

BUSINESS MEETING

Thursday, March 11, 2021

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

The committee met, pursuant to notice, at 9:33 a.m., in Room SH-216, Hart Senate Office Building, Hon. Bob Menendez, chairman of the committee, presiding.

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

OPENING STATEMENT OF HON. BOB MENENDEZ, U.S. SENATOR FROM NEW JERSEY

The Chairman: The business meeting of the Senate Foreign Relations Committee will come to order. Today we will consider the nominations of Ambassador Wendy Sherman to be the deputy secretary of state and the nomination of Brian McKeon to be deputy secretary of state for management and

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resources. Let me thank Senator Risch for working with me to put the hearing of these nominees together last week and the business meeting. As we all know, at the start of every Administration, it is vital to stand up the foreign policy leadership team as soon as possible, and I appreciate the cooperation.

I am going to be very brief as we have a classified briefing with the Secretary at 10:00 a.m.

The nominees before us today are both experienced and capable individuals. The President and the Secretary need them in place at Foggy Bottom, and they will confront many challenges if confirmed. So I think that Ambassador Sherman and Mr. McKeon will be key to restoring and rebuilding the Department, bolstering the morale of career personnel, and improving the Department's record on diversity. Both nominees indicated their commitment to a cooperative, constructive, and consultive relationship with this committee, and Congress and I will hold them to that. They have answered -- I have reviewed the QFRs. It has been rather voluminous, and they have answered all of them within time.

With that, I would like to recognize our distinguished ranking member for his comments. Senator Risch.

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

Senator Risch: Thank you, Mr. Chairman. I will be brief. We do have these two nominations in front of us, and I will first talk about Ambassador Sherman. And she and I do agree on some matters, but not all, and, of course, there is nothing unusual about that, and certainly I would not vote against her on that basis. I agree with you, of course, that the Administration needs the team in place, and on that basis, that is the reason we have been able to cooperate and get to where we are.

Privately to me and publicly, Ambassador Sherman has committed that she will regularly consult with this committee early and often on any negotiations with Iran, whatever form those negotiations may take. She has also recognized that 2021 is not 2015 and the region has changed, and that she will continue to support the Abraham Accords. Outside of the Middle East, Ambassador Sherman has committed to working with this committee to combat

China's malign influence, including by increasing transatlantic cooperation. She will also support nuclear policy and posture that reinforces U.S. extended deterrence commitments to our allies in the Indo-Pacific. And finally, Ambassador Sherman agreed to collaborate with Congress on how to improve global pandemic preparedness and response. I truly appreciate her nomination, and when she is confirmed, I intend to urge her over time to honor those commitments.

However, having made those commitments, they are not enough to satisfy my larger concerns about whether she is the right person for this role at this time to be deputy secretary of state. In my interactions with Ambassador Sherman over several years, I have seen really a lack of appreciation for the role of Congress in foreign policymaking. I go back to the time when she was the chief negotiator on the Iran Deal. I remember having her in front of the committee, and we had real difficulties with that. Congress has an important role to play in that. I remember asking her about the provisions in the agreement we could not see. They were secret. We were not privy to any of those. I have the same

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security clearance she does, being number two on the Intelligence Committee.

She just flat refused to tell us what was in it.

I remember listening to her. I asked her on cross-examination whether she herself had seen those provisions in the agreement. She said she had not. And I said, how can you agree to something that has provisions that you have not even seen, and she had real difficulty with that. But I cross-examined her further and asked her if she was in the room with those documents, and she said, well, yes, she had. I said, well, tell me about that, and she said, well, I was there. And I said, well, did you have the documents in your hand, and she said, yes, I did. I said, did you read those agreements. She said, no, she did not. She just kind of -- she was sitting in the room, and they passed it through and it went down. I had real, real trouble with the credibility on that, and I have trouble getting past that at this point.

I had hoped through this confirmation that she would overcome the impression that I had in the previous dealings with her on the Iran Deal. Unfortunately, as I pressed her on this Iran thing that we are headed to right now, I think we are going to see the same movie that we have seen before, and I

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have real reservations about that. At the end of the day, I just do not think she is the best or the right person for this, and I am going to vote against her for that reason. Having said that, I understand that she will be confirmed in all likelihood and look forward to trying to get a different direction in the future.

