

U.S. SENATE COMMITTEE ON FOREIGN RELATIONS
Business Meeting
Wednesday, September 14, 2022

BUSINESS MEETING

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

The committee met, pursuant to notice, at 2:36 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, Romney, Paul, Barrasso,
Cruz, Rounds, and Hagerty.

**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 two significant pieces of legislation, four nominees,
and a Foreign Service List. First, the Taiwan Policy Act. This bill is intended to
provide critical tools to respond to China's escalatory actions that threaten Taiwan.

As all members of this committee are aware, Beijing is seeking to establish a
new normal across the Strait. Without concerted pushback, China will continue to
engage in coercive, diplomatic, political, military, and economic steps. This legislation
will revamp our security assistance and strengthen our deterrence so that we can meet
this urgent challenge. A challenge brought on by China's increasing bellicose rhetoric
and its coercive actions and threats to "smash to smithereens" Taiwan, as China's

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defense minister put it earlier this year. The United States does not seek war or increased tensions with Beijing. Just the opposite. But if we hope to have a credible deterrence and maintain cross-Strait stability, we need to be clear-eyed about what we are facing. Yes, we need to be clear-eyed in our response.

Over the past year, our committee has given concerted attention to these issues. We have had public hearings, classified briefings, and a whole host of meetings in between. Particularly in the last several weeks, I appreciate all of the rigorous engagement with members. I want to thank Senator Risch, and your team for all of your engagement. I want to thank Senator Cardin and your staff, in particular, for your productive approach to finding common ground among members. I think the manager's package reflects much of that work, and the work of many other members of the committee on both sides of the aisle.

That said, I recognize that this bill, as with every piece of legislation, is not perfect, and that not every member, myself included, is getting everything they want. And so I offer my word to all members of this committee on both sides that I will continue to work with you on any concerns you may have coming out of today's markup. But the only way we can be effective in moving forward our Taiwan policy and deterring China from its aggressive trajectory is by showing a united front. So I hope all of you will support the bill today and continue working with me to ensure that those pieces of the bill that we all strongly support are enacted into law.

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We are also considering the State Department authorization bill. Last year's State authorization was the first in nearly 2 decades, and it was a major success. With today's markup, this committee once again is fulfilling our critical duty to make sure the Department has what it needs to carry out America's foreign policy. This bill will help bolster and advance the Department's important diplomatic work around the world and give our personnel additional tools to successfully lead and compete.

Among a few key provisions, this bill will, improve efforts to recruit and retain the best talent possible for cybersecurity, digital, and technology roles; authorize funds for internet freedom programs to help activists and human rights defenders standing up to repressive regimes, providing access to fact-based and unbiased news; further advance diversity, equity, inclusion, and accessibility through paid internships, personnel increases at the Office of Civil Rights, and improve data collection on diversity.

The bill also incorporates a number of priorities from committee members on both sides of the aisle, including by way of reference; initiatives by Senator Cardin and Hagerty to provide the Department with the tools and reforms needed to conduct diplomacy in the 21st century and training of our personnel; provisions by Ranking Member Risch to improve the Department's process for reviewing security incidents and embassy security and construction requirements, which I hope will put an end to the needless politicization that these issues have played in the past, and many others.

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So I want to thank each member for their contributions and suggestions to strengthen the Department and support its personnel.

I am pleased that we have negotiated a manager's package that includes more than 25 amendments by both Democrats and Republicans. I would like to take a minute to, again, commend the ranking member and his staff for engaging in productive negotiations throughout this process. This has allowed us to produce a bill with solid backing behind it as we move towards Senate passage, but there is a cautionary note. The key to passing State authorization is broad policy initiatives that have been included in the base text or by the manager's package. If we start adding amendments that are country specific or issue specific, it will be a death knell to the State authorization, which is why prior to last year, it took us 20 years before we could pass a bill.

However, I must also note that as we advance this bill to the Senate and potentially an NDAA, as you all know, the clearance process becomes more difficult. It is possible that the provisions we pass today, although we will fight them tooth and nail, could ultimately fall. But regardless of the path forward, by marking up and passing another State authorization bill out of the committee, we are sending a strong bipartisan message that Congress values and supports the dedicated personnel of the State Department who make sacrifices every day to serve our Nation.

Finally, on nominations. I am pleased that today's agenda includes Michael Schiffer, who has served the committee extraordinarily well in a very bipartisan

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manner. He is our Asia specialist. I hate to lose him, but he will ably act as an assistant administrator at USAID as well as a highly-qualified nominee to lead the State Department's new Cyber Bureau, Nathaniel Fick. I support both of them. I urge all our colleagues to do the same. We also have the nominations of the ranking member and Senator Leahy to serve as representatives to the U.N. General Assembly.

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

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

Senator Risch: Well, thank you, Mr. Chairman. This is an important agenda that we have today. China has been changing the status quo on Taiwan for years, and its message is clear: free, Democratic Taiwan must come under Chinese communist party authoritarian rule, regardless of what Taiwan wants. We all watched in dismay what happened in Hong Kong. We want to ensure Taiwan has a fighting chance. We must act now. If the status of Taiwan changes, it would have disastrous consequences for the U.S. economy, national security, and the entire Indo-Pacific.

Economically, China's annexation of Taiwan would endanger trillions of dollars, U.S. trade and investment, and put China in control of the primary shipping routes for top U.S. trade and partners. Militarily, China would have a platform on the first island chain and dominate the Western Pacific, enabling it to threaten nearby U.S. territories and the U.S. homeland, and providing full control over the main waterway that connects China to the West. Moreover, the consequences of Japan's security and U.S. credibility are hard to overstate. Many U.S. allies and partners fear Taiwan is just

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China's first step. China has been taking other aggressive steps for some time, setting up air defense zones that overlap Korea and Japan, intimidating commercial shipping through the South China Sea, and changing regional countries' access to their own waters.

That is why this bill is necessary. I am glad it includes important elements of my Taiwan Deterrence Act. First, a foreign military financing program for Taiwan. This accelerates Taiwan military reform and expands training for the Taiwanese military using realistic scenarios. Second, identifying ways to expedite Taiwan arms sales and establishing a war reserve stockpile for Taiwan, like the one we have with Israel. Finally, working with Taiwan on civilian defense and reserves.

I want to make one thing clear: this bill does not change U.S. policy towards Taiwan. Our One China policy does not take a position on Taiwan sovereignty, but, instead, emphasizes that any resolution of the issues between China and Taiwan must be resolved peacefully and with the free will of both parties. The Taiwan Resolutions Act also makes clear that our assurance to maintain Taiwan's defense capability is at the center of our relationship with Taiwan.

We must be proactive on Taiwan now, get ahead of a future crisis, and give Xi Jinping reasons to think twice about invading or coercing Taiwan. The future of U.S. economic and national security in the Indo-Pacific depends on it. I want to underscore what the chairman said. I could not agree with him more than on this issue, unit is absolutely critical. It will be weighed and measured by the Chinese.

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On the State Department authorization, I would like to start by thanking the chairman and his staff for the energy and effort they put into getting to "yes" on this bill. These types of authorizations are always compromises and never perfect, and no one gets everything they want as was shown by the many years that we went without such an authorization. I am glad to have been able to work with the chairman on this. That said, I am very pleased to have the Diplomatic Support and Security Act, which I partnered and worked with Senator Murphy on, and my update to the Secure Embassy Construction and Counterterrorism Act, and those be included in the text. And I appreciate the chairman's remarks in that regard.

These have the potential to make a generational change at the State Department, recalculating the Department's risk balance while saving the taxpayer potentially billions of dollars. Moreover, this bill better hold the Department accountable for providing Congress with the information needed to provide robust oversight. I have been very vocal for the last several years of my displeasure with how the State Department has waived certain privileges and immunities for our diplomats in China in order to kowtow to Beijing's COVID madness. My provisions in this bill will go a long way in making sure that never again will the Department be able to legally, at least, hide the ball from Congress on something as vital to diplomacy as the diplomatic status that keeps our people abroad safe.

For these reasons, I strongly support this bill, even while acknowledging that it isn't perfect. None of us get everything that we want, but we all got enough to get to

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"yes," and hopefully that leads to more effective diplomacy and a more efficient and secure State Department.

I ask that the members of the committee be permitted to submit requests to the clerk in writing to be recorded as a "no" on any item on today's agenda. Lastly, I would like to state for the record I am planning to vote for all the nominees on agenda. However, I will not be voting on my own nomination, not because I have questions about the qualifications --

(Laughter.)

Senator Risch: -- but rather because ethics so dictates. Thank you, Mr. Chairman.

The Chairman: All right. Well, I will vote for you.

Senator Risch: Thank you. Somebody call *Guinness World Book of Records*.

(Laughter.)

The Chairman: So thank you, Senator Risch. We really appreciate all of your work. So let me start off to consider en bloc all the nominations and the FSO list noticed for this meeting. There is an FSO list for nominees, including our two colleagues.

Is there a motion to approve these nominations en bloc?

Senator Cardin: So move.

The Chairman: So moved. Is there a second?

Senator Shaheen: Second.

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The Chairman: It is moved and seconded. Does anyone wish to speak to any of the nominations? Senator Hagerty.

Senator Hagerty: Mr. Chairman, I would just like to reflect my respect and admiration for Michael Schiffer. I had the benefit of working with him when I served in the executive branch. Very competent professional. Like you, I will miss him on this committee, but I wish him the very best.

The Chairman: Thank you. Anyone else? Senator Markey.

Senator Markey: I would like to speak on behalf of Senator Risch. I think he is well qualified.

