
Thursday, September 26, 2017

BUSINESS MEETING

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

BUSINESS MEETING

Thursday, October 26, 2017

U.S. SENATE
COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, D.C.

1 The committee met, pursuant to notice, at 9:35 a.m., in Room S-116, Dirksen
2 Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

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

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

6 **THE CHAIRMAN.** I am going to go ahead and call the meeting to order. I know
7 that people are really accommodating us today. We thank you, and I do not want to
8 keep people here longer than necessary. I have very short opening comments, but I
9 want to get them out of the way so you guys can go to do your business.

10 The business meeting of the Foreign Relations has come to order. On the agenda
11 today, we will consider S. Res. 279, Reaffirming the Commitment of the United States to
12 Promote Democracy, Human Rights, and the Rule of Law in Cambodia. I want to thank
13 Senators McCain and Durbin for their bipartisan work on this legislation.

14 The resolution affirms U.S. support to the Cambodian people in the face of Prime
15 Minister Hun Sen's crackdown on civil society. Moreover, it sends a clear message to

1 the Cambodian government that the United States will be watching the events leading
2 up to next year's elections very, very closely. I ask that you approve S. Res 279, as
3 amended by a substitute amendment.

4 We will also consider a number of nominations, which is probably the most
5 important task today, and an FSO list. I want to thank my colleagues for helping the
6 committee work through these nominations in an appropriate fashion and allow us to
7 take these steps forward. Senator Cardin, thank you for allowing us to have this
8 meeting. I would love to have any comments you might have.

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

9 **SENATOR CARDIN.** Well, thank you, Mr. Chairman. Mr. Chairman, thank you
10 very much. I want to reaffirm the chairman's statements. I support the resolution that
11 we have in regards to Cambodia, and thank our colleagues that were responsible for
12 bringing this forward.

13 The major number on the agenda today deal with nominations. And the
14 Democratic members have been very anxious to accommodate quick consideration,
15 assuming we have all the information we have, of nominees in the State Department,
16 including our ambassadors, because we believe that the President and the
17 Administration has been very slow in getting us nominees. And it is critically
18 important that we have confirmed positions in the State Department and our missions
19 around the world in order to represent our country.

1 Now, there are cases where we do not have all the information and we cannot
2 respond, and there have been questions that have been asked that require follow-up.
3 That is a normal part of the confirmation process. But as far as the timely consideration
4 of nominations, I have seen comments made by the President of the United States
5 saying that Democrats have been obstructionist in that regard. There has been
6 absolutely no obstruction or tactics taken on our side in regards to these nominations.

7 I will point out that there are problems with the Administration in complying
8 with what we have asked in Congress, and this is -- there needs to be attention given,
9 and we will be following that very closely. But today, we do have the nominees that we
10 will -- most of which we will support.

11 There are two, Mr. Chairman, that we are going to be asking for separate roll call
12 votes on those two, and the first is the nominee to be ambassador to Germany, Richard
13 Grenell. At that hearing, Senator Murphy was the ranking on the Democratic side, and
14 I will yield to him for the concerns that some of us have in regards to his nomination.
15 The other is Governor Senator Brownback to be ambassador-at-large for International
16 Religious Freedom. Senator Kaine was the ranking Democrat at that hearing, and I will
17 yield to him to explain concerns we have with that nominee.

18 **THE CHAIRMAN.** I wonder if we could yield when we actually get to those people
19 if that is all right.

20 **SENATOR CARDIN.** Yes.

1 **THE CHAIRMAN.** Just to be transparent, since we do not have more Republicans
2 than Democrats right now to deal with those nominees, why do we not go ahead and
3 deal with the ones we all --

4 [Laughter.]

5 **THE CHAIRMAN.** Why do we not deal with the ones that we know we have no
6 issue, if that is okay.

7 **SENATOR CARDIN.** That is fine.

