

United States Senate

WASHINGTON, DC 20510

January 30, 2017

Mr. Rex W. Tillerson
Nominee for Secretary of State
Presidential Transition Headquarters
1800 F Street, NW, Room G117
Washington, D.C. 20270-0117

Dear Mr. Tillerson:

We write to request your commitment to recuse yourself from participating personally and substantially in any matter that could impact ExxonMobil for the entirety of your tenure at the State Department, and without seeking any waiver, should you be confirmed by the United States Senate. In light of your four decades of employment at the company, your personal involvement in securing lucrative deals in Russia, and your previous outspoken opposition to policies such as sanctions that would directly impact ExxonMobil, it is difficult for a reasonable person to conclude that you could be an objective participant in decisions that would affect the company's financial interests. The national security of the United States requires a Secretary of State whose impartiality is unambiguous.

Federal regulations require a federal official to recuse himself from matters where "the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter."¹ The relevant facts clearly call into question your impartiality. Your employment at ExxonMobil spanned your entire adult life. During your tenure as CEO, the company expanded its Russian drilling rights from virtually nothing to 63 million acres, an area the size of Wyoming. Because of your involvement in Russia, Russian President Vladimir Putin awarded you the Russian Order of Friendship. Furthermore, as CEO, you said that you "generally oppose[] sanctions as imprecise and ineffective,"² and under your leadership, Exxon lobbied against sanctions on Russia because they precluded ExxonMobil from drilling in the Arctic, and against sanctions on Iran.³

Our concerns about your close ties to Russia are heightened by several additional factors:

1. President Trump's praise for Russia and President Putin⁴ and refusal to release his tax returns (which would allow us to ascertain whether the Trump Organization has any

¹ 5 CFR 2635.502

² <http://www.star-telegram.com/news/business/article3859697.html>

³ <http://www.politico.com/story/2016/12/exxon-mobile-russia-sanctions-rex-tillerson-232770>;
<http://money.cnn.com/2017/01/11/investing/tillerson-exxon-sanctions-russia-iran/>

⁴ https://www.washingtonpost.com/world/national-security/trump-and-putin-a-relationship-where-mutual-admiration-is-headed-toward-reality/2016/12/30/f900b3e2-cebd-11e6-b8a2-8c2a61b0436f_story.html?utm_term=.a33bb267b0eb

financing, joint venture, profit sharing or other business arrangement with any entity controlled by the Russian government);

2. Reports that the President's national security advisor is being investigated in order to determine whether he engaged in inappropriate or illegal contacts with Russian officials;⁵
3. The conclusion by U.S. intelligence agencies that Russia interfered in the U.S. election.⁶

Other issues that are expected to come before the State Department, such as climate change and the consideration of the profound role oil plays in many U.S. geopolitical matters, also raise questions regarding your ability to be perceived by allies and adversaries alike as an impartial representative of American interests. This is not a personal reflection on your capabilities; as Secretary of State, James A. Baker III formally recused himself from "any particular matter that has a direct and predictable effect upon the price of domestic oil and gas" for this very same reason.

Your decades-long history clearly creates an appearance of a conflict of interest. For that reason, the top ethics lawyers for presidents George W. Bush and Barack Obama have stated that you may need to recuse yourself irrespective of your financial divestitures.⁷ Despite this, your Ethics Agreement⁸ includes a mere one-year long recusal period that itself can be waived from participation in matters involving ExxonMobil. During your confirmation hearing, you repeatedly refused to make additional commitments to resolve these conflicts in response to questions from several Senators. By contrast, President George W. Bush's Treasury Secretary, Hank Paulson, committed not to participate in any particular matter in which the Goldman Sachs Group, Inc. was a party for the duration of his tenure at the Department. And, all of President Obama's appointees recused themselves from participating in any particular matter involving specific parties that was directly and substantially related to former employers or former clients, including regulations and contracts.

The American people must have the utmost confidence that members of the Trump administration are exclusively serving our national interests. Until you agree to recuse yourself from matters concerning ExxonMobil for the duration of your time in office, they will lack that confidence.

Sincerely,



Edward J. Markey
United States Senator



Tom Udall
United States Senator

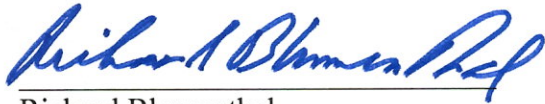
⁵ <http://www.marketwatch.com/story/feds-probing-trump-adviser-michael-flynn-s-contacts-with-russia-2017-01-22>

⁶ https://www.nytimes.com/2017/01/11/us/politics/trumps-press-conference-highlights-russia.html?_r=0

⁷ <http://www.citizensforethics.org/press-release/norman-eisen-richard-painter-statement-tillerson-russia-conflicts-interest/>

⁸

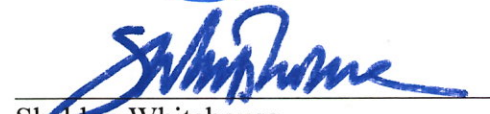
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Richard Blumenthal
United States Senator



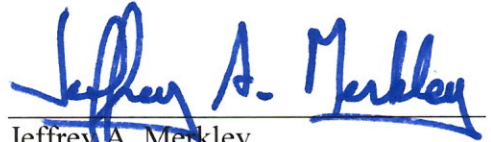
Tammy Duckworth
United States Senator



Sheldon Whitehouse
United States Senator



Tammy Baldwin
United States Senator



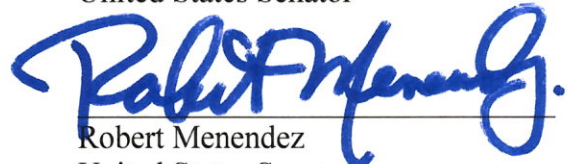
Jeffrey A. Merkley
United States Senator



Elizabeth Warren
United States Senator



Kirsten Gillibrand
United States Senator



Robert Menendez
United States Senator