
Monday, January 23, 2017

BUSINESS MEETING

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

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WASHINGTON, D.C.

1 The committee met, pursuant to notice, at 4:33 p.m., in Room SD-419, Dirksen
2 Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

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

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

6 **THE CHAIRMAN:** The Foreign Relations business meeting will come to order.

7 I know we have a lot of people that are interested here, and we thank you for
8 coming. And if you would, we all consider it a huge privilege to play the roles that we
9 play on behalf of our country and our States. And it is a privilege for all of us to
10 participate in democracy in this way, and I hope everyone will keep their thoughts to
11 themselves in the audience. But we thank you so much for being here today and being
12 a part of this. We really do.

13 The confirmation of Secretary of State is always one of this committee's most
14 important responsibilities. At the core of the nomination process is the question of

1 whether the nominee is qualified to undertake the duties for which he or she is
2 nominated.

3 I personally have no doubt that Rex Tillerson is well qualified. He has managed
4 the world's eighth-largest company by revenue, with over 75,000 employees.
5 Diplomacy has been a critical component of his positions in the past, and he has shown
6 himself to be an exceptionally able and successful negotiator who has maintained deep
7 relationships around the world.

8 The other absolute standard we apply to each of these nominees who come
9 before us is to ensure that they have no conflicts of interest related to their position. The
10 nonpartisan Director of Office of Government Ethics recently stated that Mr. Tillerson is
11 making a clean break from Exxon and is free of these conflicts.

12 He has even gone so far to say that Tillerson's ethics agreement "serves as a
13 sterling model for what we would like to see with other nominees. He clearly
14 recognizes that public service sometimes comes at a cost."

15 I believe inquiries into Mr. Tillerson's nomination have been fair and exhaustive.
16 His hearing lasted over eight hours, and he has responded to over one thousand
17 questions for the record. I am proud of the bipartisan process, which is keeping in the
18 tradition of this committee, that we pursued regarding his nomination. And I think
19 that while our opinions and votes today may differ, that the process has been very
20 sound.

1 With that, I would like to recognize the distinguished ranking member for his
2 comments. Senator Cardin?

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

3 **SENATOR CARDIN:** Well, Mr. Chairman, as I have said during the hearings, and I
4 repeat again, I want to thank you for the fairness in which you have allowed these
5 confirmation hearings to go forward, and the ability of our members to be able to
6 question Mr. Tillerson and to ask additional questions. And I thank you for your
7 fairness, including the ability we had to schedule today's business session.

8 A couple of preliminaries, if I might? First, I just want the record to note that
9 there are severe weather conditions throughout the country, which are preventing some
10 of our members from personally being here. For example, Senator Murphy had
11 planned to be here by now. His flight was canceled. He is on a train heading towards
12 Washington, as we speak, and will not be able to get here for a couple more hours.

13 So I just really want to point out that we have members who wanted to be
14 physically present, but because of the weather conditions, they are not going to be able
15 to. And we are trying to work out accommodations in our committee where we can
16 keep, I hope, the record open so that they can change their proxy vote to their vote in
17 person later on, as long as they get here by this evening.

18 A couple other points I want to bring out, and one is that there was just an
19 honest disagreement between the chairman and the ranking member as to whether a

1 nominee for Secretary of State, and, I would also add, for U.N. Ambassador, should be
2 required to make available to our committee 3-years of tax returns. They have all
3 agreed to make them available. The question is whether we should ask them to see
4 those tax returns.

5 And I accept that there is a different view between the chairman and the ranking
6 member on this issue, and the precedent of our committee in the past is not to
7 physically request those tax returns. And Mr. Chairman, I respect that and agree that
8 this should be done in regular order, and I will just ask that, at a time when it is
9 appropriate, we look at our rules as to whether we should be requiring, moving
10 forward beyond Mr. Tillerson, beyond Governor Haley, in the future, if there would be
11 a vacancy in Secretary of State or United Nations Ambassador, whether there should be
12 an ability for us to ask for those tax returns moving forward.

13 And I would ask that that opportunity be given to us to take it up as a committee
14 as to whether that is the appropriate way or not.

15 And then I must tell you that members of this committee have asked questions
16 for the record of Mr. Tillerson, and I have looked at some of those responses. And they
17 are not responsive to the questions that were asked. Now in some cases, it is
18 challenging when you have a change in administration, and there is not a clarity as to
19 what the President is looking for on foreign policy, so to get a nominee to give us a clear

1 answer to those questions can be difficult. In other cases, the information requested was
2 pretty straightforward.

3 So we are not asking for any delay in today's vote, but I would ask -- and there is
4 no need to respond right now -- that we will have a chance before this nominee's vote is
5 on the floor of the United States Senate to try to get further clarification of those
6 answers.

7 And I am going to work with the chairman because these requests, I think, are
8 reasonable. I think the chairman will agree with us. We are going to try to work that
9 out so that we can get those answers before the vote on the floor, and in that case, I
10 think we could shorten the time period on the floor for the consideration. Otherwise, it
11 may take a little bit longer because we may want to go into some of those issues on the
12 floor of the Senate.

13 So having said all that, let me proceed with the merits of Mr. Tillerson and the
14 nomination of Mr. Tillerson. Mr. Tillerson is certainly sincere in wanting to serve his
15 country, and that I very much admire. He is certainly a very talented individual who
16 has negotiating skills that are important for a person who would become Secretary of
17 State, and I acknowledge that.

18 He also indicated during the hearing a couple points I thought was useful: that
19 the United States should be at the table during the climate debates, and that it would be
20 important to comply with our current laws as it relates to Magnitsky.

