

Thursday, January 18, 2018

BUSINESS MEETING

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

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COMMITTEE ON FOREIGN RELATIONS,
WASHINGTON, DC.

1 The committee met, pursuant to notice, at 2:05 p.m., in Room S-116,
2 Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee,
3 presiding.

4 **PRESENT.** Senators Corker [presiding], Risch, Johnson, Flake, Gardner,
5 Young, Barrasso, Isakson, Portman, Paul, Cardin, Menendez, Shaheen, Coons,
6 Murphy, Kaine, Markey, and Merkley.

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

7 **THE CHAIRMAN.** I am going to go ahead and call the meeting to order, and
8 I know people are on a real short timeframe. Thank you for coming. Thank all of
9 you for being here.

10 Today we are going to consider a number of nominations and four FSO
11 lists. Some of these nominations were reported out favorably by the committee
12 last year, but were returned to the President, now have been sent back to the
13 Senate for our reconsideration. I want to thank our colleagues for helping this
14 process along.

15 Senator Cardin, would you like to make any comments?

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

1 **SENATOR CARDIN.** Yes, Mr. Chairman. If I understand correctly, it looks
2 like we have four nominees that have been previously reported out of this
3 committee. I think they have roll call votes. There is opposition to some of the
4 nominations.

5 What I was going to suggest, if there is no objection by the members of the
6 committee, that those that have been previously reported out be reported out by
7 voice vote, recognizing there is opposition. But since they have already been
8 voted out of our committee before, I am prepared to allow those to move
9 forward with one voice vote.

10 **THE CHAIRMAN.** Is there any objection?

11 **SENATOR MENENDEZ.** Question, reserving the right to object. I am not
12 sure who -- which are the four you are talking about.

13 **SENATOR CARDIN.** I believe it is --

14 **THE CHAIRMAN.** Well, actually, it is all of them, is it not?

15 **SENATOR MENENDEZ.** Oh, it is all of them?

16 **VOICE.** It is not Trujillo. Trujillo --

17 **THE CHAIRMAN.** Trujillo?

18

1 **SENATOR SHAHEEN.** Danies --

2 **THE CHAIRMAN.** Danies.

3 **SENATOR MENENDEZ.** Is Brownback one of them?

4 **SENATOR SHAHEEN.** Yes.

5 **THE CHAIRMAN.** Browblack -- Brownback is one of them, yes.

6 **SENATOR MENENDEZ.** Well, I want to help you move the agenda along. I
7 want to speak to Brownback, and I have no problem with a voice vote as long as I
8 can be recorded a specific way.

9 **THE CHAIRMAN.** There is no objection to that whatsoever. So, go ahead.

10 **SENATOR CARDIN.** Well, Senator Menendez wants to speak on Senator
11 Brownback. I want to speak on Trujillo, not to oppose the nomination, but to say
12 my concern. But why do you not go first?

13 **THE CHAIRMAN.** Go ahead, Senator Menendez.

14 **SENATOR MENENDEZ.** I was not here to specifically speak to Brownback,
15 so I feel compelled to do so. Let me just say that anyone seeking to represent the
16 United States of America has to actively champion the values we shape as -- that
17 shaped us as a Nation, and fundamental human rights, individual liberty, and, of

1 course, religious freedom are parts of those. Recognizing that people interpret
2 their own faiths differently, the right to freely do so is indeed a founding value of
3 the country. But we must never allow religion to be used as a pretext for
4 persecution or to deny anyone basic rights.

5 Around the world, governments and non-state actors use religion as a tool
6 of oppression, invoking their oppression in the guise of divine inspiration.
7 People of all faiths have persecuted all over the world -- Christians, Muslims,
8 Jews, Baha'i -- but I fear that Governor Brownback is narrowly focused on
9 protecting Christian minorities. And, more critically, he has a troublesome
10 record when it comes to protecting the rights of LGBTQ individuals.

11 I was deeply disturbed when I read the record, pressed multiple times
12 during his confirmation hearing that he could not muster a simple and
13 resounding "no," that it is never acceptable for a government to imprison or
14 execute an individual based on their sexual orientation. So, I cannot in good faith
15 support a candidate for the position of ambassador at large for religious freedom
16 who does not believe that all individuals are created equally in God's image.

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1 And so, he has refused to say whether or not he believes it is acceptable
2 for political leaders to use religion to deny women fundamental rights, including
3 access to basic healthcare around the world, including in our own country. And
4 under Governor Brown's leadership, we see political leaders using religious
5 mores to oppress women and deny them basic human rights.

6 I have a real concern that this is not the type of message -- I hate to oppose
7 someone who is a former colleague, but I feel compelled to do so, and I
8 appreciate the opportunity to state my opposition.