8 **THE CHAIRMAN.** Unfortunately, I have to read them all aloud. There are a
9 number of them:

10 The Honorable Michele Sison to be ambassador of Haiti; the Honorable Peter
11 Hoekstra to be ambassador to the Netherlands; the Honorable Kenneth Juster to be
12 ambassador to India; the Honorable Larry Andre to be ambassador to Djibouti; Mr.
13 Daniel Kritenbrink to be ambassador to Vietnam; Ms. Kathleen Fitzpatrick to
14 ambassador to Timor-Leste; Mr. Richard Buchan to be ambassador to Spain and
15 Andorra; Ms. Jamie McCourt to be ambassador to France and Monaco; Mr. Ed
16 McMullen to ambassador to Switzerland and Liechtenstein; Mr. Peter Barlerin to be
17 ambassador to Cameroon; Mr. Michael Dodman to be ambassador to Mauritania; Ms.
18 Nina Fite to be ambassador to Angola; Mr. Daniel Foote to be ambassador to Zambia;
19 Mr. David Reimer to be ambassador to Mauritius and Seychelles; Mr. Eric Whitaker to
20 be ambassador to Niger; Mr. Robert Kohorst to be ambassador of Croatia; Ms. Carla

1 Sands to be ambassador to Denmark; Mr. Thomas Carter to be representative to the
2 Council of the International Civil Aviation Organization; Mr. Michael Evanoff to be
3 Assistant Secretary of State for Diplomatic Security; Ms. Jennifer Newstead to be legal
4 advisor -- thank you all for that, by the way; Ms. Manisha Singh to be Assistant
5 Secretary of State for Economic and Business Affairs, and and there is a FSO list that I
6 think you all have seen.

7 If we could move on those.

8 All in favor, say aye.

9 [A chorus of ayes.]

10 **THE CHAIRMAN.** All opposed?

11 [No response.]

12 **THE CHAIRMAN.** With that, the ayes have it, and the nominations and FSO List is
13 agreed to.

14 Now, one, two, three, four, five, six, seven, eight; one, two, three, four, five, six,
15 seven. It seems like a perfect time --

16 [Laughter.]

17 **SENATOR YOUNG.** Mr. Chairman?

18 **THE CHAIRMAN.** It seems like a -- yes, sir?

19 **SENATOR YOUNG.** Could I make a quick comment on the record related to Ms.
20 Newstead's nomination, please?

1 THE CHAIRMAN. Yes, sir.

2 SENATOR YOUNG. All right. So, if confirmed, we know Ms. Newstead is going
3 to serve as the principal legal advisor to the Department of State on all legal matters,
4 domestic and international. And this committee will not be surprised to hear I have
5 been focused on the situation in Yemen and the steps that -- of our Saudi partners and
6 ones they can take to alleviate suffering. In the world's largest humanitarian crisis, it is
7 important for the U.S. government to fully comply with our own laws related to foreign
8 assistance, and to use all our substantial leverage with our Saudi partners to encourage
9 them to take steps to prevent any more in Yemen from starving, and succumbing, to
10 cholera and dying.

11 In addition to the moral and humanitarian imperative and the requirements of
12 the law, I have also argued why such steps are in the national security interest of the
13 U.S. and Saudi Arabia. Unfortunately, for months our Department of State has been
14 unresponsive to my questions related to the law and that Saudi Arabia's actions mimic.
15 As a member of the State's Oversight Committee, it is important that we follow up on
16 these matters.

17 That is why I met with Ms. Newstead. I was really impressed by her credentials,
18 but I expressed to her my concerns, and I raised those concerns again in her nomination
19 hearing. I also submitted a number of detailed questions to Ms. Newstead and the
20 Department related to the U.S. law and Saudi actions in Yemen. My office received

1 responses last night after 5:30 p.m. I am grateful for those responses. I am still
2 reviewing them in great detail. We have conducted an initial review, and it is going to
3 take some time, though.

4 So, for that reason, just know that I am going to need some more time to review
5 these responses and determine whether they are sufficient in my mind to -- before she
6 receives a vote on the floor. And I thank my colleagues for indulging me here today.
7 Thank you, Mr. Chairman.

8 **THE CHAIRMAN.** No, thank you, and I am glad you received a response.
9 Hopefully it is adequate, but I understand it is your prerogative in the event or not. So,
10 thank you very much.

11 **SENATOR YOUNG.** Thanks.

12 **THE CHAIRMAN.** So, I understand we need to have a roll call vote on Sam
13 Brownback and on Richard Grenell.