As for Mr. McKeon's nomination to be deputy secretary of state for management and resources, I plan to support his nomination and look forward to working with Mr. McKeon as he tackles the many management issues currently facing the Department. In particular, I hope he will focus on the need to enhance global health security and diplomacy as well as the need to ensure that our diplomats are capable, resourced, and ready for any complex operating environment. I also hope he will take a strong role in helping the Department make decisions and improve the budget process so this committee can better understand how the Department allocates resources.

With that, I yield back. Thank you, Senator Menendez.

The Chairman: Thank you, Senator Risch. Senator Cardin.

Senator Cardin: Thank you, Mr. Chairman. I am going to want to respond to Senator Risch's two points in regards to Wendy Sherman, and I very

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much appreciate his observations about Ambassador Sherman's extraordinary background, her expertise in this area, her record of public service. We have come to a different conclusion. I think she is the right person at this time.

First, in regards to working with Congress, let me take you back to the beginning of the discussions of the Nuclear Agreement with Iran, and there was a sharp difference between the Republicans in Congress and the Obama Administration as to how that agreement would be handled with Congress. Senator Corker, who was the chairman of the committee -- at the time I was the ranking Democrat -- we worked with the Obama Administration to develop a process that required them to come to Congress to make certain certifications to give us the information we needed, and Ambassador Sherman was part of that process that allowed us to develop a process. It was not perfect, but it ended up getting unanimous support, 98 to 1 support, in the United States Senate. And then it was implemented in a way that we had regular briefings of classified information given to Democrats and Republicans so that we could make our own independent judgments.

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We had full access, and Ambassador Sherman was part of that process. And I think Senator Corker would agree that each member of this committee, each member of the Senate, got the information we needed to make our own independent judgments. At the end of the day, I disagreed with the Obama Administration, but I certainly had the information I needed, and Ambassador Sherman was part of that process that made sure that we had the information we needed to make that decision. It was unprecedented the amount of information made available to us.

Now, in regards to the documents that the IAEA had that Ambassador Sherman had the chance to look at or did not look at during the process, remember, our participation in the IAEA requires us to keep that information confidential. We are not permitted to share that information, those of us who are involved in the IAEA process. She had no choice but to honor her commitments to the IAEA.

So I would just urge my colleagues to recognize we have a unique opportunity in Ambassador Sherman to get someone who really appreciates and understands the relationship between the executive and legislative branch. She is

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a product of the United States Senate, having served as chief of staff to Senator Mikulski. So I just urge my colleagues, this is a person, to me, who is eminently qualified for this position, and I urge my colleagues to support her nomination.

The Chairman: Does anyone else seek recognition? Senator Johnson.

Senator Johnson: Mr. Chairman, I am not sure what Senator Cardin is talking about, 98 to 1 vote. Maybe I was the only one that voted no.

Senator Cardin: No, you were not.

Senator Johnson: My point being is what we have -- I think what we have -- what we found out is that what the JCPOA should have been is a treaty, which is what my amendment was. It was defeated, but we are seeing the folly of doing these agreements as executive agreements without full information, without full disclosure, and without the ratification of the Senate, and so now we are ping-ponging back and forth. But I just needed to make that comment.

Senator Risch: Mr. Chairman?

The Chairman: Yes?

Senator Risch: Can I respond to --

The Chairman: Yes, Senator Risch.

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Senator Risch: First of all, I appreciate Senator Cardin's passion on this, and I would hope that as we go forward, we start with what Ms. Sherman said in -- publicly and privately to us, and that is, this is not 2015, and we are in a different position today. So I hope we can set aside feelings we have about personalities and move forward.

I have to tell you, I have -- the feeling I have got, and I hope I am dead wrong on this, is we are just -- we are rewinding the movie and going to show the movie again, and that is not going to work. We know that will not work. And I truly want to work with my Democrat friends, with the Administration, and try to come to some place on an Iran agreement that we can all get behind because -- and I think every one of us have strong feelings about this. And as we go forward, I am hoping we can meld this together to get to a better place than we got last time. And I appreciate the remarks. Thank you.