(Laughter.)

Senator Risch: What a wonderful team.

Senator Markey: -- dedication to developing your expertise.

Senator Risch: Thank you. I appreciate that.

The Chairman: I do not think you will see yourself in an ad in Idaho, so --

(Laughter.)

Senator Risch: Oh, I hope not.

The Chairman: Very nice.

(Laughter.)

The Chairman: Anyone else?

(No response.)

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The Chairman: If not, the motion has been made and seconded to vote for the nominations en bloc.

All those in favor, say aye.

[Chorus of ayes.]

The Chairman: All those opposed, say no.

[No response.]

The Chairman: The ayes have it. A majority of members present, having voted in the affirmative, the ayes have it. The nominations are agreed to.

Senator Risch: Mr. Chairman, please record me as not voting on my own, but voting "yes" on the other three.

The Chairman: And Senator Risch shall be recorded as abstaining on his own nomination.

So now we will move first to the State Department Authorization Act of 2022. Without objection, we will consider S. 4653, the Department of State Authorization Act of 2022. First, I would like to entertain a motion to adopt the manager's package. Is there such a motion?

Senator Cardin: So move.

The Chairman: So moved. Seconded?

Senator Shaheen: Second.

The Chairman: Seconded. Does anyone wish to speak on the manager's package?

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[No response.]

The Chairman: If not, all those in favor will say aye.

[Chorus of ayes.]

The Chairman: All those opposed will say no.

[No response.]

And the manager's package is agreed to.

Now, if there are amendments on State Auth, just as we did on the USICA, which helped us get through it effectively, I will call on each of you in order of seniority on the committee, alternating between majority and minority members. When we call upon you, please indicate whether you wish to call up one amendment, and we will do multiple rounds, if necessary. I am going to try to limit it to 5 minutes in order to get through this and to the Taiwan legislation. So with that, Senator Cardin, do you have any amendments?

Senator Cardin: Well, Mr. Chairman, first, let me thank you for including in the manager's package four amendments that I had noted. I will not go through all four of these, other than the one with Senator Hagerty from our subcommittee that deals with the training. We appreciate this being included in the manager's package, and I have no additional amendments.

The Chairman: Thank you. Senator Risch?

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Senator Risch: I want to likewise say that I appreciate the work that we did on this. What I wanted is in the manager's package. Obviously, I had to give things up to get there, but I did, and as a result of that, I would accept the manager's package.

The Chairman: Thank you. Senator Shaheen, do you have any amendments?

Senator Shaheen: I do not have any in the manager's package. I have one I would like to call up.

The Chairman: Yes.

Senator Shaheen: But is that -- is now the appropriate time?

The Chairman: Yes, this is the appropriate time.

Senator Shaheen: Okay. Actually there are two that I would like to call up and speak to, and one I would withdraw. The first would codify the Office of Global Women's Issues at the Department of State. And, again, I appreciate that this has been a point of contention, but it really should not be because the Office of Global Women's Issues is designed to look at our foreign policy and address half of the world's population -- women -- and to try and consider the economic well-being of women throughout the world. When the previous Administration was in office, this committee voted for an ambassador to the Office of Global Women's Issues. My recollection is that that was not controversial at all, and so I am hard pressed to understand why we have had so much trouble authorizing this office permanently, particularly given what we know are the challenges that women and children face as

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the result of COVID worldwide. Women are the most impacted by war in general, and the conflicts that are going on.

And so having this office staffed, and I appreciate that position that our colleagues have had to the nomination of Geeta Gupta and have opposed that, but that is really based, I believe, on misinformation because this office is not about health issues for women. That is dealt with other places in the State Department. This office is about the well-being of women around the world. And one of the things that we know is that when we empower women, not only do their families do better, but their communities and their countries do better. They are more stable, and so it is good policy to do this.

And, Mr. Chairman, again, I appreciate that this has been an issue that has produced some controversy in the committee, so I am going to withdraw the amendment, but I would certainly hope that in the next Congress, we are able to permanently authorize the Office of Global Women's Issues because I think it is in our country's interest to do that. So I will withdraw the amendment, but I hope that people will consider this issue in the future.

The second amendment that I would like to call up, if I can find my notes here -- is the Shaheen Modified First Degree Amendment Number 3, which would advance the Global Respect Act. This amendment is based on legislation that was introduced with four members of this committee. Senators Portman, Murphy, Markey, and Merkley are all co-sponsors of this legislation, and there is strong bipartisan support from

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other members in the Senate. The amendment would do three things. It would, first, require the executive branch to send Congress a list of foreign persons complicit in inhumane treatment of LGBTI individuals. Second, it would deny or revoke visas to individuals placed on this list and require the State Department to designate a senior officer responsible for tracking this violence. And I think it is very important that we make clear to countries around the world that behavior that intimidates LGBTI individuals is unacceptable, and visa blocking sanctions would send a very strong message to deter these human rights abuses. So thank you, Mr. Chairman.

The Chairman: Thank you. Anyone else wishing to speak on the amendment?

Senator Paul: I just have a question. Is it a human right for minors to surgically or medically change the appearance of their sex?

Senator Shaheen: I understand that there are philosophical differences about this issue. What I am suggesting is that everybody should be treated the same, and that for those countries that do not – that treat people bad that --

Senator Paul: When I think on things like respect, respect your personal decisions, you would not find any disagreement. But that is why something like when you say something is a human right, it is important to know what they are. That is why we have some of these debates over things human rights because there is, you know, a great deal of difference on whether or not we think, you know, a 12-year-old can make these decisions, or a 14-year-old can make a decision to have their breasts removed or to have their, you know, female genitalia removed, so I do not know.

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I mean, if we are unsure whether it is a human right, it clouds the decision about, you know, voting on respecting adults for being whatever they want to be. I am all for that, but I am a little concerned that there are people now advocating, including the head of our HHS is advocating that minors should not have to ask parents for permission. If the parents object, the minor should be allowed to make these life-changing decisions.

Senator Shaheen: I do not know what position the Secretary at HHS has taken on this. This legislation does not address that. It addresses our efforts to ensure that all people are treated with respect by the countries in which they live.

Senator Paul: If it were a sense of the Congress, if you were willing to change it to be a sense of the Congress that we should have respect for all people and that kind of thing, I would be for it. I guess if it is unknown what human rights we are talking about, whether or not a minor has the right to change the appearance of their sex surgically without their parents' permission, whether that is a human right, then, again, you know, I would have to vote "no" on that.

Senator Shaheen: But this amendment is not suggesting that, Senator Paul.

Senator Paul: Well, no, some people do believe you have a human right to make a surgical decision on the appearance of your sex as a minor. I mean, this is a huge debate going on in our country and elsewhere. If we condemn people, we have no condemning them. If you think, well, we are going to condemn people who throw people off of buildings, I am there. That is a terrible thing. I would say I do not want

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those people visiting our country either, but if it is a conservative Christian nation that says, my goodness, we do not think that minors should be making a decision on removing their genitalia without their parents or against their parents' permission, you know, then that is a completely different thing we are talking about.

Senator Shaheen: Well, we are talking about internationally-recognized human rights. So the amendment is not suggesting that --

Senator Paul: Once again --

Voice: Let her talk.

Senator Shaheen: we should make those decisions. We are saying that -- I am -- I think this amendment is saying that we think it is important as a value for us to speak out for the protection of those people who are being seriously discriminated against and losing their lives in some countries.

The Chairman: All right. Senator Risch?

Senator Risch: Mr. Chairman, I am going to vote against this amendment. I know Senator Shaheen is very well-intentioned on this, but I think because of the unclarity of this issue, as I think Senator Paul's question probably underscored, it draws a lot of controversy. And the biggest problem is there was a House companion of this on a similar nature that passed the House only by a very razor-thin margin. And I do not -- I think we need to pass this thing clean as we have -- the Chairman and I have negotiated it. So for that reason, I am going to be voting against this amendment.

The Chairman: Anyone else? Senator Merkley?

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Senator Merkley: Yeah, Mr. Chairman and members, as I am reading the act here, it really is focused on attacks on LGBTQI individuals. And it notes that "Thousands of individuals around the world are targeted for harassment, attack, arrest, and murder on the basis of their sexual orientation or gender identity. Those who commit crimes against those individuals do so with impunity. Often they are not held accountable." It is not wandering into the categories justified by my colleague. I think this is really an important value for us to address. I strongly support it, and I thank you, Senator Shaheen.

Senator Markey: Would the senator yield?

Senator Merkley: Yes.

Senator Markey: I just want to add onto it. The text actually relates to torture, ill treatment, prolonged detention, disappearance, abduction, flagrant denial of rights.

The Chairman: Anyone else seeking --

Senator Markey: And I intend to vote for the amendment.

The Chairman: Anyone else seeking to be recognized on this subject?

[No response.]

The Chairman: I will just close it then. First of all, I want to thank my friend from New Hampshire for elevating an important issue. I have read the text of her amendment. I see nothing to suggest giving certain unique rights to under-aged individuals in this regard. It is absolutely not in her amendment. But we do know that LGBT people around the world continue to face discrimination, violence, and

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bigotry. In nine countries, same sex relations are punishable by death. This amendment would require the administration to impose sanctions on designated foreign persons responsible for gross violations of human rights against LGBTQ individuals. I think that we could just stand united in making that statement, and I support the amendment.

With that, does the senator seek a voice vote or a recorded vote?

Senator Shaheen: I am happy with a voice vote.

The Chairman: Okay.

Senator Risch: I would ask for a recorded vote, please.