1 But what gives me the greatest concern and the reason that I cannot support him,
2 his nomination for Secretary of State, is that his responses to the questions that we
3 asked him directly about, such as his support for sanctions or how he would evaluate
4 sanctions moving forward or how he would deal with contingencies on development
5 assistance as it relates to human rights and good governance, were qualified so many
6 times that he sounded like a business person rather than a person who wanted to be
7 Secretary of State.

8 And I did not see that commitment to be the advocate globally for human rights
9 and good governance that I would like to see in the Secretary of State. So that was, I
10 think, the greatest concern I have.

11 And when I make it specific to Russia, the questions that were asked about how
12 he would continue sanctions against Russia and support bipartisan legislation that
13 would strengthen those sanctions, I did not get a comfort level that it would be based
14 upon Russia's conduct against the United States, their attacks against us and the fact
15 that they are still violating Ukraine's sovereignty. It seemed like he was wanting to
16 consider other issues that may compromise U.S. global leadership in standing up to
17 Russia. That concerned me.

18 And when you put on top of that the clarity issues, and I think this was a very
19 important point, and I contrast that to Governor Haley's response on questions such as
20 Russia's participation in atrocities in Syria. When we asked whether that would be

1 elevated to war crimes, Mr. Tillerson was not clear at all. Governor Haley was very
2 clear about that.

3 Or when I asked Mr. Tillerson about the conduct of the president of the
4 Philippines in extrajudicial killings, which was pretty clear, and he would not
5 characterize that as gross violations of human rights. That did cause me serious
6 concern.

7 So let me just amplify that a little bit further in another question that was asked.
8 Mr. Tillerson responded to a question in regards to opening up business relationships
9 with Cuba, and stated that that would be helping to finance a repressive regime. And
10 he was pretty clear about his concerns about business with Cuba being supportive of a
11 repressive regime, but he showed no sensitivity that ExxonMobil's business interests in
12 Russia was helping to finance the Putin regime or other repressive regimes.

13 And one last point on this issue concerning Russia, which had me concerned
14 about Mr. Tillerson: is his potential conflicts. He indicated that he would recuse
15 himself in dealing with anything concerning ExxonMobil for a 1-year period, and he
16 would consider going beyond that if the ethics officer said that legally there was a
17 problem.

18 Well, quite frankly, I think there is a problem with Mr. Tillerson dealing with
19 anything involving ExxonMobil for the entire time that he would be in public service as

1 Secretary of State, and he was not clear at all about recusing himself beyond that 1-year
2 period. So, Mr. Chairman, for all those reasons, I will not support his nomination.

3 I want to mention one last point, if I might? And that is that the Secretary of
4 State is our principal soft power leader in this country. On several of the questions we
5 asked him about current world events, he was quick to point out that he would
6 recommend the use of the military, of additional force, rather than leading with
7 diplomacy.

8 The one example was in the South China Sea, where he said we should be more, I
9 guess, military. Whereas, in my view, the Secretary of State should be leading with
10 more diplomacy. And I found it disturbing that that seemed to be not his first reaction,
11 and we certainly would want him to do that as Secretary of State.

12 But for all those reasons, I will be voting against Mr. Tillerson's confirmation.

13 **THE CHAIRMAN:** I wonder if we could do this. We have a number of members
14 here that have other things to do. I am willing to stay and keep the record open for
15 people to speak, and I am going to stay here so that people who are coming in late can
16 vote in person and not by proxy, okay? I am more than glad to do that at least until
17 5:15 p.m., to make sure that people are just not voting by proxy.

18 I wonder if there would be any objection to us voting and letting those who do
19 not want to stay and make comments leave. Others will be coming in. We are going to

1 keep the vote open. But those who wish to make comments could then stay. Others
2 who do not wish to make comments could go ahead and leave.

3 Is there any objection to that?

4 **SENATOR CARDIN:** I do not know if some of my members would like to make
5 their comments before the vote is open, if members have that right to do that. I think
6 Senator Menendez would. Is there any other member who wants to be heard before we
7 start the vote?

8 I would ask that Senator Menendez be --

9 **THE CHAIRMAN:** Okay. Let me just say one other thing.

10 **SENATOR CARDIN:** And Senator Markey.

11 **THE CHAIRMAN:** Okay. Are you sure we cannot have a rolling vote, where those
12 who do not wish to necessarily hear the comments could go ahead and vote and leave?
13 Is there any real objection on that?

14 **SENATOR MENENDEZ:** I regret that they do not want to hear the comments, Mr.
15 Chairman. But I would like to have my reasons before I vote, not in the aftermath of a
16 vote.

17 **THE CHAIRMAN:** Okay. I apologize to the other members who are here and
18 ready to vote.

1 Let me just, if I could, we are accommodating folks who are traveling, and we are
2 glad to do so. If we could keep our comments brief, and then if you want to expand
3 further after people have voted, that would be great.

4 I would like to say that what we are doing as it relates to tax returns is exactly
5 what we are doing -- what we have done for 10 years on this committee. Ten years. So
6 we treated Secretary Kerry, Secretary Clinton exactly in the same fashion.

7 I just know that, you know, we did the nuclear option. So now, all of a sudden, it
8 just takes 51 votes for conformation. That was a big mistake, I think. But that is the
9 way things are now, and so now we are looking at changing the rules of tax returns at
10 some point. I hope that does not happen because, again, most of those are used for
11 "gotcha" questions. They have nothing to do with service.

12 I hope we can talk about that some, but please this nominee and the one we will
13 deal with tomorrow, we dealt with exactly the same way we have dealt on this
14 committee for ten years.