The Chairman: Thank you. Senator Shaheen.

Senator Shaheen: Well, thank you, Mr. Chairman. I would just like to echo the remarks from both you and Senator Cardin about Wendy Sherman's expertise, her knowledge and understanding of how both the executive branch

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and the Congress works. And I would point out to Senator Risch, and I know he wants to work together because we have done that in the past, but President Biden is not President Obama. We saw that, I think, 2 weeks ago in the strike he made against Iranian militias in Syria that he is -- understands the critical threat that Iran presents, and certainly Wendy Sherman understands that because she has had that experience.

But the deputy secretary of state is not just about Iran. It is about a whole range of other issues that are related to foreign policy and to what we need to do at State, and I cannot think of anyone better who has more understanding about that. And so I would hope that we are not going to blame Wendy Sherman for our disagreements with the Obama Administration in the past for her ability to work in this new Administration to address the foreign policy challenges that we face. So I hope everyone will evaluate her based on her service and her experience. Thank you, Mr. Chairman.

The Chairman: Does anyone else seek recognition? Senator Coons.

Senator Coons: Just briefly. I will join my colleagues in saying that Wendy Sherman is someone who worked with and for the Senate and senators

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and understands us as a body. I am optimistic, and I think this is why we should proceed to the classified briefing that awaits, that we can dive into revisiting the challenges we face in the world in terms of our security. With the commitments we have gotten from Mr. McKeon, Ms. Sherman in their confirmation hearing before this committee, I am really optimistic that we can have a more engaged, more transparent relationship than we had with the last Administration, or, on this issue, with the Obama Administration. And I look forward to supporting their nominations.

The Chairman: Does anyone else seek recognition? Senator Romney?

Senator Romney: Mr. Chairman, thank you. I must admit I find it difficult in these confirmation votes in that we have a Democrat President nominating Democrats to positions of leadership, and I want to vote against all of them because I disagree with them. I want to vote for Republicans. Nevertheless, the standard that I have applied in the past and continue to apply is, is the individual qualified for the position, and, number two, do they fall within the mainstream of the Democratic Party. Not the mainstream of the Republican Party, but the mainstream of the Democratic Party.

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I disagree vehemently with the posture of the prior Administration, the Obama Administration, with regards to the JCPOA. I think it was a mistake. I do not think it keeps Iran from having a nuclear weapon eventually. Nevertheless, her posture appears to me to be within the mainstream of the Democratic Party and of the -- and consistent with the posture of the current President. And for that reason, I intend to support her in her confirmation despite the fact that I disagree with her. Thank you, Mr. Chairman.

The Chairman: Thank you, Senator Romney. Senator Cruz?

Senator Cruz: Mr. Chairman, I intend to vote against Wendy Sherman. And when you look at her record in foreign policy, I think she has managed to be on the wrong side of a whole lot of issues, and especially the most important issues. She played a leading role in the negotiations with North Korea where the objective was to lift sanctions in exchange for promises not to develop nuclear weapons. We now know in hindsight that endeavor was a colossal failure, that the result instead was that billions of dollars of sanctions relief that flowed into North Korea were used to develop what is now an arsenal of nuclear weapons aimed and directed at the United States.

Then in the Obama Administration, Ms. Sherman had a second act, and she was made the lead negotiator for the Iran Deal where, for whatever reason, we repeated exactly the same mistakes as with North Korea. We followed the same strategy that had failed in North Korea. We negotiated a deal very much like the deal that did not work in North Korea. The result of the JCPOA, I believe, would inevitably have led to a nuclear Iran. It would have led to an Ayatollah, who regularly chants "death to America," with a nuclear arsenal aimed at America.

A nuclear Iran, I believe, is qualitatively more dangerous than North Korea, and North Korea may be the most dangerous place on the planet right now because the Ayatollah is motivated by religious fanaticism and a seething hatred for America and for Israel. The Ayatollah calls Israel "the little Satan" and America "the great Satan." Under the terms of the JCPOA and its expiration in 15 years, it was perfectly fine for the Ayatollah to have nuclear weapons, even while he chants "death to America."