The Chairman: Senator Risch asks for a recorded 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.

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The Clerk: Mr. Markey?

Senator Markey: Aye.

The Clerk: Mr. Merkley?

Senator Merkley: Aye.

The Clerk: Mr. Booker?

Senator Booker: Aye.

The Clerk: Mr. Schatz?

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: Aye by proxy.

The Clerk: Mr. Paul?

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Senator Paul: No.

The Clerk: Mr. Young?

Senator Risch: No by proxy.

The Clerk: Mr. Barrasso?

Senator Barrasso: No.

The Clerk: Mr. Cruz?

Senator Risch: No by proxy.

The Clerk: Mr. Rounds?

Senator Rounds: No.

The Clerk: Mr. Hagerty?

Senator Hagerty: No.

The Clerk: Mr. Chairman?

The Chairman: Yes.

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

The Chairman: And the amendment is agreed to.

The next person present, Senator Romney, do you have any amendments to offer?

Senator Romney: I do not.

The Chairman: Okay. Senator Coons, do you have any amendments you wish to offer?

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Senator Coons: No amendments. Thank you for your hard work on this with the ranking member. I appreciate the inclusion of a number of important issues in the manager's package.

The Chairman: Thank you. Senator Paul, you have an amendment you wish to offer?

Senator Paul: This is Paul First Degree 2. This would amend Title VII and the following: "a prohibition instead of funding certain overseas activities of the Department of State, of the USAID." Most Americans would be horrified if they knew how their tax dollars were being spent overseas. Examples of wasteful spending overseas are practically endless. With our national debt over \$30 trillion, the American people likely find it insulting that the State Department spent \$150,000 to train Kenyan artists and to identify upcoming artists and performers, train them in arts, entrepreneurship, and give them the need to be able to succeed in the industry. The State Department also spent \$30,000 to put up or put on six performances of a play in Dubai addressing a social issue of the grantee's choice. As if those examples were not enough, it may shock taxpayers to or learn that the State Department paid \$200,000 to put together at least 12 virtual book clubs, lasting from 1 to 3 years -- that is a long book club -- with a minimum of 15 Afghans and 15 Pakistanis they teach.

My amendment prohibits the State Department and USAID from wastefully spending money on foreign classes for artists, performers, theatrical plays, and book

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clubs. There are plenty of other examples of waste I could point to, but my amendment only targets the most egregious forms of waste that the American people have up to now been forced to pay for. And I would request a recorded vote.

The Chairman: Thank you. Anyone else wishing to be heard on the amendment?

[No response.]

The Chairman: If not, the amendment would prohibit the State Department and USAID from funding a slew of important activities, such as clean energy programs, prevention of hazardous waste incineration, critical democracy and public diplomacy programs, for future foreign leaders. I appreciate the senator's continuing concerns about waste, but the fact is that many of these activities bring value to our foreign policy to the nation where the activities take place. This would cut student exchange programs that allow future leaders to travel to the United States to learn about the importance of democracy, civil society, and good governance. So for those reasons, I will be voting no on the amendment, and I urge my colleagues to do the same. The senator asked for a recorded vote.

Senator Paul: One brief follow-up. The amendment only lists three categories: holding classes for arts and performers, staging theatrical plays, and hosting book clubs.

Senator Rounds: May I have a point of clarification?

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The Chairman: If you look at page 2 of your amendment, also does so subsidizing a green energy program, subsidizing foreign chambers of commerce. Is that -- which amendment is that?

Voice. It is this one.

The Chairman: I am sorry. There was another amendment. I am sorry. That is the wrong version. Okay. I still oppose it. I believe that the engagement on these grounds are incredibly important in our foreign policy. Does the senator want a recorded vote?

Senator Paul: Please.

The Chairman: The clerk will call the roll.

The Clerk: Mr. Cardin?

Senator Cardin: No.

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?

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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: Aye.

The Clerk: Mr. Rubio?

Senator Risch: No by proxy.

The Clerk: Mr. Johnson?

Senator Risch: Aye by proxy.

The Clerk: Mr. Romney?

Senator Romney: Aye.

The Clerk: Mr. Portman?

Senator Risch: Aye by proxy.

The Clerk: Mr. Paul?

Senator Paul: Yes.

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The Clerk: Mr. Young?

Senator Risch: Aye by proxy.

The Clerk: Mr. Barrasso?

Senator Barrasso: Aye.

The Clerk: Mr. Cruz?

Senator Cruz: Aye.

The Clerk: Mr. Rounds?

Senator Rounds: Aye.

The Clerk: Mr. Hagerty?

Senator Hagerty: Aye.

The Clerk: Mr. Chairman?

The Chairman: No.

The clerk will report.

The Clerk: Mr. Chairman, the yeas are 10, and the noes are 12.

The Chairman: And the amendment is not agreed to.

Senator Murphy, do you have any amendments?

Senator Murphy: No amendments.

The Chairman: Okay. Thank you. Senator Barrasso?

Senator Barrasso: No.

The Chairman: Senator Kaine?

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Senator Kaine: I do have one. First, I will withdraw Kaine First Degree 2, and I will call up Kaine First Degree 1. This is a bill that we earlier passed in this committee by a 21 to 1 vote. It was Senate Joint Resolution 17, which was the bipartisan bill to prohibit a President from unilaterally withdrawing from NATO. I would like to add to the State Department authorization bill. We don't need to repeat the debate that we had in March on this matter.

The Chairman: Anyone wishing to be heard on the amendment?

Senator Rounds: This is Kaine Number 1?

Senator Kaine: Yes, Kaine First Degree 1 concerning the Senate Joint Res. 17 into the State Department authorization.

Senator Risch: Mr. Chairman?

The Chairman: Senator Risch.

Senator Risch: Would Senator Kaine yield to a question?

Senator Kaine: Yes. Yes.

Senator Risch: I did not realize this one was going to be on here. Does this have the language in it that clarifies that this language applies only to this treaty --

Senator Kaine: Yes.

Senator Risch: -- and not to all of them?

Senator Kaine: Part of that discussion was whether we should make this only about NATO withdrawal or withdrawal from any treaty, and it is just limited to a NATO withdrawal.

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Senator Risch: Just limited. Okay. Thank you. Thank you, Mr. Chair.

The Chairman: Anyone else wishing -- yes. Senator Rounds.

Senator Rounds: Yeah, just a question for the Senator. If I am reading the correct one, it would require a two-thirds vote to withdraw, but question is, and I am assuming that you thought this all the way through, if this requires a two-thirds vote, that would mirror what is found in the Constitution to --

Senator Kaine: Enter.

Senator Rounds: -- enter into it.

Senator Kaine: Mm-hmm.

Senator Rounds: But the reason for the two-thirds vote is because it is by constitutional directive. Would it not be -- even if we put within a statute a two-thirds requirement, simply the term "notwithstanding" would be included in any majority vote to withdraw with a majority vote from a treaty that we are talking about.

Senator Kaine: Yes. The bill -- actually, it is in the alternative, so the version that we passed in March was the alternative. A President could not withdraw from NATO, which was ratified by two-thirds vote in the Senate, except by and with the advice and consent of the Senate, provided that two-thirds of the senators present concur, or pursuant to an act of Congress. So a President could not do it on his or her own, but if a President wanted to withdraw from NATO, it would either require two-thirds vote in the Senate to withdraw or two-thirds vote to ratify, or an act of Congress.

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And it is just to make the point that having -- the fact that we got into this with a Senate ratification, a President could not unilaterally withdraw.

The Chairman: And an act of Congress would obviously be 60 --

Senator Rounds: Fifty, well.

The Chairman: Well, 51, but 60 if it was subject to a filibuster.

Senator Kaine: And this was a matter, just to refresh from March, the Supreme Court had this case before it in *Goldwater v. Carter*. In the 1970s, President Carter withdrew from the from a Taiwan treaty, actually. Senators Goldwater and others challenged it in the court system, saying you did this unilaterally -- do not come to Congress. And the Supreme Court dismissed the case saying it is a political question for the branches to revise among themselves. And in that case, the Court said the fact that Congress expressed no -- in no formal way disagreement with the Carter policy, it was said, hey, you guys work it out. So the Supreme Court has said in that case that it is up for the executive and the legislature to work out the question of withdrawal from treaties.

Senator Rounds: Thank you.

The Chairman: Anyone else?

Senator Paul: Mr. Chair?

The Chairman: Yes, Senator Paul.

Senator Paul: I will make this point just briefly because we have this discussion before. The Constitution gave the treaty-making power to the Senate. We

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are all trained in treaty-making power that was given to the Senate by asking the House. So we pass a bill the House will vote on, the Senate will vote on, all trained in treaty-making power that was given exclusively to the Senate. I think it is unconstitutional and it will fail in court.

The Chairman: I strongly support Senator Kaine's amendment, passed the committee virtually unanimous. I think it makes eminent sense. Senator --

Senator Kaine: A voice vote is fine.

The Chairman: A voice vote?

All those in favor of the Kaine Amendment will say aye.

[Chorus of ayes.]

The Chairman: All those opposed will say no.

Senator Paul: No.

The Chairman: The ayes have it, and the amendment is agreed to.

Senator Paul: Can I be recorded as "no," please?

The Chairman: And Senator Paul shall be recorded as a "no."

All right. Did I call upon Senator Barrasso? Do you have any amendments to see if you have any amendments?

Senator Barrasso: Yes.

The Chairman: I did. Okay. So Senator Cruz is next.

