

NOMINATIONS

THURSDAY, MARCH 7, 2024

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 10:30 a.m., in Room SD-419, Dirksen Senate Office Building, Hon. Benjamin L. Cardin, Chairman of the committee, presiding.

Present: Senators Cardin [presiding], Menendez, Shaheen, Murphy, Kaine, Merkley, Booker, Schatz, Duckworth, Risch, Ricketts, Barrasso, Cruz, and Hagerty.

Also Present: Senator Murkowski.

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

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee will come to order.

For the United States to protect and advance our interests around the world we must have well qualified and committed public servants in our diplomatic posts.

Today's nominees are incredibly competent and experienced with almost a hundred years of collective government service among the four current government employees as well as a renowned expert on the Arctic.

I am gratified that they are before the committee today after a very long wait. I want to thank them personally for their willingness to serve and in most cases continue to serve in a public role.

We know it is a sacrifice not only for you and your families and we welcome your families here today and thank them for the sacrifices that they have made.

I am going to yield as is the customary practice of our committee to members who want to introduce our nominees today and I will start with Senator Schatz.

STATEMENT OF HON. BRIAN SCHATZ, U.S. SENATOR FROM HAWAII

Senator SCHATZ. Thank you, Mr. Chairman.

It is a pleasure for me to introduce Mr. Robert William Forden, the nominee to be our next Ambassador to the Kingdom of Cambodia. In light of new leadership in Cambodia and ongoing challenges to our bilateral relationship including the PRC's growing influence this is an essential role and with decades of experience and deep expertise working in the Indo-Pacific Mr. Forden is the right person for this job.

He is a career diplomat who spent three decades in the Foreign Service representing American interests in the PRC, Taiwan, Vietnam, and Israel. That included more than 12 years working in the PRC including as Deputy Chief of Mission in the U.S. Embassy in Beijing.

In addition, Mr. Forden spent almost a decade in Taiwan as the branch chief and later deputy director for the American Institute in Taiwan. Today he serves as a senior advisor in the State Department's East Asian and Pacific Affairs Bureau supporting important ongoing work to advance a free and open Indo-Pacific.

In short, Mr. Forden would bring a combination of tremendous experience, expertise, and commitment to this role in this critical moment.

I want to take a moment to thank Mr. Forden's family, though they are not here today, including his wife and children, one of whom is currently serving in the United States Army.

As we know, it is the sacrifices that Foreign Service families make every day that help to support our diplomatic missions around the globe.

Finally, before I close I want to point out—before I close I want to point out that Mr. Forden was nominated for this position 624 days ago. His file was completed within three weeks and he has been waiting for a hearing ever since.

That is also completely unprecedented and undermines our national security interests and our standing in the region. Confirming ambassadors, especially to a region as important as the Indo-Pacific, is essential for American interests and at a time when we are facing growing threats in the region we need skilled diplomats more than ever.

So, Mr. Forden, we thank you for your patience and your continued willingness to serve and we hope that we can quickly confirm your nomination.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Duckworth?

**STATEMENT OF HON. TAMMY DUCKWORTH,
U.S. SENATOR FROM ILLINOIS**

Senator DUCKWORTH. Thank you, Mr. Chairman.

I would like to second Senator Schatz's very strong word in support of Mr. Forden's nomination to be Ambassador to Cambodia. It is a critical time in that country. The kingdom has reached out to the United States and I think it is time that we get an ambassador in there.

I am here, however, to introduce Bix Aliu to be Ambassador to Montenegro. I thought no one had waited longer than Mr. Aliu at 535 days but apparently Mr. Forden and has him beat, although Mr. Aliu's file was completed within 11 days so you win that part. But still it is ridiculous that it has been that long.

I want to thank all of the nominees for their continued willingness to serve. It is not an obligation that you have taken lightly and I am sure you and your family know that well.

I also have the pleasure of introducing Mr. Aliu because he is a fellow Illinoisan who has—I understand that he is joined today by

his wife and children and that his father may also be watching from afar.

Mr. Aliu, your example of dedication to public service as a career member of the Senior Foreign Service is impressive and I am glad that your family is able to witness as you proceed to the next chapter of your distinguished career.

Mr. Aliu's origin further demonstrates the value of the American story and one that lends immense value to our diplomatic corps. Born in Chicago to immigrant parents he has dedicated his professional life to representing the United States policies, interests, and values abroad.

He has served extensively throughout Europe including at prior postings in Montenegro as well as in Poland, Hungary, and North Macedonia.

Just last year he received the Presidential Rank Meritorious Service Award for 2023. He speaks five additional languages and demonstrated substantial experience in complex environments handling European Affairs.

Mr. Aliu is well qualified to assume this role and begin serving the United States' interests in Montenegro. I appreciate your dedication and that of all of our nominees here today. Welcome.

Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. It is a pleasure to have Senator Murkowski in our committee today. We would love to have you on our committee but it is a pleasure to have you introduce your nominee.

**STATEMENT OF HON. LISA MURKOWSKI,
U.S. SENATOR FROM ALASKA**

Senator MURKOWSKI. Thank you, Mr. Chairman, Ranking Member Risch, members of the committee. It is nice to be back in front of this committee.