The most important foreign policy decision made in the Trump Administration, I believe, was the decision to pull out of that catastrophic deal,

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that deal that flooded hundreds of billions of dollars into the Ayatollah, only to be used to fund terrorism around the world and malign efforts directed at the United States and directed at our allies. I agree with Israel's prime minister, Benjamin Netanyahu, when he describes a nuclear Iran as an existential threat to Israel, and existential in that context does not mean a Frenchman with a black beret, chain smoking. It means literally going to the very existence of the State of Israel. All of us are aware of the catastrophic horror of the Holocaust. A nuclear Iran is the one serious threat on this planet that could once again result in the murder of 6 million Jews, and if "never again" is to mean anything, it should mean never again.

I am opposing Wendy Sherman, and I would urge colleagues on both sides of the aisle to oppose Wendy Sherman because she is nominated to this position precisely because she was the leading champion, the face of, the negotiator of the disastrous Iran Deal, and it is this Administration's stated intention to try to go back to that failed deal. And so I believe anyone casting a vote for Wendy Sherman is simultaneously casting a vote for the policies for

which she is being nominated, the policies that are profoundly dangerous to America, to Israel, to our allies. So I am going to be voting no.

I will be voting yes on Mr. McKeon, although with both of them, I am placing holds on their going to the floor until the Administration does more on Nord Stream 2. And this is another topic this committee has talked about at great length, this committee's leadership and the bipartisan sanctions bill that Senator Shaheen and I have passed twice now, two different versions with the support of the members of this committee.

Our sanctions legislation worked. The pipeline that was 90 percent complete stopped, and it stopped the instant, the hour sanctions legislation was signed into law, pipeline construction halted. It halted for a year. It was an incredible success for America, for this committee, and it was an incredible loss for Putin. It cost Putin billions of dollars. And in the last couple of months, as everyone knows, Putin has begun building the pipeline again, and he has done so because of the mixed signals from the Biden Administration on whether they will follow the law that has been passed overwhelmingly with massive bipartisan support from Congress twice.

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Now, I have urged every single Biden State Department nominee, get the report to Congress that you are statutorily mandated to send. The report they just sent omits numerous ships. It omits the company that is building Nord Stream 2 from mandatory sanctions for building Nord Stream 2. It is utterly indefensible. They are not able to defend omitting it, and they should send an interim report to shut the pipeline down. Putin is rushing to get the pipeline completed in the next couple of months, and I have urged every Biden Administration State Department nominee, we have had a great foreign policy victory for this country, and if the mixed messages and weak messages to Putin continue, that victory will be turned into a loss.

So it is my hope, and this is something I would ask of the Democratic colleagues. We agree on Nord Stream 2. We have worked together on Nord Stream 2, and we have won a major victory. I recognize this Administration is much more likely to listen to Democratic members of this committee than Republican members of this committee. That is the way this town works. I think the Biden Administration is making a major and unnecessary mistake. They are making it because they want to play nice with Germany, and that is great. Play

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nice with Germany on 50 other things, but there is no reason to give a massive windfall to Putin and make Europe dependent on Putin's energy.

And so I want to encourage my colleagues to use every avenue you have to urge the Biden Administration to stop playing around, to follow the law, and stop this pipeline. We have seen that it works, and the only thing that changed, the reason Putin began building the pipeline again --

The Chairman: I would just -- I would just say to the gentleman, with all due respect, I have given you 7 minutes. I think you have made your point on Nord Stream very clearly.

Senator Cruz: Thank you, Mr. Chairman.

The Chairman: Thank you. Senator Young?

Senator Young: Thank you, Chairman. I look forward to working with Wendy Sherman. I do not intend to support her nomination, and it is with some strong reservations that I have come to this conclusion, and I want to explain to my colleagues and others why this is the case.