15 And just because we were so overly helpful to the Obama administration in
16 getting nominees out does not mean I want to be unhelpful or treat our nominees, these
17 nominees who are coming in in a different fashion. So I would just like to get that
18 straight.

19 And what Mr. Tillerson said was he would be glad to provide tax information
20 regarding the three years. But the kind of questions that have been asked, I will

1 accommodate some additional questions being asked, but asking about cutting horses
2 on his ranch is a ridiculous question.

3 So I do not know what has happened all of a sudden in this committee, where we
4 are asking silly, silly, silly, ridiculous, elementary questions that have nothing to do
5 with somebody serving as Secretary of State. But I am willing to accommodate some of
6 that.

7 With that, Senator Menendez?

8 **SENATOR CARDIN:** Mr. Chairman, I must interrupt. Just for one moment, I must.
9 In that we have accommodated at the first available times the hearings and the voting
10 sessions for Mr. Tillerson. As I think the chairman is aware, we could have demanded
11 the 5 business days before a nominee could be considered, which means Mr. Tillerson
12 could not be considered yet.

13 So I just really want to --

14 **THE CHAIRMAN:** Yes, I got it.

15 **SENATOR CARDIN:** -- acknowledge that. Secondly, I assure you that the
16 questions that I am asking are not silly questions. But let me go beyond that. I do not
17 think it is up to either the chairman or the ranking member to take away a prerogative
18 of any member of this committee --

19 **THE CHAIRMAN:** And nobody has. Nobody has.

1 **SENATOR CARDIN:** -- to ask the questions that they want to ask. There has been a
2 history. You go back to the record of this committee, each member has a right to ask the
3 questions they want to without us --

4 **THE CHAIRMAN:** And we are going to accommodate the answering of those
5 questions to the extent we can, and we always have and had three rounds of questions
6 here.

7 With that, actually, is there any Republican that needs to speak? That is the
8 order we would be going in.

9 [No response.]

10 **THE CHAIRMAN:** Senator Menendez?

11 **SENATOR MENENDEZ:** Thank you, Mr. Chairman.

12 Just a quick -- I think Senator Cardin's remarks were that we were looking to do
13 this prospectively so that there is no issue of looking at it as it relates to these nominees
14 and that being unfair. I do think that when you have very large holdings that can affect
15 your judgment if you are in the position in futuro, that it is of importance to this
16 committee and to the Senate to know that and to use it as an additional judgment.

17 So I am totally in favor. As a matter of fact, the reason the rules actually preview
18 and ask the question "Are you willing to submit information?" must be because that is a
19 predicate to when there is a necessity to call upon for the information. So I hope we can

1 do that prospectively. So this way, it not a question of -- it is not seen as a partisan
2 view.

3 But let me go to Mr. Tillerson's -- and I will be concise, but I do want to say a few
4 things. First of all, after considering his nomination to be Secretary of State, I will be
5 casting my vote against him today.

6 For the 11 years that I have served on the Senate Foreign Relations Committee, I
7 have taken the role of advice and consent of State Department nominees seriously. And
8 while considering hundreds of nominations for both Democratic and Republican
9 administrations, even where I disagreed with the nominee's views, especially when they
10 were just espousing the views of an administration, I have often supported them if the
11 other qualifications of the position I considered important were met.

12 I respect Mr. Tillerson's experience and willingness to serve his country. But
13 after our private meeting and lengthy public confirmation process, I remain deeply
14 troubled by a number of Mr. Tillerson's responses and beliefs. I am not convinced that
15 Mr. Tillerson shares a world view that the United States foreign policy must be rooted
16 in the values that strengthen us as a nation -- championing democracy, upholding the
17 rule of law, protecting human rights.

18 And as I said during his hearing, business deal making is not diplomacy. And I
19 remain doubtful that Mr. Tillerson would fully embrace a wide-ranging policy to

1 strengthen our alliances and forthly confront our adversaries. It is not the type of moral
2 clarity I would have liked to have heard him espouse.

3 Additionally, I believe Mr. Tillerson was not entirely forthcoming in his response
4 to my questions about both his personal and ExxonMobil's lobbying against sanctions,
5 one of the most powerful tools in our arsenal of peaceful diplomatic levers and many of
6 which I have personally written. If I am charged with a responsibility to advise and
7 consent, if I am to vote affirmatively for a nominee, I need honest and transparent
8 answers. I simply do not feel I got them from Mr. Tillerson on these questions.

9 Finally, as I said at the hearing, at a time when Russia's continuing aggression
10 around the world and interference in our election must be at the top of America's
11 diplomatic agenda and our chief concern to our Secretary of State, it is incredibly
12 troublesome that Mr. Tillerson and President Trump had not even discussed the
13 specifics of their Russia policy. I do not know how you choose to accept the position of
14 Secretary of State when you do not have a global discussion. And if you did have a
15 discussion, you do not even talk about Russia between what is happening in Ukraine,
16 Aleppo, and in our own elections.

17 So I believe Mr. Tillerson proved he lacks the sufficient knowledge or regard for
18 the norms and necessities that so much of our modern diplomatic and security efforts
19 depend upon, and I believe the American people deserve a chief diplomat to fully

1 advocate for the interests and national security of all. I just did not get that from the
2 process of this confirmation, and so, therefore, I will be voting no.

3 **SENATOR CARDIN:** I think Markey wanted to be heard.

4 **THE CHAIRMAN:** I think Senator Markey was the only other one.

5 **SENATOR MARKEY:** Thank you, Mr. Chairman.

6 And I just want to follow up on what Senator Cardin made reference to. In my
7 repeated questioning of Mr. Tillerson with regard to his holdings on ExxonMobil, not
8 personally, but the holdings of ExxonMobil inside of the country of Russia, he refused
9 to commit to recusing himself from all matters related to ExxonMobil for the duration of
10 the time that he would be Secretary of State.