14 **SENATOR MERKLEY.** Mr. Chairman?

15 **THE CHAIRMAN.** Yes, sir.

16 **SENATOR MERKLEY.** Could I follow up on my colleague's point? We have had
17 this challenge in a number of committees in getting responses to questions. I guess I am
18 asking if-- is it your preference that we set aside that nomination until you have had a
19 chance to review those questions and then take it up again?

1 **SENATOR YOUNG.** It is my preference -- I just voted affirmatively. It is my
2 preference to vote Ms. Newstead out of the committee, to review the legal responses,
3 and then I can make up my mind about the path forward.

4 **THE CHAIRMAN.** She still has a chance on the floor, and --

5 **SENATOR MERKLEY.** I appreciate -- I appreciate that point, and the -- I do feel
6 there are times when if we do not get answers before a committee vote, that we should
7 all in a bipartisan fashion send the message we need to get the answers for people to
8 consider. And I think -- and I think they would be very quick getting us answers if they
9 knew that that might hinder their path.

10 **THE CHAIRMAN.** Thank you so much. All right. I know that people wish to
11 speak on Mr. Brownback to be ambassador-at-large for the International Religious
12 Freedom, and Mr. Grenell to be ambassador to Germany. So, I will let that happen first,
13 and then we will have a roll call vote. And thank you so much for allowing this to go
14 forward, and hopefully all Republicans will stay for just a minute. Yes, sir.

15 **SENATOR CARDIN.** Well, in regards to Mr. Grenell, let me, if I could, yield to
16 Senator Murphy.

17 **SENATOR MURPHY.** Thank you, Mr. Chairman. I will be -- I will be quick. Mr.
18 Chairman, I am going to vote no on Mr. Grenell's nomination, but I will admit to it
19 being a close call. He has a history of public service having represented us as a

1 spokesman at the UN. I had a good meeting with him in which he was very forthright
2 about many of my concerns.

3 But Mr. Grenell, being a long-time public commenter, has had a pretty troubling
4 history of intentional mischaracterizations of U.S. foreign policy. And most
5 concerningly, a pattern of some very troubling and derogatory comments about
6 women, not just one or two, but a long string of them. We are sending him to be our
7 representative, our ambassador to a country that is headed by perhaps the most
8 powerful woman leader in the world today.

9 And though we have always sent political ambassadors to Germany -- this is not
10 a post that has been traditionally filled by career individuals -- we cannot just send
11 people there with this kind of very controversial political record behind that. And so, I
12 think we could have found somebody much more suitable for the position. I am not
13 sure he is going to be able to overcome what are a deeply troubling string of comments
14 behind him. For that reason, I am going to be opposing.

15 **THE CHAIRMAN.** Thank you, and thanks for allowing this to go forward. Yes,
16 sir?

17 **SENATOR KAINE.** If I -- if I could speak about Governor Brownback's
18 nomination, and I will say sort of what Chris did. This was not an easy one. I think I
19 went into that hearing, and I was the ranking at that hearing in the stead of Senator
20 Menendez that day. I went in inclined to support because people that I care about --

1 Greg Wolf, former Congressman Jim Slattery -- were supportive. I just found the
2 hearing very, very troubling.

3 I had a couple of concerns, and I know Senator Shaheen had a couple, and I felt
4 like Governor Brownback's answers were very troubling. The first dealt with his feeling
5 about LGBT citizens, two actions that I asked him about. He has an executive order that
6 preceded him in Kansas that protected folks, even on the grounds of sexual orientation,
7 from being discriminated against in the workforce. He did not change it. He accepted
8 that order in his first term, during part of his second term. Then in a way that looked
9 very gratuitous, in the middle of his second term he just retracted that protection for
10 LGBT Kansans.

11 There had not been controversy about it. It was not creating a problem. But he
12 just acted to retract it in a way that I thought was gratuitous, and when I asked him
13 about it, I did not find his explanation convincing. He said, well, you know, the
14 legislature should do that. I asked him if he did -- commonly did executive orders. He
15 said that he did, and you only do executive orders when the legislature does not do
16 something. So, I did not find that convincing. Harry Truman integrated the military
17 via executive order. He did not wait for Congress to do it. So, retracting a protection
18 on that ground seemed unusual.