So I believe in the end she will pass. That does not factor strongly into my decision. I had a nice meeting with Ms. Sherman. She comes highly

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recommended by Republicans and Democrats alike, people I respect. I received phone calls from these people, so I commend the Administration for their whole-of-academia and policy expert effort to seek those who would validate her expertise. She is an intellectual force. She has the requisite professional credentials. So why am I not supporting her?

Well, I have to admit I am -- I am somewhat troubled by her many media appearances on MSNBC, written articles, and others, and I have communicated this with her. This does not come as a surprise to her. I think it is a bad precedent to set for our foreign policy professionals to cross certain lines rhetorically, and I think Republicans and Democrats alike have done so in recent years. But, more importantly, it is more of an institutional issue. I do indeed think that a President should have the prerogative to nominate and have confirmed his or her nominees if they fall within the mainstream of their party and so forth, but this is not what has happened in recent years. In fact, there are a number of individuals, members of this committee, members outside of this committee who consistently voted no, no, no, no, and I realize many were running for President and many were not. Many were not.

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So this body needs a reset, and the way I think we arrive at a reset is not for people like myself, who have a reputation of working well across the aisle and want to work in a very constructive fashion with this President, it is not to immediately say, well, now that you are in power, we are going to immediately reset institutional norms. I have a higher bar, and I want to communicate that broadly and publicly to all of you that that higher bar must be met, and I will lower the bar progressively over a number of years if I see behavior improving. So maybe we will think of this next time there is a Republican President and it will be reciprocated, and we can find ourselves in a better position over a number of years where we give greater discretion to a President to have their high-level nominees confirmed by members of the other party.

So that is where I am at. Some might -- to the extent you find infirmities in that analysis, I would welcome those, identifying those, but I think it is a pretty sound approach. I think the other approach, just to go ahead and support all these nominees who are well credentialed, would be naive at this point in our history. Thanks.

The Chairman: Thank you. Is there any other member? Senator Markey. I would just remind members I am not going to curtail anybody's comments, but we have the Secretary at 10:00 at my request so that he could speak to members, you know, for a fair amount of time about all these issues that are being raised in a setting in which he would be free to speak without anybody saying, oh, I would like to do that in a classified setting. We are going to be in a classified setting, so you are going to get the maximum opportunity, but I respect everybody's right to have their comments. Senator Markey.

Senator Markey: Thank you, Mr. Chairman, and I just want to speak briefly to the role which Wendy Sherman played in the negotiation of two very important nuclear nonproliferation agreements. The first was North Korea. We can go back to that time. It was 1994. Secretary of Defense William Perry had sent two options to President Clinton in terms of what the war strategy should be against North Korea. One of them would have resulted in casualties that matched World War I and World War II --

Senator Shaheen: Ed, can you talk up?

Senator Markey: I am sorry -- in William -- in William Perry's autobiography, he made it quite clear that this was a very, very stressful time for our country. Secretary Albright designated Wendy Sherman to be the emissary to North Korea to try to resolve this issue. The agreement -- the agreed framework, which was ultimately completed, put the plutonium program of North Korea under full scope safeguards. It lasted from 1994 to 2002. President Bush named John Bolton as his negotiator on that issue. He took a different path, but for those 8 years, we did not, in fact, have the kind of tension, pressure that could have led to war.

The same thing was true in 2013 on the issue of Iran's nuclear program. Similarly, Wendy Sherman was designated to negotiate on an agreement to reduce that tension between our countries. We were again on a verge of a military confrontation with Iran. Iran was about 2 months away at that point from having enough enriched uranium for a nuclear weapon. Two months away. Wendy Sherman played the key role in negotiating that agreement so that we would avoid that military confrontation, and that agreement continued again

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until John Bolton convinced President Trump that he should use a strategy of maximum pressure as an alternative.

But in both instances, for President Clinton and for President Obama, Wendy Sherman completed an assignment that she was given -- to reduce the tensions between two of our military rivals and to avoid war -- and she did the job. Now, there can be a disagreement here with regard to whether or not John Bolton had a better approach in 2002 or in 2018, but I do not think in any way we should undermine the overall record of Wendy Sherman and what she did. We should be thanking her for what she did in service to two Presidents and to our country, and I do not think there is anything on the record which disqualifies her from this job.