Very distinguished panel in front of you today but I am grateful that you have included Dr. Michael Sfraga who is nominated to be the first Ambassador-at-Large for Arctic affairs. He was named more than a full year ago—February 13th, 2023—as part of today's hearing.

Alaska—we are the state that makes the United States of America an Arctic nation. I have been engaged in Arctic issues since I came to the Senate a long time ago.

I have been working on these Arctic initiatives for decades and one of the things that I have been working to advance very, very hard is the creation of this ambassadorship and now for Dr. Sfraga to be nominated to it.

So I am here today to ask you to join me in supporting Dr. Sfraga. He is a fellow Alaskan. He is a longtime colleague. He is a man that I can call a friend. But more importantly to you all he has exceptional qualifications for this position.

Now, you all know—you get your intelligence briefings for the recent Munich Security Conference—you know the global interest in the Arctic is at a record high. All of you are aware of the economic, the environmental, and particularly the security-related matters that we face in the Arctic as well as its importance to our geopolitical power and our international relations.

All of you are aware of the pressing need to get the people and the policies in place so that the United States can actually present itself as an Arctic nation.

On the personnel side of business one of the most important steps that we have left to do is to confirm an Arctic Ambassador. I will share with you we are the only Arctic country without one. Everybody else has an Arctic Ambassador.

Even some of the non-Arctic countries like Singapore have an Arctic Ambassador. We need this position because we need to elevate our diplomacy to the region to show that we are not just an indifferent bystander but we are an active and we are a strategic leader in the Arctic.

And as important as the position is you got to have the right person and I would commend to you Dr. Sfraga as that right person. He is an Alaskan. He is from Fairbanks.

Part of the reason that he understands the Arctic is that he has not just read about it or visited. He lives it. He has made it his home and he has lived there for decades, and while living in Alaska Dr. Sfraga has also dedicated himself to a career of service to the Arctic and to our nation.

He is an accomplished geographer, researcher, teacher with a Ph.D. from the University of Alaska. He helped establish the University of the Arctic. He co-created and co-led the State Department's Fulbright Arctic Initiative.

He established the Polar Institute at the Wilson Center, which has become the Arctic public square for high-level conversations about the Far North. He chairs currently the U.S. Arctic Research Commission which advises us here in Congress and the President on international Arctic research.

You are going to hear from him and I am sure you are going to be impressed by him. I may have recommended him to the President but he stands apart ahead of anyone else—ahead of anyone else who could have been selected for this position.

And I will tell you I attend these Arctic conferences. Whether it is the Arctic Council, the Arctic Circle Assembly, Arctic Frontiers, Arctic Parliamentarians, the Munich Security Conference that he was just at Dr. Sfraga is there at every single one of them and he is not just there as an idle participant. He is there moderating the panels. He has been asked to speak.

If there is any challenge that you have as a committee it is that his expertise in the Arctic is so voluminous it takes a while to wade through all of it. He has been there. He is the person—he is the person that we need for this important position at this time.

So after a year of holding back on this nomination I am before you today to urge with everything that I have to confirm Dr. Sfraga to be our Arctic Ambassador as soon as possible.

Thank you, Mr. Chairman, members of the committee.

The CHAIRMAN. Well, Senator Murkowski, again, thank you so much for being before our committee.

I was in Greenland last year with members of the Senate and the absence of a confirmed Arctic Ambassador was very clearly noted in our visit to Greenland and the importance for the United States in protecting our national security interests.

And I have traveled with you on security issues and it is always a pleasure to be in your company on these issues. So thank you very much for your contribution to our nomination hearing. You are free to go on and do the business that you need to do. Considering that this is the State of the Union day I am sure you have other commitments. Thank you.

Senator MURKOWSKI. Thank you, Mr. Chairman.

The CHAIRMAN. If I were not speaking from the dais as chair I would have insisted on introducing Ms. Taylor. I could not have a—be a stronger proponent of her nomination. I am convinced that she is likely the most qualified individual ever nominated to be legal advisor, an impressive feat given the prior occupants of that position.

She has been general counsel of USAID for almost three years, served as a career attorney in L, as the Office of Legal Adviser is called, for 10 years. Dare I say more?

Served with distinction on the staff of this committee as chief counsel and deputy staff director. During the years that I had the privilege of working with Ms. Taylor she proved to be a superb lawyer, a manager, a skilled negotiator, and a wonderful colleague.

She is smart, tough, and persistent, exactly the person we need to lead our pushback against China and Russia as those countries seek to shape international law and institutions in their favor.

My enthusiasm for Ms. Taylor is shared by all of the living former legal advisors from Reagan to Trump who have written to Senator Risch and me a strong endorsement of her qualifications and her speedy confirmation.

Well, we did not do the speedy confirmation but let us move this nomination forward. I have incredibly high regard for the Office of Legal Adviser and the career officials who staff it. I am deeply proud and enthusiastic that Ms. Taylor, an alum and friend of both that office and this committee, will be the next legal advisor and I urge all of you to support her nomination here and on the floor.