19 But more troubling was a series of questions that I asked Governor Brownback
20 about the persecution of LGBT folks around the world. People can be jailed, people can

1 be prosecuted, people can be executed simply for being LGBT. And I asked him very
2 bluntly whether that was acceptable if somebody claimed a religious motivation for
3 such laws, and he would not give me an unequivocal and plain answer. He could not
4 condemn the persecution, prosecution, imprisonment, or even execution of people who
5 are LGBT if somebody or some country claimed that there was a religious motivation
6 for it.

7 I think feelings about these issues of sexual orientation are really deeply held,
8 and having differences of opinion, and churches do and people do, those are all fine.
9 But when it -- when it extends to the civil space, we have a Constitution that says
10 everybody is entitled to equal protection. And I do not think you -- of the laws, and I
11 do not think you can use a religious motivation to suggest that some people -- that it is
12 okay to treat some people in a second-class way. And his inability to answer what I
13 thought was a softball question, and the repeated attempts to get him to answer the
14 softball question, I found to be very troubling.

15 Senator Shaheen had some similar concerns and questions about his stance on
16 women's rights, his support of a Sharia law -- an anti-Sharia law provision he enacted in
17 Kansas. And I think what we sort of came to the conclusion about is if there was a -- if
18 there was a position to protect Christian minorities, Governor Brownback would be
19 fantastic at that, and he would be vigorous in it. That is an important thing to do. But I
20 think folks of other religions in a minority standpoint would not really feel like he

1 would have their back. And that is a foundational Jeffersonian principle, first in the
2 extension of religious freedom in Virginia in 1780, and then in the First Amendment.
3 Everybody should feel like they're protected in how they worship or not, and they
4 should not be hurt or punished based on that.

5 And I do not believe that Governor Brownback has really acted that way, and I
6 would worry that he would not send a message about the full extent of what we believe
7 about religious freedom in this country. So, for that reason I am going to oppose him.

8 **THE CHAIRMAN.** Well, listen, thank you both. Thank you all for actually
9 allowing us to go forward, and I actually understand the concerns. I plan to support
10 these nominees, but I appreciate the fact that we can disagree agreeably and raise
11 concerns appropriately. And with that, I suppose -- do we want to do them separately?

12 **SENATOR CARDIN.** Separately.

13 **THE CHAIRMAN.** Do them separately. The clerk will call the roll.

14 **THE CLERK.** Mr. Risch?

15 **SENATOR RISCH.** Aye.

16 **THE CLERK.** Mr. Rubio?

17 **SENATOR RUBIO.** Aye.

18 **THE CLERK.** Mr. Johnson?

19 **SENATOR JOHNSON.** Aye.

20 **THE CLERK.** Mr. Flake?

1 **SENATOR FLAKE.** Aye.

2 **THE CLERK.** Mr. Gardner?

3 **SENATOR GARDNER.** Aye.

4 **THE CLERK.** Mr. Young?

5 **SENATOR YOUNG.** Aye.

6 **THE CLERK.** Mr. Barrasso?

7 **SENATOR BARRASSO.** Aye.

8 **THE CLERK.** Mr. Isakson?

9 **SENATOR ISAKSON.** Aye.

10 **THE CLERK.** Mr. Portman?

11 **SENATOR PORTMAN.** Aye.

12 **THE CLERK.** Mr. Paul?

13 **THE CHAIRMAN.** Aye by proxy.

14 **THE CLERK.** Mr. Cardin?

15 **SENATOR CARDIN.** No.

16 **THE CLERK.** Mr. Menendez?

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

18 **THE CLERK.** Mrs. Shaheen?

19 **SENATOR SHAHEEN.** No.

20 **THE CLERK.** Mr. Coons?

1 **SENATOR COONS.** No.

2 **THE CLERK.** Mr. Udall?

3 **SENATOR UDALL.** No.

4 **THE CLERK.** Mr. Murphy?

5 **SENATOR MURPHY.** No.

6 **THE CLERK.** Mr. Kaine?

7 **SENATOR KAINE.** No.

8 **THE CLERK.** Mr. Markey?

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

10 **THE CLERK.** Mr. Merkley?