And I think, in fact, for President Biden to name someone like this with the background she has, with the experience she has, with the success that she has had, is actually a good sign for our country, and she does deserve an affirmative vote from this committee today.

The Chairman: Senator Merkley?

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Senator Merkley: Mr. Chairman, quite a few points have been made on both sides of this conversation. I would propose that we hold a vote and allow people to make additional comments because of conflicts that a number of us have.

The Chairman: If there is no one else, I will just close by saying I reject the proposition that a vote for Wendy Sherman is a vote for the Iran Deal. As someone who vigorously opposed it and went through a lot as a result of it, I can tell you that I do not consider a vote for Wendy Sherman as a vote for the Iran Deal. As Senator Shaheen has said, this nomination is far beyond the question of Iran itself. There are actually individuals who have been named specifically for the purposes of engaging Iran, and it is not Wendy Sherman.

Secondly, I strongly oppose Nord Stream, and I have supported the senator from Texas' efforts in this regard. But I must say I think it is not fair to say that you want to lay this at the feet of the Biden Administration when for 4 years, the Trump Administration could have imposed a series of sanctions and acted in a way that would have nipped it in the bud and did nothing.

And then lastly, I appreciate Senator Young's comments, and I understand it. I would just simply say that when we talk about raising the bar and behavior, we had a plethora of nominees during the previous Administration that far exceeded in their commentary, and were approved by this committee, of the comments that supposedly are attributed to Wendy Sherman. And I just hope that we can raise the bar on the behavior on both sides so that we can get once again to what the tradition of this committee has been.

With that, I believe it is fair to say everybody has had their say.

I will entertain a motion that the nomination of Ambassador Wendy Sherman to be deputy secretary of state be reported favorably.

Senator Cardin: So move.

The Chairman: Moved by Senator Cardin. Seconded by Senator Shaheen.

The clerk will call the roll.

The Clerk: Mr. Cardin?

Senator Cardin: Aye.

The Clerk: Mrs. Shaheen?

Senator Shaheen: Aye.

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The Clerk: Mr. Coons?

Senator Coons: Aye.

The Clerk: Mr. Murphy?

Senator Murphy: Aye.

The Clerk: Mr. Kaine?

Senator Kaine: Aye.

The Clerk: Mr. Markey?

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?

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Senator Risch: No.

The Clerk: Mr. Rubio?

Senator Risch: No by proxy.

The Clerk: Mr. Johnson?

Senator Johnson: No.

The Clerk: Mr. Romney?

Senator Romney: Aye.

The Clerk: Mr. Portman?

Senator Portman: Aye.

The Clerk: Mr. Paul?

Senator Risch: No by proxy.

The Clerk: Mr. Young?

Senator Young: No.

The Clerk: Mr. Barrasso?

Senator Risch: No by proxy.

The Clerk: Mr. Cruz?

Senator Cruz: No.

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The Clerk: Mr. Rounds?

Senator Rounds: Aye.

The Clerk: Mr. Hagerty?

[No response.]

The Clerk: Mr. Hagerty?

Senator Hagerty: Nay.

The Clerk: Mr. Chairman?

The Chairman: Aye. The clerk will report.

The Clerk: Mr. Chairman, the ayes are 14; the nays are 8.

The Chairman: The ayes have it, and the nomination is agreed to and will be reported to the Senate.

Next we take up a motion on the nomination of Mr. McKeon to be deputy secretary of state for management and resources.

Is there a motion to adopt?

Senator Cardin: So move.

The Chairman: So moved by Senator Cardin.

Senator Risch: Second.

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The Chairman: Seconded by Senator Risch. Is there a voice vote that will be entertained?

If so, all those in favor, say aye.

[A chorus of ayes.]

The Chairman: All those opposed, say nay.

[No response.]

The Chairman: The ayes have it, and the report -- and the nomination will be reported favorably to the Senate.

With the thanks of the chair, we appreciate it, and this business meeting is adjourned. We now have the Secretary in the Intelligence Room.

[Whereupon, at 10:05 a.m., the committee was adjourned.]