11 At the time at which Mr. Tillerson took over as CEO of ExxonMobil, they had
12 very small holdings in Russia. Today, ExxonMobil holds an area that is the size of
13 Wyoming for drilling purposes inside of Russia. That is, for my purpose, a fundamental
14 conflict of interest.

15 I would feel a lot more comfortable if Mr. Tillerson would agree to recuse himself
16 from any matter related to ExxonMobil for the duration of his time as Secretary of State.

17 He has refused to do so.

18 During his time as CEO of ExxonMobil, the company opposed the sanctions on
19 Russia that would hamper the business activity of ExxonMobil inside of that country.
20 So I just think it is fundamental that Mr. Tillerson just recuse himself from any of those

1 issues because the American people have a right to know that it is their interests and not
2 ExxonMobil's interests that are going to be advanced by these huge decisions which are
3 going to be made over the next several years at the State Department and in the White
4 House.

5 And for that reason, I cast -- I will cast a no vote on his nomination.

6 **THE CHAIRMAN:** Thank you. And I am more than glad to stay here and keep the
7 meeting open for other comments as a courtesy to members who have other business.

8 The motion before us, I will ask a roll call vote for Rex Tillerson to be Secretary of
9 State. The vote will be to report the nomination favorably. If the clerk will call the roll?

10 **SENATOR CARDIN:** And Mr. Chairman, so understand, I will be casting some
11 proxy votes, but the members, when they come --

12 **THE CHAIRMAN:** That is right.

13 **SENATOR CARDIN:** -- they will be able to replace the proxy.

14 **THE CHAIRMAN:** That is exactly right. And you know, we will keep it open, let
15 us say, instead of 5:15 p.m. until 5:30 p.m.

16 **SENATOR CARDIN:** Well, if possible, I would ask, particularly in Senator
17 Murphy's case, that he be -- if he is here later tonight, that he be able to replace his vote
18 to be in person, if that would be possible?

19 **THE CHAIRMAN:** We will attempt to figure out a way to accommodate that short
20 of me sitting here until 8:00 p.m. by myself.

1 **SENATOR CARDIN:** Okay.

2 **THE CHAIRMAN:** Thank you all very much for cooperating in this manner.

3 If the clerk will call the roll?

4 **THE CLERK:** Mr. Risch?

5 **SENATOR RISCH:** Aye.

6 **THE CLERK:** Mr. Rubio?

7 **SENATOR RUBIO:** Yes.

8 **THE CLERK:** Mr. Johnson?

9 **SENATOR JOHNSON:** Aye.

10 **THE CLERK:** Mr. Flake?

11 **SENATOR FLAKE:** Aye.

12 **THE CLERK:** Mr. Gardner?

13 **SENATOR GARDNER:** Aye.

14 **THE CLERK:** Mr. Young?

15 **SENATOR YOUNG:** Aye.

16 **THE CLERK:** Mr. Barrasso?

17 **SENATOR BARRASSO:** Aye.

18 **THE CLERK:** Mr. Isakson?

19 **SENATOR ISAKSON:** Aye.

20 **THE CLERK:** Mr. Portman?

1 **THE CHAIRMAN:** He will be here shortly.

2 **THE CLERK:** Mr. Paul?

3 **THE CHAIRMAN:** He will be back shortly.

4 **THE CLERK:** Mr. Cardin?

5 **SENATOR CARDIN:** No.

6 **THE CLERK:** Mr. Menendez?

7 **SENATOR MENENDEZ:** No.

8 **THE CLERK:** Mrs. Shaheen?

9 **SENATOR SHAHEEN:** No.

10 **THE CLERK:** Mr. Coons?

11 **SENATOR COONS:** No.

12 **THE CLERK:** Mr. Udall?

13 **SENATOR UDALL:** No.

14 **THE CLERK:** Mr. Murphy?

15 **SENATOR CARDIN:** No, by proxy.

16 **THE CLERK:** Mr. Kaine?

17 **SENATOR CARDIN:** No, by proxy.

18 **THE CLERK:** Mr. Markey?

19 **SENATOR MARKEY:** No.

20 **THE CLERK:** Mr. Merkley?

1 **SENATOR MERKLEY:** No.

2 **THE CLERK:** Mr. Booker?

3 **SENATOR CARDIN:** No, by proxy.

4 **THE CLERK:** Mr. Chairman?

5 **THE CHAIRMAN:** Aye. So now we are going to hold it open.

6 **SENATOR CARDIN:** And I would just ask consent that the roll call be held open.

7 **THE CHAIRMAN:** And we will, as members do come in and want to vote, we will
8 stop the speaking to allow them to do so.

9 Thank you. It is a little bit of a departure than – the vote – count than things
10 have been in the past on nominations like this, but I certainly respect everyone's ability
11 to cast votes in the manner they wish.

12 Does anyone wish now to speak? Senator Rubio?

13 **SENATOR RUBIO:** Thank you, Mr. Chairman.

14 Let me begin by saying that I believe that all Presidents, especially a new one, are
15 entitled to a significant amount of deference on their Cabinet appointments. I think this
16 is a tradition that is evidenced by the fact that I believe in the 240-year history of the
17 republic, we have only had 9 Cabinet nominees that have been voted down by the full
18 Senate.

19 But I also want to add that given how much uncertainty currently exists
20 regarding the future direction of our Nation's foreign policy, this nomination deserved a

1 higher level of scrutiny than tradition otherwise would indicate, and that is in the spirit
2 of which I entered into these deliberations.