11 **SENATOR MERKLEY.** No.

12 **THE CLERK.** Mr. Booker?

13 **SENATOR CARDIN.** No by proxy.

14 **THE CLERK.** Mr. Chairman?

15 **THE CHAIRMAN.** Aye. The clerk will report.

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

17 **THE CHAIRMAN.** It will pass out of committee and go to the floor. Thank you all.

18 And now, we are going to have a vote for Governor Brownback. The clerk will

19 call the roll.

20 **THE CLERK.** Mr. Risch?

1 **SENATOR RISCH.** Aye.

2 **THE CLERK.** Mr. Rubio?

3 **SENATOR RUBIO.** Aye.

4 **THE CLERK.** Mr. Johnson?

5 **SENATOR JOHNSON.** Aye.

6 **THE CLERK.** Mr. Flake?

7 **SENATOR FLAKE.** Aye.

8 **THE CLERK.** Mr. Gardner?

9 **SENATOR GARDNER.** Aye.

10 **THE CLERK.** Mr. Young?

11 **SENATOR YOUNG.** Aye.

12 **THE CLERK.** Mr. Barrasso?

13 **SENATOR BARRASSO.** Aye.

14 **THE CLERK.** Mr. Isakson?

15 **SENATOR ISAKSON.** Aye.

16 **THE CLERK.** Mr. Portman?

17 **SENATOR PORTMAN.** Aye.

18 **THE CLERK.** Mr. Paul?

19 **THE CHAIRMAN.** Aye by proxy.

20 **THE CLERK.** Mr. Cardin?

1 **SENATOR CARDIN.** No.

2 **THE CLERK.** Mr. Menendez?

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

4 **THE CLERK.** Mrs. Shaheen?

5 **SENATOR SHAHEEN.** No.

6 **THE CLERK.** Mr. Coons?

7 **SENATOR COONS.** No.

8 **THE CLERK.** Mr. Udall?

9 **SENATOR UDALL.** No.

10 **THE CLERK.** Mr. Murphy?

11 **SENATOR MURPHY.** No.

12 **THE CLERK.** Mr. Kaine?

13 **SENATOR KAINE.** No.

14 **THE CLERK.** Mr. Markey?

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

16 **THE CLERK.** Mr. Merkley?

17 **SENATOR MERKLEY.** No.

18 **THE CLERK.** Mr. Booker?

19 **SENATOR CARDIN.** No by proxy.

20 **THE CLERK.** Mr. Chairman?

1 **THE CHAIRMAN.** Aye. The clerk will report.

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

3 **THE CHAIRMAN.** Thank you all so much. The nomination passes. It will go to
4 the floor, and we will work together to have the confirmations that are necessary to fill
5 the State Department.

6 Lastly, we will consider S. Res. 279, Reaffirming the Commitment of the U.S. to
7 Promote Democracy, Human Rights, and the Rule of Law in Cambodia. I will entertain
8 a motion to consider the substitute amendments, which will make a small adjustment
9 for clarity, en bloc by voice vote.

10 **SENATOR CARDIN.** So moved.

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

12 **SENATOR RISCH.** Second.

13 **THE CHAIRMAN.** So moved and seconded. The question is on the motion to
14 approve the substitute amendments, en bloc, by voice vote.

15 All those in favor, say aye.

16 [A chorus of ayes.]

17 **THE CHAIRMAN.** Opposed?

18 [No response.]

19 **THE CHAIRMAN.** The ayes have it.

20 Is there a motion to approve the legislation, as amended?

1 **SENATOR CARDIN.** So moved.

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

3 **SENATOR RISCH.** Second.

4 **THE CHAIRMAN.** So moved and seconded. The question is on the motion to
5 approve S. Res. 279, as amended.

6 All in favor, say aye.

7 [A chorus of ayes.]

8 **THE CHAIRMAN.** Opposed?

9 [No response.]

10 **THE CHAIRMAN.** And with that, the ayes have it, and the legislation, as amended,
11 is agreed to.

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

14 Without objection, so ordered.

15 And with that, the committee will stand adjourned. Thank you all for your
16 cooperation.

[Whereupon, at 9:55 a.m., the hearing was adjourned.]