Senator Cruz: I want to call up Cruz 3. This committee is well aware of the back and forth when it has happened concerning the Iran nuclear deal. At the

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beginning of this year, on February 4th, the Biden administration granted a waiver for international work on seven civil nuclear projects in Iran. At the time, we were told that whatever the wisdom was of those individual projects, the goal was to facilitate reentry into the Iran deal. It was one of many concessions made up front by the administration that squandered American leverage at the outset with the promise of yet more concessions on the back end.

This administration seems desperate to return to a deal which I think would substantially undermine the national security of the United States. Even despite a willingness to concede almost anything, they still have yet to be able to reach a deal. And if the Biden administration succeeded, these waivers, I think, would be affirmatively harmful. They legitimize Iran's nuclear program. They allow Iran to keep facilities open that we know they are using to build their way to a nuclear arsenal, all the while under an active investigation from the IAEA. And additionally, they serve as a gift to Putin and the Russian nuclear program. The country that uses these waivers to sell technology to Iran is Russia, and there are tens of billions of dollars at stake that Russia is making because of these waivers given by the administration.

It finances Putin and creates a massive hole in our Russia sanctions, obviously right in the middle of a critical time with the war in Ukraine. And nevertheless, just last month, the Biden Administration yet again renewed these waivers. I think that does not make any sense. My amendment rescinds the waivers, and I urge my colleagues to vote yes.

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The Chairman: Senator Cardin?

Senator Cardin: I am going to oppose Senator Cruz's amendment, and I thank you. We share a concern about Iran. We share a concern about the use of sanctions and the waivers. We do not know whether the administration is going to react the JCPOA or not, but we do know if they do, it is going to come under INARA. We are going to have a chance to review and a statute that we created for congressional review. That is where this process should be taken up, and your amendment really modifies the law that we have in place today dealing with the review, prejudging a review before we even get to it. So I would oppose your amendment.

The Chairman: Any other members seeking recognition?

[No response.]

Senator Cruz: So I will say in brief response to Senator Cardin's comments that the waivers are in place. The administration has put them in place. And so Senator Cardin's suggestion that if there is ultimately a deal, it will come before this body under INARA. I hope that is right, although the administration has not been unequivocal on that, but I hope that is right. The State Department legal advisers had a theory to avoid INARA. I hope they do not try to go down that road.

But INARA is not the vehicle to review the waiver of the civilian nuclear way because that has already happened. That exists right now with or without a JCPOA. The administration has entered those waivers and just reissued those waivers, and I would point out this is while the Iranian regime is actively and aggressively trying to

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murder former senior U.S. officials, including the former Secretary of State, including the former national security advisor, including the former assistant secretary of state.

We all heard in front of our committee Secretary of State Blinken testified that State is spending \$2 million a month in security to protect former senior officials. And the idea that we would be giving them waivers, facilitating nuclear technology into their country while they continue to actively try to murder senior officials. And I got to say the exchange that Secretary Blinken and I had when I asked is it true that your negotiators asked them would you stop trying to murder senior U.S. officials, and they said, no, we are going to continue trying to murder them and you continued negotiating, I think it is very difficult to justify giving them a multibillion-dollar discretionary waiver. And so this amendment revokes that waiver.

Senator Risch: Mr. Chairman?

The Chairman: Senator Risch?

Senator Risch: Briefly. Look, I am going vote for this, and I got to tell you, as much as I would go further than this, to be honest with you. The frustration I have had in dealing with this Iran situation is just -- it is one of the strongest frustrations I have had since serving on this committee. On this committee, we all agree to the bottom line and what should happen, but being able to get there, we go through this whiplash politically. And, frankly, I am sure glad the Iranians have not agreed to sign, and I hope that continues.

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This should not be under a congressional act, a review or anything else. This is a pure, unadulterated treaty. If this is not a treaty, nothing is a treaty, and it should come here, and it should come for a two-thirds vote. But be that as it may, it is just incredibly frustrating. Thank you, Mr. Chairman.

Senator Romney: Mr. Chairman?

The Chairman: Senator Romney?

Senator Romney: I would like to also speak in favor of Senator Cruz's amendment. I strongly agree with the points that he has made. I would also note that I do not think this weakens the President's negotiating hand. I think it strengthens his negotiating hand. I think it lets the negotiators understand that the Senate feels very strongly that we should not bend as we have, and that they ought to move if they want to get a deal done. I agree with him. I do not want to get another deal done, but one thing is for sure. We should not be allowing this subsidy going on for Russia and, for that matter, for Iran given the malevolent activities being carried out right now. Thank you, Mr. Chairman.

The Chairman: Thank you. Anyone else?

[No response.]

The Chairman: If not, I will close this debate. I clearly voiced my opposition to the 2015 JCPOA, and I have voiced my serious concerns about re-entering what I understand to be the nature of this agreement. However, this amendment seems to be targeted towards that effort, but it goes further by tying the hands of any

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Administration that might seek a more comprehensive and stronger arms control agreement with Iran. It strips the waiver authority that might make possible nonproliferation benefits of such an agreement, like shipping out Iran's high enriched uranium out of intervention. It also sets a precedent for amending sanctions-related laws, in this case removing the regional and national security waiver, after the fact and through other bills.

So for all those reasons, I am going to vote no, and I would tell my friend that the administration has publicly made the commitment that should they enter an agreement, it will be submitted to Congress via INARA, and I will hold them to that.

With that, do you seek a recorded vote?

Senator Cruz: Please.

The Chairman: The clerk will call the roll.

The Clerk: Mr. Cardin?

Senator Cardin: No.

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?

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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: Aye.

The Clerk: Mr. Rubio?

Senator Risch: Aye by proxy.

The Clerk: Mr. Johnson?

Senator Risch: Aye by proxy.

The Clerk: Mr. Romney?

Senator Romney: Aye.

The Clerk: Mr. Portman?

Senator Risch: Aye by proxy.

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The Clerk: Mr. Paul?

Senator Paul: No.

The Clerk: Mr. Young?

Senator Risch: Aye by proxy.

The Clerk: Mr. Barrasso?

Senator Barrasso: Aye.

The Clerk: Mr. Cruz?

Senator Cruz: Aye.

The Clerk: Mr. Rounds?

Senator Rounds: Aye.

The Clerk: Mr. Hagerty?

Senator Hagerty: Aye.

The Clerk: Mr. Chairman?

The Chairman: No.

The clerk will report.

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

The Chairman: And the amendment is not agreed to.

Senator Markey, do you have any amendments, State Department?

Senator Markey: I have no amendments. Thanks to staff for their good work, including the language on the critical limited supply chain. I appreciate their work.

The Chairman: Senator Rounds?

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Senator Rounds: Thank you, Mr. Chairman. I appreciate the cooperative work being done on Rounds 1 and 2 and it being incorporated already. Rounds 3, I will withdraw at this time as per our agreement.

The Chairman: Thank you. Senator Merkley?

Senator Merkley: I am all good, and thank you for the very collaborative work of your team.

The Chairman: Thank you. Senator Hagerty?

Senator Hagerty: I just appreciate the good cooperation between our staffs, Senator Cardin, and very much look forward to seeing this bill pass.

The Chairman: Senator Booker, any amendments?

Senator Booker: I just want to say I am going to withdraw Booker 1, but I do want to thank Senator Cardin and Senator Sanders for working with me on establishing an office to monitor and combat islamophobia, and for its creating of a special envoy for monitoring islamophobia. As we all know, Muslims around the world are facing extraordinary persecution from Myanmar, from Xinjiang. We are a body, I think, in a bipartisan way, which is concerned about religious persecution. We are seeing it in significant ways, and I am hoping that we can work to get this position established.

The Chairman: Senator Schatz?

Senator Schatz: No amendments, thank you, Chairman.

The Chairman: Senator Van Hollen?

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Senator Van Hollen: Mr. Chairman, Ranking Member, first of all, thank you and your staffs for your cooperation on a number of amendments that are already part of the State Department authorization bill in the manager's amendment. I appreciate that. I have an amendment. I want to talk about it. We have an understanding, and I will not ask for a vote on this amendment, but I would like, Mr. Chairman, your good faith efforts going forward on this issue. The amendment is the Visa Waiver Program country requirement. I think everybody around this table knows that we work to try to enter into visa waiver programs with countries to facilitate traffic to the United States and U.S. travel overseas.

At the heart of that relationship is security but also reciprocity, and this amendment is pretty simple if you take a look at it. It just says if you become part of the United States Visa Waiver Program, that country cannot discriminate against American visitors to that country based on race, or ethnicity, or religion, or anything else. They cannot discriminate because you are African American, Hispanic American, or any other kind of American. That is the heart of this, and I think it is very important that as a country we make it very clear that we are all red, white, and blue.

Now, there are a number of countries seeking participation right now. I will tell you this particular language arose because many of us have been hoping and trying and, like, want Israel to become a part of the Visa Waiver Program. But within the last month, the military administration, Israeli Military Administration over at the West

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Bank has put in force some rules that dramatically restrict visitors to the West Bank. Our ambassador, Tom Knight, has expressed his concern about it.

That is one issue. The issue is American visitors and whether an American visitor would be discriminated against based on their ethnicity or race. And if you look at them in their current state, it is pretty clear to me that if you are a Palestinian-American, you will have different treatment if you want to travel to the West Bank, than if you are another American who wants to go visit a settlement on the West Bank. That is not reciprocity. That is unequal treatment of American citizens based on their ethnicity.

So I am not going to offer this for a vote, Mr. Chairman. I think it is an important issue. I want more countries, including Israel, to be part of this program, but equal treatment and reciprocity is at the heart of this program, and no American should be treated any differently than any other. I will not pursue the amendment.