3 As you have already said that Mr. Tillerson testified for over 8 hours, I spent
4 about 4 or 5 weeks prior to this hearing researching and preparing for it. I have had the
5 opportunity to have two extensive conversations with him. He has also responded to
6 over 100 written questions, and for the record, none were about horses.

7 **THE CHAIRMAN:** Thank you for that.

8 **SENATOR RUBIO:** But, and a couple things I would say. The first is on the
9 fundamental question of whether he is qualified to be Secretary of State, I believe that
10 he is. He has a proven record of managing a large and complex organization, and he
11 has extensive experience, international commerce.

12 The one I struggled with was I strongly believe that our foreign policy is at its
13 best and at its most effective when it is grounded in the moral principles and values at
14 the core of our Nation's birth, the defense of the God-given rights of all people to life
15 and to liberty and to pursue happiness. And so, for me, this was not simply a focus on
16 Russia, which gets all the attention, although it is certainly a factor in it.

17 My fundamental concern that I grappled with is that in the face of these calls that
18 we have to move our foreign policy into the direction of what I believe is a sort of
19 hyperrealism, my concern was that Mr. Tillerson would be an advocate for and would

1 pursue a foreign policy of deal making at the expense of traditional alliances and at the
2 expense of the defense of human rights and of democracy.

3 I want to say for the record that in my interactions with him and with the new
4 administration, they exhibited a high level of professionalism and responsiveness, and I
5 think that is important to point out. And that I was pleased on a number of fronts, both
6 with his answers and some with his clarifications.

7 There are other fronts, however, other questions where I remain troubled, and I
8 found it necessary to balance the answers that I was troubled by with at least four
9 separate factors. The first, of course, is his track record of leadership that I have
10 outlined. The second was things like his support of NATO, his recognition that Russia's
11 claims on Crimea are illegitimate, his commitment to the Asia-Pacific defense
12 commitments that we have, his answers on Cuba -- a particular concern to some of us --
13 and his support of defensive armaments for Ukraine.

14 I also balance it with a belief, as I have already stated, that the President deserves
15 the chance to succeed and, therefore, should be given significant deference in choosing
16 Cabinet officials. And one additional point, which I think really came to light over the
17 last 72 hours or week for me, is the fact that given the extraordinary amount of
18 uncertainty and anxiety that exists both here at home and abroad about the direction of
19 our Nation's foreign policy, I concluded that it would not be good for our country to

1 unnecessarily delay or create unwarranted political controversy over this particular
2 nomination.

3 And I want to -- and I said this to you earlier, Mr. Chairman, and you were, I
4 think, in agreement, that as this committee moves forward with other appointments to
5 critical posts in the Department of State, they will not be entitled nor receive from me
6 the same level of deference that I have applied in this particular case.

7 And so that is why on this nomination I have voted to today to confirm Mr.
8 Tillerson and will do again in the full Senate. But as I informed him today in our
9 conversation, I stand ready to help him succeed. I hope he does become the best
10 Secretary of State our Nation has ever had, but I also intend to hold him and, more
11 broadly, the Department of State accountable on the issues that I have stated here today
12 and that I remain concerned about.

13 So I thank you, Mr. Chairman.

14 **THE CHAIRMAN:** Well, I thank you, and I appreciated the call this morning and
15 the thoughtfulness that went into making the decision. And I heard loud and clear that
16 for other positions where you feel there is maybe a lack of clarity on these issues, you
17 might not be quite as forgiving, if you will.

18 **SENATOR SHAHEEN:** Mr. Chairman?

19 **THE CHAIRMAN:** Senator Shaheen?

1 **SENATOR SHAHEEN:** I have a statement that I would like to submit for the record.

2 But I also have a few comments that I would like to make.

3 I think one of the things -- I appreciate the concern you are raising about the
4 polarization on the committee about this nominee.

5 **THE CHAIRMAN:** Yes.

6 **SENATOR SHAHEEN:** And for me, one of the things that made that so hard was
7 the fact that Rex Tillerson, unlike previous Secretaries of State in my memory -- whether
8 it is Hillary Clinton or John Kerry or Jim Baker, Madeleine Albright, Colin Powell,
9 Condoleezza Rice -- they all have a record in the public domain of positions they have
10 taken and actions they have made on behalf of foreign policy issues that I could go to
11 and say this is how I think they might react in a given situation.

12 We did not have that with Mr. Tillerson, and for me, that was one of the difficult
13 things in trying to evaluate the kind of leader that I thought he would be. And now I
14 have to say after my meeting with him, I was inclined to view his nomination favorably.
15 But I was very troubled by many of his responses in the hearing.

16 I was reassured by what he had to say about NATO and international
17 institutions, but very troubled, as Senator Rubio just commented, about his responses
18 on human rights abuses and on his unwillingness to acknowledge that it is important
19 for us to sanction Russia. And I know the view of this committee is that we need to take

1 strong action against Russia when they violate international norms, and so I hope that
2 he and the administration hear that loud and clear.

3 I appreciated his support for women's economic empowerment and hope that as
4 an engineer, he will look at the data when it comes to providing support for women's
5 programs and particularly for things like family planning, which we know has a very
6 significant impact in improving the lives of women and families and communities.

7 I was concerned, as Senator Markey said, about his lack of forthrightness, as I
8 saw it, on Exxon's dealings around lobbying and sanctions and also his unwillingness to
9 commit clearly on the importance of acting to address climate change. So there were
10 some other issues that my remarks, my written remarks address. But in the end, I just
11 had too many concerns and questions about the kind of leadership he would provide at
12 the State Department to feel comfortable with voting for him.