9 **THE CHAIRMAN.** Absolutely, thank you, sir. Senator Cardin?

10 **SENATOR CARDIN.** Yes, and -- on the Honorable Carlos Trujillo, who is the
11 nominee for permanent representative to the U.S. -- United States of America to
12 the Organization of American States, I intend to support his nomination, but I do
13 want to speak to the issue that I originally imposed a hold because I am trying to
14 get from the State Department information from various missions on their
15 recommendations concerning temporary protective status, and the role that the
16 State Department played in the designation process.

17

1 Under U.S. law, the Department of Homeland Security is required to
2 solicit feedback from relevant U.S. agencies about conditions in foreign countries,
3 and whether they merit a TPS designation. Normally, this means the State
4 Department. However, in the last year, the State Department's role in this
5 process has been far from normal.

6 Last April, we found out that Secretary Tillerson failed to respond to
7 repeated Department of Homeland Security requests about Haiti's TPS
8 designation. In November, we learned that Secretary Tillerson made a series of
9 recommendations to DHS about temporary protective status for Haiti and
10 Central American countries that ignored input from our embassies in those
11 countries, in turn, politicizing the Department's role in the process.

12 On November 17th, I requested the State Department provide our
13 committee with copies of memos from our embassies and the recommendations
14 from the State Department to DHS. My office has followed up with this request a
15 dozen times. In December, my office informed the State Department that we
16 would hold the nomination of Carlos Trujillo as the U.S. ambassador to OAS
17 until we received a response to our oversight request. Still I have heard nothing.

18

1 In November, I introduced legislation with Senator Van Hollen and
2 Feinstein, the Safe Environment from Countries Under Repression and
3 Emergency Act, known as the SECURE Act. This legislation would create a
4 pathway to citizenship for TPS recipients, and specifically require the
5 Department of State to provide its recommendations to DHS at least 90 days
6 before the deadline for TPS decisions.

7 I am pleased that a bipartisan DREAM Act deal hopefully will be acted
8 upon that will help us deal with the TPS issues. I have agreed to allow this
9 nomination to go forward today, and I intend to vote in support. However, I
10 intend to hold this nomination on the floor until the Department responds to my
11 request.

12 Mr. Chairman, this is a matter in which every member of this committee I
13 hope will have your support. Our oversight function is very important to this
14 committee to make sure that this -- determinations of TPS is not politicized. I
15 joined the chairman when I found the Obama Administration was not doing
16 what was right in regards to the TIP report. This is something that I feel equally

1 compassionate about that we need to know whether this is being politicized or
2 not.

3 **THE CHAIRMAN.** Thank you so much. I thank everyone for their
4 cooperation. I would move that we voice vote the entire agenda, which is four
5 FSO lists and the six nominees that are before us, and then any person who
6 wishes to register a negative is free to do so since we are going through a re-
7 process.

8 **SENATOR CARDIN.** I will second your motion.

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

10 [A chorus of ayes.]

11 **THE CHAIRMAN.** Opposed?

12 [No response.]

13 **THE CHAIRMAN.** Thank everyone so much for their cooperation.

14 **SENATOR MENENDEZ.** Mr. Chairman --

15 **SENATOR CARDIN.** Mr. Chairman, I would point out that many of us
16 oppose a lot of these individuals, and I do not think our views have changed, so
17 the record will reflect how we voted.

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1 **THE CHAIRMAN.** Yeah.

2 **SENATOR MENENDEZ.** Mr. Chairman, I just want to be listed "no" on
3 Brownback, Grenell, and Evans.

4 **SENATOR SHAHEEN.** I would like to be listed as a "no" on Brownback.

5 **THE CHAIRMAN.** Thank you. Thank you. Thank you both for cooperating.

6 **SENATOR MARKEY.** And is this the time to register your disapproval of
7 the nominees, or is that just going to be something we submit for the record.

8 **THE CHAIRMAN.** You are more -- you have already done it once, but you
9 are welcome to do it again now.

10 **SENATOR MARKEY.** If I could for the record --

11 **THE CHAIRMAN.** Okay.

12 **SENATOR MARKEY.** -- be recorded "no" on Brownback, Grenell, and
13 Evans, please.

14 **THE CHAIRMAN.** Absolutely.

15 **SENATOR CARDIN.** I have been asked -- Senator Coons wants to be listed
16 "no" on Senator Brownback. And once again, I repeat that many of us are -- have
17 already been recorded in opposition to many of these nominees.

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1 **THE CHAIRMAN.** Thank all of you so much. With that, I ask unanimous
2 consent that staff be authorized to make technical and conforming changes.

3 Without objection, so ordered.

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

[Whereupon, at 2:15 p.m., the hearing was adjourned.]