The Chairman: Well, I appreciate the senator withdrawing at this time, and I also appreciate the sentiment expressed in Senator Van Hollen's amendments. American citizens should not be subject to discriminating entry restrictions on the basis of ethnicity or for any other reason in that regard. Reciprocity means that Americans must enjoy the same ease of entry that we grant any partner nation, so I support his effort to engage the administration on this and work closely with you and with them to resolve any issues of reciprocity.

Senator Van Hollen: Thank you, Mr. Chair.

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Senator Merkley: Mr. Chairman?

The Chairman: Senator Merkley.

Senator Merkley: I would just like to applaud the senator, the view he just expressed, and that Chris Van Hollen has expressed about discrimination against affected classes. We have to stand up for all Americans. We stand up against discrimination at home. We have to stand up against discrimination against American citizens abroad. Thank you.

The Chairman: Thank you. Now, I have gone around the table once, and I think it might be more propitious to ask, and we will do it by seniority, whether anyone else has an amendment for the State Department authorization.

[No response.]

The Chairman: If not, then -- just to make sure we got the right language here. The question is on the motion -- first, is there a motion to approve S. 4653, as amended?

Senator Cardin: So move.

The Chairman: So moved, and seconded?

Senator Shaheen: Second.

The Chairman: All those -- is it -- do we have an agreement on a voice vote?
Okay.

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 legislation is approved and sent to the Senate. Those who wish to be recorded as a "no?" Senator Barrasso, Senator Paul, Senator Rounds shall be recorded as "noes." Okay. An important piece of legislation.

Now let us move, and I ask members to hang in there because I know we are not having any votes on the floor, so hopefully we can keep our quorum. I know there will vigorous debate on some of these things.

Without objection, I would like to consider the substitute amendment for S. 4428, the Taiwan Policy Act, a bill to support the security of Taiwan and its right of self-determination, and for other purposes.

Is there a motion to adopt the manager's package?

Senator Shaheen: So move.

The Chairman: So moved. Is there a second?

Senator Shaheen: Second.

The Chairman: Second. A motion has been made and seconded. Is there any debate on the manager's package?

[No response.]

The Chairman: If not, all those in favor will say aye.

[Chorus of ayes.]

The Chairman: All those opposed will say no.

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[No response.]

The Chairman: The ayes have it, and the manager's package is approved.

Again, we will follow the same process for amendments, and we will begin with Senator Cardin if you have any amendments.

Senator Cardin: Well, Mr. Chairman, first of all, I want to thank you for your openness to work with many of us to look at ways that we could deal with what we thought were legitimate concerns expressed by the administration and some concerns that individual members of this committee had that were, we thought, detracted from the main purpose of this bill to strengthen our resolve with Taiwan against China's potential use of force in regards to Taiwan. And I appreciate the fact that most of the suggestions I made have been incorporated in the manager's package. I am satisfied, and I will be offering no further amendments.

The Chairman: Thank you. Senator Risch?

Senator Risch: None, thank you.

The Chairman: Senator Shaheen?

Senator Shaheen: None. Thank you.

The Chairman: Senator Romney?

Senator Romney: None.

The Chairman: Okay. Senator Coons?

Senator Coons: Mr. Chairman, I just wanted to commend you for working so closely with a dozen members to include what would have otherwise been

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amendments to adopt a manager's package that strengthens and clarifies that while we are continuing to respect the One China policy, we are strengthening and enhancing our engagement with the authorities in Taiwan. And I have no further amendments.

The Chairman: Thank you. Senator Paul.

Senator Paul: Paul First Degree 2. While I don't doubt the sincerity of those who wish to deter China, nor do I disagree with the objective of deterring China, I think the fundamental question of whether or not this will deter China or provoke China is a question that we skip over. We often think that if we just tell them what to do and put sanctions on them, then that is what they will do, but often countries react as children, and we see the reverse psychology of a country who says, well, you know, this is China. We think in centuries. We are a 5,000-year-old country, and when you provoke us, are we going to say, well, yeah, you are right, and we are going to quit having controls around Taiwan, and we really just think you are right. The fact is you are right. We are just going to not be [inaudible]. There is a possibility they react in the opposite way.

This is an amendment. None of us knows this, and so I think we should not quickly jump to the conclusion that what we are actually for, even all having the same goal, will actually be the outcome of what comes from this. We do know that we have had the Taiwan Relations Act for 40 years. It is an unusual sort of dance. It is an unusual diplomatic sort of arrangement that we talk about of strategic ambiguity. But

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we do know this: China has not attacked Taiwan in over 40 years. Hence, the Taiwan Relations Act.

So the question is, is changing the Taiwan Relations Act towards a posture of strategic clarity bringing us further away or closer to the goal of preventing China from invading Taiwan? Will bellicose barbs and admonitions serve to cow the Chinese or merely act as an irritant? For 4 decades, the philosophy of strategic ambiguity has undergirded our China policy. The U.S. is not obligated to defend Taiwan. However, it maintains the capability to do so and probably will.

According to Doug Bandow at Cato, "Taiwan cannot take U.S. support as a given" -- that is, again, part of the ambiguity -- "and, therefore, will not do anything reckless, and that China cannot be sure that America will not send in the cavalry and, therefore, will not take any chances." Strategic ambiguity, therefore, has a deterrent element to dissuade China from military action. The danger of moving to strategic clarity is that U.S. policy loses some element of deterrence. If the U.S. announces strategic clarity prior to establishing the actual capability to deter China, China may be encouraged to take action before the U.S. and Taiwan can defeat them in the future. In effect, moving to strategic clarity could make it more and more likely when war could have been averted.

Peter van Buren, an author and former Foreign Service officer, wrote recently in an article in *The American Conservative*, and he argues that, "The risk of moving to strategic clarity is that we will talk ourselves into a crisis. The blathering about

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inevitability goes on, mutual demonization increases, and the policy response moves from prevention to war preparation." Amending the Taiwan Relations Act, therefore, threatens to abduct the contest and strategic ambiguity of the past 4 decades. The bill provides Taiwan with arms conducive to deterring acts of aggression by the People Liberation Army maybe, or maybe it just pisses them off, you know? We do not know what the conclusion or what will the reaction be. Are they going to read this and be cowed by our language?

It also directs the Secretary of Defense to review the U.S. strategy to defend Taiwan. It also directs the United States to make available weapons that enable Taiwan to implement a strategy to deny and deter acts of aggression. These changes to current policy may make war more likely, not less, and that is bad news for the United States. According to Niall Ferguson, a senior fellow at the Hoover Institute, "In all recent Pentagon movements on Taiwan, the United States seems [inaudible] to China. China is a country with economic power, a growing military, and has alliances with our own adversaries." This is not a time to radically change longstanding policy that has preserved peace without an appreciation for the dire consequences it may cause. I respectfully urge my colleagues to vote against this legislation.

This particular amendment would strike Section 204, which particularly has to do with the \$6.5 million that, frankly, we have to borrow from China to give to Taiwan. So that what the vote would be is on striking Section 204, and I would request a recorded vote.

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The Chairman: I will call on other members. Let me just make a few comments on the Paul Amendment, and I appreciate his view. Let me just say if we were creating strategic clarity, this bill would be much different. We would be definitively saying that we would be supporting Taiwan if it were to be attacked by China. We do not say that. The President of the United States, not once, not twice, but 3 times has said that, but this bill does not say that. As a matter of fact, as a rule of construction, specifically in the legislation it says that we do nothing to amend our One China policy or the Taiwan Relations Act in terms of its underlying purposes.

This amendment, however, would remove the most important security assistance tools that this bill would provide with respect to Taiwan, including the Foreign Military Financing Authority, the reserve stockpile, and the FMF loan authorities. These programs are vital for deterrence, and, if necessary, the denial of a Chinese invasion of Taiwan. Therefore, I will vote against the amendment. I urge my colleagues to do the same. It strikes at the very heart of it. I know that Senator Merkley has asked for recognition first. Senator Merkley?

Senator Merkley: Thank you. This issue of strategic clarity, strategic ambiguity, is an important one for us to wrestle with. We have the context of this entire bill, and it is my belief that the conversations that result in the bill, they clearly come down on the side of strategic ambiguity, which is about the issue of whether we would directly engage in a war against China if Taiwan was attacked, but this section of this bill is about strengthening Taiwan's ability to respond. And if we go back to the

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early stages where we had these three communiqués and the six assurances, the key piece of that was that our perspective was it was based on China's commitment to resolve peacefully its relationship with Taiwan.

And it was President Reagan who put in the record a secret statement that is no longer secret that said we will continue arm sales unless China makes this commitment to peaceful resolution, and they have not made that commitment. They have done exactly the opposite. And it is my belief that if we leave Taiwan essentially with poor defenses, China is absolutely committed to using their enhanced and growing military capability to assault Taiwan, and that the best strategy is one of enabling Taiwan to defend itself, often referred to as the porcupine policy, makes it really the best vision of deterrence to avoid a non-peaceful, a military war of China against Taiwan in the future. And that is why I support this bill.

The Chairman: Thank you. Senator Risch?

Senator Risch: Well, I think we should have it very clear in the record, we are not voting on the strategic ambiguity issue in this bill. That is not there, and, Senator Paul, I went over the things that you have here specifically, but there is nothing in this bill that talks about strategic ambiguity, but what it does do is strip out the dollars and cents that we are sending there. I support that. I am certainly not going to vote for the amendment, but I want the record to be absolutely certain that we are not voting on the issue of strategic ambiguity in this bill. Thank you, Mr. Chairman.