13 Now, that said, I hope he is successful because it is in all of our interests that our
14 diplomatic efforts, our foreign policy is successful, and that this country is successful.
15 So I hope to work closely with him and with the State Department, as we have since I
16 have been on this committee, and I look forward to doing that and hope that he will
17 prove me wrong in some of my concerns.

18 Thank you.

1 [The prepared statement of Senator Shaheen follows:]

2 **Senator Shaheen's Statement for the Record**

3 Mr. Chairman, Ranking Member Cardin, I appreciate Mr. Tillerson's willingness to
4 serve our country. He does not need this job, and his interest in working to advance the
5 national security of the American people is admirable.

6 I welcome the strong assurances Mr. Tillerson gave me about his commitment to the
7 Transatlantic alliance and particularly NATO. I intend to hold the Trump Administration to
8 those commitments.

9 I also appreciate Mr. Tillerson's sincere support for programs to strengthen women's
10 economic empowerment and political participation and to combat gender-based violence. If
11 confirmed, I look forward to working with him and others on this committee to advance a
12 broad agenda that benefits women and girls worldwide.

13 However, I was disappointed by Mr. Tillerson's equivocation on the importance of
14 reproductive health and family planning to this agenda. Mr. Tillerson describes himself as
15 an engineer who seeks the facts and follows where they lead; I hope he will let himself be
16 convinced by the forceful, data-driven arguments for this assistance.

17 I also remain troubled by Mr. Tillerson's aversion to imposing additional sanctions
18 on Russia and his evasions on questions about clear abuses of fundamental human rights. I
19 know there is broad bipartisan backing on this committee for a firmer approach to Russia
20 and for a foreign policy that stands up for America's values. I hope that Mr. Tillerson and
21 the new Administration have received that message loud and clear.

22 Finally, I wish Mr. Tillerson had clearly committed to supporting the Paris Climate
23 Agreement, which I believe is an essential step by the nations of the world to address the
24 global threat of climate change.

1 In the end, I simply have too many concerns and outstanding questions about Mr.
2 Tillerson's positions, and particularly how they relate to President Trump's, to support him
3 now. I anticipate that he will be confirmed, and in that case I sincerely hope these concerns
4 prove misplaced.

5 **THE CHAIRMAN:** Well, thank you. And I know you all had a good meeting and
6 had talked with you a little bit about that and him.

7 Mr. Tillerson is an engineer, and I think he probably does not know the person
8 he is getting ready to work for very well, and matter of fact, I would guess they
9 probably spent under a couple of hours together. And sometimes people are a little -- a
10 little reticent to get out over their skis, if you will, when they do not really know the
11 person that they are getting ready to work for.

12 But I know you had a very good private meeting, as did I, and I think most
13 people on the committee. With that, do you want to record your vote?

14 **SENATOR PAUL:** Mr. Chairman, I would like to be recorded as a yes.

15 **THE CHAIRMAN:** Thank you, sir. Thank you so much for coming back.

16 Anyone else over here would like to make any comments?

17 Over here -- Senator Merkley?

18 **SENATOR MERKLEY:** Thank you, Mr. Chairman.

19 I would like to echo some of the thoughts my colleagues have expressed, that
20 there were a series of positions that came up in the hearing that bothered me a great

1 deal. Certainly, Enron's background in lobbying against the sanctions on Russia was
2 one of them.

3 **SENATOR SHAHEEN:** Exxon.

4 **SENATOR MERKLEY:** But another --

5 **SENATOR SHAHEEN:** Exxon.

6 **SENATOR MERKLEY:** I am sorry. Exxon, not Enron. Thank you.

7 Also very concerned about the subsidiary that Exxon set up to bypass our
8 sanctions on Iran. We need a Secretary of State who is clear about the role of U.S.
9 foreign policy. And when I asked him how he would respond if other companies did
10 that when he was leading as Secretary of State, he did not give a clear answer that he
11 would work to have those companies abide and support the causes that American
12 policymakers were pursuing with those sanctions.

13 I am also concerned about the statements and how he responded to the questions
14 about the extrajudicial killings in the Philippines, his company's payments to the
15 personal family of president or dictator for life in Equatorial Guinea, and his response to
16 Russia's actions in Syria and the bombing of Aleppo. And all of these things added up,
17 I thought, to representing answers that you might expect from someone wearing their
18 company hat, but not someone setting forth a moral compass for American leadership
19 in the world.

20 And that is the foundation on which I opposed him.

1 Thank you.

2 **THE CHAIRMAN:** Thank you.

3 And if I could, I am not taking anyone to raise here, but I think the question
4 about the sanctions – what he tried to clarify is he did not lobby against sanctions. He
5 lobbied to try to make the equivalency between what we were doing here in the United
6 States and what was happening in Europe to be more synchronized because the
7 European companies had advantages based on the way the sanctions were put in place
8 because they were grandfathered in as far as their activities. Whereas, that was not the
9 case with the U.S. sanctions.

10 So that was a clarification that I think he tried to make over and over in the
11 committee.

12 Anyone else wishing to -- Senator Coons?

13 **SENATOR COONS:** Thank you, Mr. Chairman.

14 This was not a decision I made lightly. I have come to respect Mr. Tillerson's
15 significant experience and broad role in business leadership over a lengthy public
16 hearing and two very constructive private meetings, and I concluded he was a
17 thoughtful and seasoned professional whose impressive business experience would
18 actually serve him well in this role.

19 I was encouraged by a number of his public stances, as some of my colleagues
20 have said. His support for the NATO alliance, his respect for our leadership in

1 multilateral initiatives, and in particular, in my case, his support for development
2 programs, especially in Africa. But as I remarked both publicly and to him, the
3 transition from being CEO of Exxon to Secretary of State, given he has no previous
4 public record, is a significant leap and one where I have heard overwhelming input
5 from my constituents about their view of his potentially troubling ties to Vladimir Putin
6 and to Russia, given how pressing that issue is for us in our foreign policy right now.

