biden administration to delist people who are clearly terrorists, who are violent criminals, and that mistake had real consequences, not only of encouraging future terrorism, but, in this instance, of driving Colombia in a direction markedly anti-American, markedly anti-cooperation with U.S. drug efforts. And I believe it would be a step of responsibility for Congress, ideally, in a bipartisan manner, to say we are going to stand against those who engage in drug trafficking, child trafficking, and violent terrorism.

**The Chairman:** Let me just close by saying the Senator references six named individuals for targeted sanctions designations under a distinct counterterrorism sanctions and executive order, but his amendment does not limit it to that. His amendment is an overarching rescinding of the totality of the FARC designation, and there is no doubt -- I think it is pretty undisputed -- that there are a fair number of former FARC members who are complying fully with the law and the peace agreement, and, in fact, several of them are elected members of Congress.

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And so the reality is that while you may have some compelling names there, and I might join you in trying to pursue something on those names, your overall amendment is so overarching that it would undermine the ability to say if you do the right thing, if you leave arms smuggling, if you follow the law, and actually get elected to congress, we are going to sanction you anyway. And so for those reasons, I will be voting "no."

Will the Senator take a voice vote or --

**Senator Cruz:** I would ask for a record vote.

**The Chairman:** Recorded vote. The clerk will call the roll.

**The Clerk:** Mr. Cardin?

**The Chairman:** No by proxy.

**The Clerk:** Mrs. Shaheen?

**Senator Shaheen:** No.

**The Clerk:** Mr. Coons?

**Senator Coons:** No.

**The Clerk:** Mr. Murphy?

**Senator Murphy:** No.

**The Clerk:** Mr. Kaine?

**Senator Kaine:** No.

**The Clerk:** Mr. Markey?

**Senator Markey:** No.

**The Clerk:** Mr. Merkley?

**Senator Merkley:** No.

**The Clerk:** Mr. Booker?

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**Senator Booker:** No.

**The Clerk:** Mr. Schatz?

**Senator Schatz:** No.

**The Clerk:** Mr. Van Hollen?

**Senator Van Hollen:** No.

**The Clerk:** Mr. Risch?

**Senator Risch:** Aye.

**The Clerk:** Mr. Rubio?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Johnson?

**Senator Johnson:** Aye.

**The Clerk:** Mr. Romney?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Portman?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Paul?

**Senator Risch:** No by proxy.

**The Clerk:** Mr. Young?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Barrasso?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Cruz?

**Senator Cruz:** Aye.

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**The Clerk:** Mr. Rounds?

**Senator Rounds:** Aye.

**The Clerk:** Mr. Hagerty?

**Senator Risch:** Aye by proxy.

**The Clerk:** Mr. Chairman?

**The Chairman:** No.

**The Chairman:** The clerk will report.

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

**The Chairman:** And the amendment is not agreed to.

Are there any other amendments on this legislation?

[No response.]

**The Chairman:** If not, all those in favor of passing the Western Hemisphere Security Strategy Act, S. 3589, will say aye.

[Chorus of ayes.]

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

[No response.]

**The Chairman:** The ayes have it, and the legislation is agreed.

This completes the committee's business.

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

Without objection, so ordered.

With the thanks of the chair, the business meeting is adjourned.

**[Whereupon, at 3:28 p.m., the committee was adjourned.]**

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