The Chairman: Thank you. Senator Schatz.

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Senator Schatz: Mr. Chairman, thank you, and thanks for your work and your staff's work in improving this bill. I told you unless something dramatically changes during these proceedings, I am likely to vote no, but this is the section I like. Section 204 is the part that prepares Taiwan in the event of a worst-case scenario and provides some measure of deterrence. The parts that give me heartburn are the civil sovereignty and the question of whether or not we are getting anything out of some of these more provocative statutory changes that, in my judgment, may irritate the Chinese and accelerate their preparation for military action. And those, I think, concerns are shared by members of this committee, even those who may be voting yes, but this is the core of the bill, in my view. This is about preparing Taiwan and deterring China, and so I will definitely oppose this amendment.

The Chairman: Senator Romney.

Senator Romney: Mr. Chairman, I agree with the sentiments expressed by Senator Paul, and that is, I am very concerned that by having a bill named as it is, the Taiwan Policy Act, we put a spotlight on all this, what America is going to do. I mean, this could be done quietly as part of NDAA, which is the money that is going for Taiwan weaponry. We are doing something that is highly provocative and bellicose. I hope it does not make China say, well, gosh, Taiwan is going to get stronger. Maybe we ought to move now than later. It is not a porcupine now, but these guys are making it a big deal, and they are putting it front and center. They are going to make it a porcupine, so let's move now.

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Now, I am not going to support the amendment because I do not want to go down on the record saying I do not want to give additional weapons. I do. I am just very frustrated that we as a committee decided we are going to put a big spotlight: the Taiwan Policy Act. Gosh, this should have been in there quietly, you know, as opposed to putting it in. I think it is really unfortunate, and I hope nothing is provoked by virtue of it, but I think the sentiment that Senator Paul expressed is right. I am going to vote against the amendment because I do want to give them the weapons, but, boy, it is of great concern to me. Thank you, Mr. Chairman.

The Chairman: Any other members on this amendment?

[No response.]

The Chairman: If not, let me close debate on it. First of all, on the question of symbols of sovereignty that have been referred to, I would just say to members, except for one, everyone voted in support of the same symbols of sovereignty in the Strategic Competition Act, both in committee and on the floor, and that did not generate any response by China. And certainly there was a lot of attention in that bill to challenge China directly as it relates to chips and superconductors.

In relationship to Senator Romney's concern, and I appreciate his concern, I would just say that when the administration sends us a billion-dollar arm sales for Taiwan, which is public and its transaction as a result of the provisions of law under the arm sales that will be vetted publicly, I think that is the most overt way of suggesting what we are willing to do for Taiwan, and that cannot be done quietly, so

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that is out there. So I just say that in terms of trying to assuage some people's concerns about some of these elements.

With that, a recorded vote has been asked for by Senator Paul.

Senator Paul: Actually, if you want to just do it voice and record me as a "no," that is probably quicker. I think it is --

The Chairman: I am sorry? You are willing to take a voice vote.

Senator Paul: -- and record me as a "no."

The Chairman: Okay. Absolutely.

Voice. "Yes."

The Chairman: All those in favor of the amendment. All those in favor of the amendment will say aye.

[No response.]

The Chairman: All those opposed will say no.

[No response.]

The Chairman: The noes have it, and the amendment is not agreed to, and those who wish to be recorded as "aye" can be listed as so, Senator Paul.

All right. Let me then repeat the question. Who else has -- we are going to keep going down the line. Senator Murphy, who is next.

Senator Murphy: Thank you very much, Mr. Chairman. I have a few amendments, none of which I am going call, but let me just state that I think that there is no disagreement on this committee that our Taiwan policy has to change.

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China's policy has changed. Their provocations have increased, and we would be fools to sit back. And I think the only disagreement our committee is having is to -- what are the changes that are most beneficial to secure Taiwan and to secure the United States' interest in the region. So I do support deeper defense integration. I support deeper economic integration. I support vigorously pushing back on Chinese's interference and intimidation. And I think the conversation that we have been having over the last month is whether some of the changes in this bill, relative to the way that we talk about Taiwan, the way that we talk about our defense relationship with Taiwan, has more significant risk to our security, Taiwan's security versus benefit.

My amendments were relative to the back end of this bill, which is the sanctions provisions. I support sanctions authority. I think we could have written these sanctions a little bit tighter, as I would with all sanctions believe in a sunset. In particular with China, I think it is worthwhile for us to be able, after 5 years or 10 years, to weigh whether or not we want the bulk of our permissive sanctions to be relative to Taiwan policy, or whether we want to adjust those sanctions to try to prevent other malevolent Chinese activity. We all know there is a host of things that we could be leveraging sanctions on Taiwan for.

And so I understand that may not have the votes on the committee, so I will not offer the amendment, but I deeply appreciate the chairman and the ranking member's engagement over the last 30 days. And I do agree that in the end it is important for us

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to be united if we are making a significant change in Taiwan policy. I will be voting no today, but I take the chairman's offer seriously to continue these negotiations.

I also agree with the chairman that this is not a reversal of our policy towards Taiwan, but for me, it comes close enough that I think we have to really consider the impact that it will have, not just inside the United States, but outside of the United States, and not just on China, but also on how our allies perceive it. But I think we have made a lot of progress in addressing concerns of this committee in preparation for this markup up, and I look forward to continuing that discussion. Thank you, Mr. Chairman.

The Chairman: Well, let me just respond to Senator Murphy. First of all, I appreciate your withdrawing at this point, and my offer is real in terms of continuing to work with you and others. I just want to make a comment about the sanctions title. I understand you are not offering them. We have refined the sanctions title, and we sought to address various aspects, for example modifying the sanctions trigger.

Now, I know executive branches always express concerns about mandatory sanctions. I have been dealing this with Republican and Democratic administrations. They would prefer us to go away and only send a check when the time comes when they need to spend something. However, incredible flexibility is already baked into the sanctions provision in the legislation. It affords discretion to assess whether relevant conduct is significant. That is pretty broad. The sanction title also includes some of the broadest waiver authorities possible. The waivers are not time limited, and the

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waiver authority in Section 806 is based on an assessment that waving sanctions is in the national interest, not in the national security interest, which is a much more difficult and higher standard.

I think the inclusion of these broad and definite waiver support even more discretion. Having said that, we can always calibrate better, and I look forward to working with the senator to try to get to that calibration that can bring us closer together at the end of the day.

Is there anyone else on the Republican side who seeks to offer an amendment?

[No response.]

The Chairman: If not, I understand Senator Markey has amendments.

Senator Markey: I have an amendment at the desk, Number 5, Mr. Chairman. We need to find ways to avoid miscalculation in the Taiwan Strait and call attention to small miscommunication to send ultimately to the brink. It is why I am offering an amendment based on the Taiwan ASSURE Act. The amendment would, one, urge the United States and the PRC to prioritize the use of a military crisis hotline; two, authorize \$2 million annually to support existing Track 1.5 and Track 2 dialogues, which are important for increasing strategic awareness amongst all parties in avoidance of conflict; and three, authorize \$6 million annually, which would double U.S. support for the multilateral Global Cooperation and Training Framework, which provides a platform for Taiwan to share its expertise to global partners on many issues.

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Each of these important steps would help lower the risk or frustrate miscalculation and really, importantly, frustrate stability. We have to support our friend and also simultaneously prevent inadvertent conflict, and embracing stability measures is a key component in establishing that kind of situation. We are talking here about the most important trip wire in the world, and it is very important for us to be funding the kinds of communication necessary to avoid anything that would happen by us. So thank you, Mr. Chairman.

The Chairman: Anyone else wishing to speak to the amendment? Senator Risch?

Senator Risch: I am going to oppose this. First of all, the \$3 million that we got for the GCTF Program, which I am very supportive of, is sufficient to operate this program. The other programs that have been canceled were canceled because they have been dismal failures. The Chinese just would not send people of any rank to do anything, and they never did anything. So I am going to oppose the amendment.

The Chairman: Let me then close the debate. I want to commend Senator Markey for offering the amendment to increase cross-state confidence-building measures and for funding the Global Cooperation and Training Framework. This amendment, I believe, is beneficial by signaling that the United States is not the aggressor here. We believe that we need to deepen confidence-building measures to ensure stability. As I stated before, the United States remains committed to the peaceful resolution of cross-Strait issues.

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Further, the authorization of appropriations for the GCTF will provide training, technical assistance to Third Country participants, which will support Taiwan around the world by demonstrating the value of its participation on the global stage. I think this increased authorization complements the provisions already included in the bill that seek to promote Taiwan's place on the world stage, and, therefore, I will vote in favor of the amendment.

With that, does the senator wish a voice or a recorded vote?

Senator Markey: I would -- I would request a voice vote, of course, and --

The Chairman: Okay.

Senator Risch: I request a --

The Chairman: Senator Risch wants a recorded 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?

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Senator Kaine: Aye.

The Clerk: Mr. Markey?

Senator Markey: Aye.

The Clerk: Mr. Merkley?

Senator Merkley: Aye.

The Clerk: Mr. Booker?

Senator Booker: Aye.

The Clerk: Mr. Schatz?

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.

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The Clerk: Mr. Paul?

Senator Paul: Aye.

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.

The Clerk: Mr. Hagerty?

Senator Risch: No by proxy.

The Clerk: Mr. Chairman?

The Chairman: Aye. The clerk will report.

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

The Chairman: And the amendment is agreed to. Is there any other member on either side seeking to offer amendments? Yes, Senator Van Hollen.