7 His views do differ from mine in a few significant ways. I do view climate
8 change as a pressing national security threat, and I do think that some of our core
9 values in human rights, free press, and promotion of democracy need to be advanced at
10 the same time that we work for our security and our economic interests, that our values
11 and our interests are best when advanced together.

12 And I came very close to voting for Mr. Tillerson because of the constructive role
13 I believe he could play. But I, frankly, in listening to the inaugural address of President
14 Trump, concluded that American leadership on the world stage is not as simple as
15 "America first." And that I was even more concerned about a number of alarming
16 things that the President said as a candidate on a whole range of issues, from human
17 rights to NATO, to climate change, to Russia.

18 And it is my deep hope that Mr. Tillerson, as Secretary, will challenge President
19 Trump to rethink his isolationist and dark view of the world and to instead pursue a
20 foreign policy that upholds our values and advances our interests.

1 And if he is successful in that undertaking, I look forward to working closely
2 with him and to recognizing the significant transition he has made and congratulating
3 and thanking him on that.

4 Thank you, Mr. Chairman.

5 **THE CHAIRMAN:** Thank you. Again, I appreciated those comments. I know we
6 had a nice conversation about this on Friday.

7 I thought we were looking for in a Secretary of State is someone who was going
8 to be up under the hood advising the President in a way that we thought would be
9 good for our country, not to measure them against comments at an inaugural address
10 or comments during a campaign. And I do think it is unfortunate that what has
11 happened here is this has really in some ways turned out to be a proxy on people's
12 feeling about our President, not necessarily a proxy or a vote on the person who is
13 actually coming in as Secretary of State.

14 And to me, Mr. Tillerson is an adult who has been around, and while he certainly
15 does not know some of the political things that we know and has not been sitting
16 through hearings for ten years, I do think he is a person that can be a very good anchor
17 on the things that we care about. And that was what I measured him by, not by
18 comments made during a campaign, not by comments made at an inaugural address.

19 I do not think any of us could possibly hold nominees responsible for what
20 someone else says if we happen to disagree with that. So I looked at it in a different

1 way, as I have said during the opening comments. But it is very evident to me that in
2 some cases here on the committee, it really turned out to be a proxy on the election
3 itself, and it is disappointing. But that is what has happened.

4 **SENATOR CARDIN:** Mr. Chairman, if I could respond just very briefly on that?

5 I do not think that is the case at all. I think what has been said is that Mr. Trump
6 is our President. We want him to succeed. He cannot possibly manage every part of
7 Government, and his Cabinet appointments are critically important to this country.
8 They have a great deal of discretion in the way they operate their agencies.

9 The advice and consent role of the Congress, of the Senate, is critically important
10 to make sure that these individuals are qualified for the positions they are taking, but
11 also give us and the American people an opportunity, quite frankly, to understand the
12 passion and commitment of these individuals to the roles that they are taking. We have
13 seen over and over again with the nominations that Mr. Trump has made that the
14 nominees have taken positions that are different than the positions that candidate
15 Trump took.

16 We have seen that with General Mattis, now the Secretary of Defense, when he
17 talked about the NATO alliance. He came out very strongly in support of the NATO
18 alliance, quite differently than President Trump did as candidate Trump. I think
19 General Mattis was being just straightforward as to his beliefs, and that is one of the

1 reasons why he received almost unanimous support by the United States Senate to be
2 confirmed as Secretary of Defense.

3 We saw in Mr. Tillerson's case, and I really want to underscore this, I think he is a
4 good person. I think he is well qualified from the point of view of his business
5 experience and his negotiating skills. But what I think troubled many of us is that when
6 you look at the fundamental responsibility of the Secretary of State, to promote
7 American values, and you contrast that to some of the other nominees and the
8 comments that they were prepared to make about their passion. I already mentioned
9 the point in regards to war crimes, which is something that is pretty sensitive to many
10 of us here, particularly when we have seen what has happened in Aleppo, thanks to
11 Russian support.

12 Or we see what is happening in the Philippines with extrajudicial killings. Or we
13 saw the response to the question on a national registry, when we asked him how he felt
14 about Muslim Americans being registered, and he gave a more generic response. He
15 did not just say that it would be wrong to have any type of registry in this country for
16 any group of ethnic or religion Americans. It is important to the values of our country.

17 He did not express that. Or, when the question was asked about the
18 LGBT community, and he could not respond on that issue. He said, "I am against any
19 form of discrimination." Okay. But you need to have a view that when you are going
20 to be Secretary of State, the world is looking upon you for leadership on these issues.

1 So it is not so much that we do not want to get in front of the heads of our skis.
2 That was not the issue because we understand that Mr. Trump will be and is the leader
3 on all these issues. We understand that. But we wanted to know that the Secretary of
4 State, our future Secretary of State, felt passionate on these issues.

5 And I want to agree with Senator Shaheen. It is very likely that Mr. Tillerson will
6 be confirmed to be Secretary of State. With the vote in this committee, I think most of
7 us can do our counting, and we expect that he will be confirmed. And I can assure you,
8 Mr. Chairman, this committee will play an important role and every member of this
9 committee will play an important role. And we want him to succeed as Secretary of
10 State. We want him to promote American values.

11 I was listening very carefully to Senator Rubio's comments, and I share so much
12 of his passion on the human rights issues. So it is going to be important that we all
13 work together to make this country continue to be the leader globally on these issues,
14 and we will do everything we can to make sure that we have a successful
15 administration and a successful Secretary of State on these issues. And we will work
16 with him.

17 But I think it is our responsibility to point out not only to our constituents, but to
18 the American people that there was disappointment in the manner in which Mr.
19 Tillerson responded to these questions. Although they may have been consistent with

1 President Trump, that was not our issue. It was not our issue as to whether we are
2 trying to be a proxy for President Trump.

3 It is not at all that. It is not at all. I intend to vote for several of President
4 Trump's nominees for confirmation. I am going to be voting against other of his
5 nominees. I have already announced my opposition to others.

6 So it is that independent judgment I am making about the individual who is
7 going to head that department, be in the room with the President, as to whether I think
8 that person will speak out for the values of this country in a way that will be effective in
9 making America move forward in the right direction.

10 **THE CHAIRMAN:** Very good. This is me that is listening, you know?

11 So what -- what I think I will do is I will keep the committee open until about
12 5:25 p.m. I think Portman will be in at that time. We will recess. And then so that
13 Senator Murphy can record his vote --

14 **SENATOR CARDIN:** I think Senator Booker and Senator Kaine.

15 **THE CHAIRMAN:** Okay. So what we will do is reconvene at maybe 7:00 p.m. for 5
16 minutes, bang it in to let them vote in person during that time.

17 With that, without objection, we are in recess. Excuse me. We are not in recess. I
18 will wait for Portman for 5 minutes, and then we will be in recess until 7:00 p.m.

19 **AUDIENCE MEMBER:** Are we allowed to speak during this time? I was asking
20 Senator Corker, can we talk during these 5 minutes?

1 The Chairman: You are welcome to talk to each other. It is always good to see
2 you.

3 Thank you.

4 [Laughter.]

5 **THE CHAIRMAN:** Mr. Portman, sir, it is good to see you. We have had a rigorous
6 discussion. How would you like to vote on Mr. Tillerson?

7 **SENATOR PORTMAN:** Mr. Chairman, I thank you for your patience. I apologize.
8 Because of weather, my flight was delayed.

9 But as you know, I believe Presidents ought to be given deference in their team
10 and given the benefit of the doubt. And in my discussions with Mr. Tillerson and in our
11 public hearing, as you know, I asked him a number of questions, including questions
12 about NATO and Article 5 and also about Ukraine, and I was impressed with his
13 comment that he would support providing defensive lethal weapons to the people of
14 Ukraine so they can defend themselves, which is a change in policy, as you know.

15 I was also impressed with what he said about NATO and his commitment to not
16 just supporting NATO, but not threatening to revoke U.S. support for Article 5 based
17 on funding considerations. He said it was unconditional.

18 And he also, in response to my questions about Israel and our relationship there,
19 talked about the need for us to push back against the kinds of boycotts and divestment

1 and sanctions legislation that Senator Cardin and I have fought against in our legislative
2 efforts.

3 And with all those taken into account, I have decided to vote yes on this
4 nomination. I do believe that Mr. Tillerson's extensive business relationships around
5 the world can be a positive thing for our country.

6 Again, my concern going into this was some of the issues that I raised a moment
7 ago to see, you know, where he stood. Because I think those relationships and that
8 ability to influence our national security can be very helpful, or those relationships
9 could be used in a way that would not promote our national security.

10 And based on those answers to the questions, I am pleased to vote aye today.

11 **THE CHAIRMAN:** Thank you so much, and thanks for making an extra effort to be
12 here today. We appreciate it.

13 **SENATOR PORTMAN:** Thank you again for your indulgence and your patience.

14 **THE CHAIRMAN:** Thank you, sir.

15 **THE CHAIRMAN:** The illustrious Senator Kaine has arrived and would like to
16 record his vote, and you are welcome to comment at this time.

17 Thank you.

18 **SENATOR KAINE:** Thank you for holding the vote open. And I put out a
19 statement last week. I am going to vote no and just rely on that statement.

20 **THE CHAIRMAN:** Thank you. Thank you so much. Thanks for being here.

1 **SENATOR KAINE:** Thank you. Mm-hmm.

2 **SENATOR CARDIN:** Senator Kaine will change his vote from proxy no to no, just --

3 And Mr. Chairman, as you know, Senator Booker and Senator Murphy are both
4 delayed because of weather problems, not only on the flight, but I have been told that
5 the train has also been delayed. They have asked that we do not delay the proceedings
6 further. If they were here personally, they would have voted no in person, but I think
7 we can close out the vote.

8 **THE CHAIRMAN:** Thank you. And thank all of you for your cooperation, and I
9 look forward to processing this on the floor. And I guess we have a mark-up tomorrow
10 for --

11 **SENATOR CARDIN:** Do you want to announce the vote?

12 **THE CHAIRMAN:** We have a meeting, business meeting tomorrow on Nikki
13 Haley, but would the clerk report?

14 **THE CLERK:** Mr. Chairman, the yeas are 11; the noes are 10.

15 **THE CHAIRMAN:** Yeas are 11; noes are 10. Recommendation passes. He will
16 move to the floor, and I thank everybody for their cooperation.

17 **SENATOR CARDIN:** We have a vote tomorrow -- or we have a business meeting
18 tomorrow at noon, I believe it is. One of our members will be ranking on the Small
19 Business Committee. So she will get to our committee at some point, I just want to ask
20 some consideration so that she --

1 **THE CHAIRMAN:** We will do the same thing.

2 **SENATOR CARDIN:** Yes.

3 **THE CHAIRMAN:** Okay. We are adjourned. Thank you.

[WHEREUPON, AT 5:42 P.M., THE HEARING WAS ADJOURNED.]