Senator Van Hollen: Thank you, Mr. Chairman. First of all, I appreciate the conversation around the table. This is obviously a big, important issue for our country and the people of Taiwan, and I want to join others in thanking you, Mr. Chairman, and your team for working through these issues. And I join with those who have said

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that we want to make sure that Taiwan has a greater capacity to defend itself, so I am strongly in favor those provisions of the bill, including the foreign military financing.

I do have an amendment. I am not sure I am not going to offer it anymore. I am in favor those provisions, but as I told you, Mr. Chairman, and I think the administration shares my concern about this, while I support the authorization for funding, I do think it is a mistake to list the amounts of military assistance, specifically up to \$2 billion a year. Taiwan, first of all, is a wealthy country. They are right now engaged in purchasing a whole lot of weapons. But my bigger fear is that when you put a number like this out, obviously the incentive here, the purpose is to encourage the ambition on the Senate Appropriations Committee. But I think all of us who are serving on that committee know that it is a very tight budget, and my concern is we do not meet one of these guidelines, then the message we send is, you know, we promise to do this, but did not deliver, and I think it backfires, frankly, on our overall effort. So I will come back to that in a minute and see whether there is any kind of agreement on that, but I think authorizing the amount would be the way to go rather than specifying specific amounts. And that relates just to the direct assistance, not to financing mechanisms.

On the sanctions, I thank you for what you and your team have done on tightening up 802, which are tough sanctions. I am a big believer that we have a tough trigger and things that do not go off easily. There is not a whole lot of discretion, right? If China takes an island, boom - they will know that these sanctions

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will hit, and they will be punishing. And so I do not support a lot of, you know, discretion, and wiggling, and allowing the Executive to wiggle out of that. So I appreciate -- because I think that is the only way you have a deterrent effect. I think it has been proven that sanctions after the fact do not change a lot of behavior, but tough sanctions signaled properly in advance that are hard to wiggle out of, are the way to go. So thank you for citing 802.

I do not like the additional sanctions. I think those triggers would go off today. I think a lot of those conditions could be met today, and then you have a President that is going to be waiving them, and I do not know what message that sends either, so I do not like sanctions provision. I do share the concerns expressed about the civil society, and I know we had some of them in the USICA bill. Some have been added here as well, I think, with the Taipei office, and there was an effort, you know, to take those out, but those are -- those are back in.

And I do think if you are trying to measure this as to the objective of maintaining the One China policy, which if you were looking at this from the other side, perspective, you would definitely say this is a change in signaling, that we are in favor of Taiwan's unilateral independence and sovereignty. I know that is not the intent. We have a saving clause. In my view, Mr. Chairman and Mr. Ranking Member, it is a little bit like saying, you know, we are going to make all these changes, and then we have the saving clause, well, we did not mean it, because the reality is, in

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my view, we make some material changes that if -- certainly if I was on the other side of this, I would be arguing that is a change in United States policy.

So these are tough calls. On balance, you know, my view is I would like to work with you and the ranking member to pursue the parts that I think are most important to give material support to Taiwan, make it a porcupine, do everything we can in that regard, but take actions where I think there is -- are primarily symbolic without any measurable benefit, as I say, all pain and no gain, pain in terms of the potential response; unnecessary because they do not really further Taiwan's self-defense.

So on balance, I look forward to working with you, Mr. Chairman. I raise this amendment, but if there is not an appetite for this amendment, there is no point in pursuing it. But I do think it is an important distinction between saying -- promising certain amounts of money and our ability to achieve this money, so that is all.

The Chairman: Let me respond to some of the senator's concerns, and I appreciate his thoughtfulness in this regard. First of all, just a clarification: the Taiwan Office is not back in. The Senate confirmation of the U.S. Representative to the Taiwan Office is gone. And the Taiwan Office is a sense of Congress, it is not a premise, so it a different reality.

I would say that the rule of construction is not just a throwaway. The reason we have a specific rule of construction is to do exactly that, to say that the construct of the bill is such that we -- this is the underlying opposition, and so I would differ with you that it is a giveaway. With reference to -- I acknowledge that there is a numbers

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issue here with the foreign military financing appropriations funding, but I do not agree with deleting the dollar figures. We tirelessly negotiated it with the Appropriations Committee.

When this bill was originally drafted, we started at a \$2 billion request and came down to \$250 million. The appropriations ladder was constructed precisely to try to mitigate the risk of authorizing numbers that we might not be able to appropriate, but I would just say that we also have a responsibility for authorizing it. We are going to let -- and I have great deal of respect to the Appropriations Committee, but if we are going to start going down the road that the Appropriations Committee will decide to spend without authorizations, then let me get off of this committee and go on the Appropriations Committee because this is the fundamental nature of what we do, authorizing, and I think we have done it in a very thoughtful way. With Ukraine on track to receive an additional \$13 billion, I do not see why we would not be able to work with appropriators to find \$250 million for a supplemental for Taiwan. So as always, this is a question of the dial and how you dial it, and I appreciate that there are differences in that regard.

Senator Coons, who is the chairman of the subcommittee.

Senator Coons: Mr. Chairman, if I might, I just wanted to convey my appreciation to Senator Van Hollen for his raising the concern. And somewhere between such sums and a potentially much higher amount, I think we have struck a

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reasonable balance. I look forward to continuing to work with you. You would be welcome on the Appropriations Committee at any time. There are more --

The Chairman: Does it come with the seniority I have or no?

[Laughter.]

The Chairman: I do not think so --

Senator Coons: We can negotiate.

The Chairman: Go ahead.

[Laughter.]

Senator Coons: But, you know, Senator Van Hollen raises an excellent point, which was not so much whether or not this is a worthy expenditure, but whether within the subcommittee's allocation, where \$2 billion would make it one of the top FMF accounts in the world, really second only to Israel, whether or not there is room. I mean, this is a subcommittee that is already carrying record amounts for humanitarian relief, for hunger, for climate resiliency, for Ukraine, for a lot of other things, and we are struggling to meet the commitments made. So I do think he makes an excellent point. Two hundred and fifty million is something that is feasible. Two billion will require years of work together to achieve that goal, and he makes an excellent point that should we set this authorization and then never deliver, we are at risk of barking louder than our bite. I look forward to working with you and appreciate that at the outset, your recognition was that many of us got much of what we wanted but not everything, and I think this is a delicate dance to make sure that

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the FMF, to actually strengthen Taiwan's capabilities, is delivered. Thank you, Mr. Chairman.

The Chairman: Senator Kaine?

Senator Kaine: Mr. Chairman, I want to thank you for working with those of us who have concerns about this bill. I would have been a "no" vote had we done it in July on the text that was before us at the first markup. And as I have watched it move, I am going to be a "yes" vote today, but I was also prepared to vote for some of the amendments, even those that we might not have liked, and this was one of them.

I worry a little bit about on this amendment, the specificity of numbers goes to the point that, frankly, Senator Paul and Senator Romney were making, how much we want to just put it out in big letters. And I think "such sums as may be necessary" would be a better way to do this than list the numbers. So if you are asking would you get any votes if you offered it, you would get mine, but I do think the bill has moved in a really good direction. Whether or not the amendment were to pass or not, my intention is to vote for it.

The Chairman: Is there any other member seeking -- yes, Senator Merkley.

Senator Merkley: Yeah. Thank you, Mr. Chairman. The discussion has been, in part, whether this is a significant change in our policy, and I want to frame it a little bit differently. In 2011, Majority Leader Reid organized a bipartisan trip of 10 senators with China, and at that moment, under the previous general secretary, there was a lightning of pressure in China: more freedom of religion, more encouragement for

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individuals to express concerns about labor violations, more concern concerned about environmental issues, more freedom for reporters, more freedom in almost every frame.

The following year, after that trip, Xi became general secretary, and over the last 10 years, he has exhibited a dramatic change in Chinese policy towards the world. That has included building island in the South China Sea. That has included putting on claims that did not exist before. It has involved an incredibly aggressive strategy of destroying the rights of people in Hong Kong in violation of a longstanding agreement with Britain that was to exist for 50 years. It has included an aggressive build out of military capability. And in terms of suppression of communication and freedom, we have seen dramatic, dramatic changes inside China.

So today, I see us as restating our support that any decision on how Taiwan and the mainland unify under the One China policy must be done peacefully. That has been our position, and we are continuing to take that position. And we were very clear in the three communiques and the six assurances that we would continue to do that; that is, to provide the arm sales, that -- and China has not said, hey, we now pledge ourselves to peaceful resolution. In fact, everything has been quite the opposite.

I think if we do not kind of crank up our support for Taiwan, there will be a military offensive. There is a broader understanding that China is fully prepared for it. An amphibious attack is a difficult undertaking, but they can prepare, and if Taiwan sits by, we will see, like we saw in Hong Kong with the crushing of a democratic entity.

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And I support One China, but I support the peaceful framework within which we established that, and I think it is incredibly important for us to help Taiwan deter so that there will not be such a military confrontation in the future.

And so I support this bill, and I really did have many objections to feeling like we were going out of strategic ambiguity, and we have adjusted those things in piece after piece after piece, and I really appreciate the chairman for doing so. I also really want to emphasize the value of including the China censorship bill that we previously included in a previous bill. It is a bill that Senator Rubio and I put forward. It was backed by Senator Cornyn and Senator Warren, so you have a broad perspective there.

But just earlier today, I came from an interparliamentary group that was looking at China strategy of transnational repression across democracies across the world, and heard story after story after story, including what they do in the United States, to essentially pressure companies and pressure individuals, including threats of action within those democracies and threats against families back home, and threats of economic retaliation against companies. And I think having this group monitor and compile that type of information is important in our understanding of change in strategy, and thank you for including that legislation.

The Chairman: Thank you for your comments. I share them, and I think at this point, there are no other amendments -- I am sorry. Senator Markey.

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Senator Markey: Thank you, Mr. Chairman. Mr. Chairman, I voted for the Taiwan Relations Act in 1979 as a young congressman, and that legislation, along with the three U.S.-China joint communiques and the six assurances, are the backbone of the U.S. One China policy and our policy of strategic end game. And together, they have maintained the peace across the Taiwan Strait for 43 years. Of course it is true the Government of China has ramped up its rhetoric and military activities towards Taiwan, and I agree with many of my colleagues - PRC's behavior is extremely troubling and must be met with resolve to support our Taiwan partners and protecting the status quo. The best way to do that is by demonstrably strengthening Taiwan's ability to defend itself, bolstering deterrence, and reassuring our partners and allies in the region.

Last month, I led a congressional delegation to Taiwan, even as China raged in the aftermath of Speaker Pelosi's trip. I went because, as the chairman of East Asia Subcommittee, I felt it was important to show my support for Taiwan and to hear directly from Taiwan authorities on what they need to shore up their defenses. First and foremost, we have to remember that it is the people living on Taiwan that are facing the daily realities of increased Chinese aggression and will be the ones primarily targeted in reaction to changes in the United States' policies.

Taiwan has bravely withstood the Chinese Government's ramped-up military threats while operating with incredible restraint. During our meetings in Taipei, the message to us was clear: maintain the status quo and strengthen Taiwan's defenses

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and economic relationships around the world. What we should not be doing is responding to the PRC's aggression and brinkmanship in kind. The world should know that the Chinese Government is attempting to unilaterally change the status quo, not Taiwan and not United States.

I think there are many pieces of this bill that are extremely important to the long-term self-defense and stability of Taiwan, including provisions improving Taiwan's defensive capabilities and strengthening our cooperation. The bill demonstrates Congress' support for greater trade relations, people-to-people and regional ties, which are important to Taiwan's ability to maintain space in the international community and share its expertise with the world. I am pleased that the legislation includes my and Senator Rubio's Taiwan Fellowship Act, which will increase the bonds of friendship and close relationship between the United States and Taiwan. But there are other pieces in this bill that I fear undermine the United States' longstanding One China policy and upend strategic ambiguity, while making, in my view, unnecessary changes to the Taiwan Relations Act, threatening to destabilize the status quo with little tangible benefit for Taiwan.

So I appreciate the chairman's willingness to hear my concerns and concerns of other members of this committee about the potential impact of the significant changes to U.S. policy in this bill, and I welcome the changes included in the manager's amendment that I believe are improvements, and I thank the chairman for that, including some that I offered. However, I still have serious concerns about some of the

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language in this bill, and I fear it will heighten tensions and ramp up the cycle of conflict.

There remains of the current manager's package provisions that I believe undermine the U.S. One China policy and strategic ambiguity, and it would tie the administration's hands when it comes to sanctions. This will be seen as a change in policy by the Chinese Government. We should be focused on deterring China from unilaterally changing the status quo of Taiwan using military force. We should make sure Taiwan is in the strongest position possible to defend itself, and we should make sure that our allies and partners in the region and around the world know that we are committed to Taiwan self-defense and doing everything we can to avoid a conflict over Taiwan.

What we should not do is take action to put Taiwan at increased risk with little reward. We should put Xi Jinping's own behavior in the spotlight, not distract from it by revising the U.S. One China policy or our policy of strategic ambiguity. The world saw the temper tantrum that Xi Jinping threw when Speaker Pelosi led her congressional delegation. Taiwan acted with incredible restraint in response. If we take the steps of targeted actions designed to support and strengthen Taiwan while keeping in line with our longstanding policies, I believe we will reveal the Chinese Government's true intentions, strengthen regional and global support for Taiwan, and allow Taiwan time to build its self-defense capabilities: to give them the time to build it.

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We have a moral responsibility to stand up to authoritarianism and military aggression. We also have a moral responsibility to do everything we can to avoid a situation that could draw two nuclear armed countries into a conflict. Diplomacy must remain central to our Taiwan policy. While I cannot support this legislation, Mr. Chairman, in its current form, I appreciate your willingness to work with us, and I want to continue to do so before this legislation reaches the floor of the United States Senate. And I thank you, again, for allowing me to make the recommendations for the changes that have already been included and for the continuing discussion. Thank you, Mr. Chairman.

The Chairman: Senator Booker?

Senator Booker: Yeah, very briefly. First of all, in 1979, I voted for more chocolate milk and dessert.

[Laughter.]

Senator Booker: But I just want to say to you, Mr. Chairman, thank you for working with my office, as well as a number of others, for a lot of legitimate concerns. This bill has moved a lot, and I will be supporting it. I want to thank you for including an amendment that I had about food aid, which is very important, I think, and very strategic as well. I want to also thank you for your commitment to work on issues of calibration as well as entertain other constructive input before we move this even beyond the committee.

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I agree with Senator King. There were some amendments that I thought were going to be offered that I was very much willing to support because I thought they would help to make the bill better. I also want to say, and I know you have already -- your office has been doing this considerably, is working with the administration. I know asserting our independence as the first branch of government is very important, from war powers to sanctions, in the past, but this is one of those cases where I think we can continue to try to work with them to get this to a place where we can all be on one accord with our Taiwan policy. So I will vote for this now, but I am looking forward to continuing to work with members in this body and with the chairman.

The Chairman: Anyone else seeking recognition? Senator Hagerty.

Senator Hagerty: Very briefly. Chairman Menendez and Ranking Member Risch, I want to thank you. I certainly support this committee's work to strengthen security assistance with Taiwan. I just want to highlight beyond the security assistance, the economic implications and what a fall of Taiwan would mean. The world depends on Taiwan for semiconductor manufacturing right now, and I want to thank everybody here for proactively helping Taiwan defend itself so we can preserve that capacity now.

But also, I just want to remind this committee that all of us supported legislation that I have worked on this past year to dramatically improve the permitting timeline process for semiconductor manufacturing here in America so that we will now have the opportunity to increase our capacity here as well, and those two things

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combined, I think, will make us far stronger as a Nation over time. And I want to thank Senators King and Senator Portman for working with me on this legislation, and I want to thank all of you all for supporting it.

The Chairman: Thank you. I appreciate everybody's comments and input. They are very constructive. I just want to make some final remarks. I, too, visited to Taiwan, and I spoke to President Tsai, I spoke to the foreign minister, I met and spoke to the defense minister, and what I heard from them is that they supported the bill. They did not have reservations. They did not express them. I certainly would have listened to that. So I just want to say that the entity in question who was the subject of all of our interest and concern actually was supportive.

I appreciate that for 43 years the Taiwan Relations Act has been the mainstay of our policy, but then again, China has never acted as it has acted now in those 43 years. And while one might describe restraint as to what they did in response to Speaker Pelosi's trip, closing the ports by surrounding Taiwan with military ships that did not allow shipping of international passengers to enter Taiwan is, I think, generous to say that it is restraint. And the final point is that this is all a question of calibration, but at some point, as we wait to show that China is the aggressor, at what point does the line cross where they snuff out Taiwan's ability to exist as they have snuffed out Hong Kong's? I think we waited too long on Hong Kong.

But I appreciate all these sentiments. I am going to continue to work. And, look, there is one pragmatic thing here for all of us. Nothing will pass to the Senate

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floor that does not actually have the support of the administration because our way to do that is NDAA. And I am sure that the leaders of the NDA are not going to allow legislation in that doesn't agree with the administration. But we have a very strong opportunity to set the precipice about what our policy should be, and send a very strong message in a bipartisan way here, and then to continue to work to refine it.

With that, I think there has been a robust debate. Is there a motion to approve S. 4428?

Senator Cardin: So move.

Senator Risch: Second.

The Chairman: So moved and seconded. The clerk will call the roll.

The Clerk: Mr. Cardin?

Senator Cardin: Aye.

The Clerk: Mrs. Shaheen?

Senator Shaheen: Aye.

The Clerk: Mr. Coons?

The Chairman: Aye by proxy.

The Clerk: Mr. Murphy?

Senator Murphy: No.

The Clerk: Mr. Kaine?

Senator Kaine: Aye.

The Clerk: Mr. Markey?

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Senator Markey: No.

The Clerk: Mr. Merkley?

Senator Merkley: Aye.

The Clerk: Mr. Booker?

Senator Booker: Aye.

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 Risch: Aye by proxy.

The Clerk: Mr. Romney?

Senator Risch: Aye by proxy.

The Clerk: Mr. Portman?

Senator Risch: Aye by proxy.

The Clerk: Mr. Paul?

Senator Paul: No.

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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.

The Clerk: Mr. Rounds?

Senator Rounds: Aye.

The Clerk: Mr. Hagerty?

Senator Hagerty: Aye.

The Clerk: Mr. Chairman?

The Chairman: Aye.

The clerk will report.

The Clerk: Mr. Chairman, the yeas are 17; the noes are 5.

The Chairman: And the legislation is agreed to.

With that, this completes the committee business.

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

Without objection.

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Let me again thank the ranking member and his staff for their work, and let me thank all the members' inputs. A lot of important work done today. And with that, this meeting is adjourned.

[Whereupon, at 4:17 p.m., the committee was adjourned.]