Mr. Forden, Cambodia has now seen decades of democratic backsliding. This has weakened its institution and endangered human rights. It has limited Cambodia's ability to play a positive role in ASEAN and other organizations in the Indo-Pacific and has given Beijing an opening to expand its influence in the country's civilian and military infrastructure.

We need to get Mr. Forden on the ground to help address these challenges. I have received a resounding endorsement from Terry Bradshaw—Branstad, excuse me—Branstad. Yeah, a good football player.

[Laughter.]

The CHAIRMAN. He was the ambassador to China during the Trump administration with whom Mr. Forden served as Deputy Chief of Mission.

The ambassador writes that Mr. Forden's outstanding leadership and management coupled with his four decades of experience in the East and Southeast Asia make him an extraordinarily well qualified candidate to be Ambassador to Cambodia and notes that Mr. Forden is an ideal candidate to protect U.S. interests against China's efforts in Cambodia.

Without objection, that letter will be made part of our record.

[The information referred to above is located at the end of this transcript.]

The CHAIRMAN. Mr. Aliu, Montenegro is a vulnerable—valuable partner in the NATO alliance that hosts the largest number of Ukrainian refugees in the Balkans.

It has been the target of Russia's influence including an attempted coup to stop Montenegro from joining NATO. Moscow also would like to derail its European Union membership prospects. We need an ambassador on the ground who will work to support Montenegro's European aspirations.

But I also want to quote from a letter from Georgette Mosbacher, ambassador to Poland under President Trump and under whom you served.

Ambassador Mosbacher highlighted your experience in the region, knowledge of the languages and culture, and previous work in Montenegro and she said, quote, "I simply cannot recommend a stronger, more capable leader or a more decent human being than Bix."

Without objection, that letter will also be made part of our record.

[The information referred to above is located at the end of this transcript.]

The CHAIRMAN. High praise and, if confirmed, I expect you will continue to advocate for a Europe whole, free, and at peace.

Mr. Woodhouse, the current embodiment of the Sanctions Coordinator office was created by this committee led by Ranking Member Risch and is essential to efforts to constrain our adversaries be it Iran, North Korea, Russia, or terrorist groups like Hamas.

There has been strong bipartisan support for its efforts and the individual that leads the office. You are superbly qualified for this position having worked on and implemented sanctions up close from multiple angles at the Treasury Department, as an attorney in private practice, and your current position as deputy assistant secretary for sanctions.

While you have been in that role you have witnessed an impressive coordinated campaign among more than 30 countries to hold Russia accountable for its war against Ukraine.

This coordination has strengthened our alliances, laid critical groundwork for future sanction actions, and further isolated Russia and degraded its war machine. Sanctions have become an essential tool of our foreign policy and we cannot afford to have the sanctions coordinator position vacant. We need Mr. Woodhouse in that place.

Dr. Sfraga, the Arctic is a dynamic, fragile, and largely unexplored region of our world that holds both unique opportunities but also extreme risks.

Dr. Sfraga is one of the world's foremost experts on the Arctic, its environment, its resources, its people, its nations, making him an excellent choice to be the Ambassador-at-Large for Arctic affairs.

He hails from Alaska, is the founding director of the Wilson Center's Polar Institute, and as chairman of the United States Arctic Research Commission he enjoys strong support from the co-chairs

of the Arctic Caucus. We already heard from Senator Murkowski but also Senator King and Senator Sullivan.

For all of you today I want to recognize the dedication every one of you brings to your work. I want to thank you and your families for your service. I look forward to hearing from each of you.

Some final points. First, I want to take a moment to thank Victoria Nuland for her incredible service to the country as under secretary for political affairs and several months as the acting deputy secretary.

She is a known force at the State Department and around the world and we will certainly miss her insight and wisdom. We are deeply appreciative of her service, her engagement with this committee, in particular her stalwart efforts to advance U.S. interests in support in Ukraine.

On a personal note, I treasure the opportunities I had to get her advice on very challenging circumstances around the world. She always was very frank in pointing out our needs and gave us excellent advice on how the Senate could operate.

Next, I would like to address how we arrived at this hearing. The nominees on this panel have been pending in this committee for an average of more than 400 days.

Let me repeat that. They have been pending in this committee for over 400 days.

I have tried to work with the ranking member since October to secure before this committee and Senator Menendez has tried for many months before that.

During that time we have had numerous rationales offered for not consenting to a hearing and I have sought to work through each one in good faith. My efforts have not resulted in agreement or any accommodation.

On February 26th Senator Risch and I received a letter from the Deputy Secretary of State Verma outlining the chronology of all their efforts in order to comply with the requests that were made by the State Department.

So after several months I have made the decision I could either let these nominees languish without even giving the members of the committee an opportunity to hear from the nominees or I could follow the precedent that Ranking Member Risch set as Chairman during the 116th Congress.

Now, I was neither Chair nor ranking member at that time but I am well aware that there were multiple instances with which the chair noticed nominations over the objections of the minority.

At that time Chairman Risch emphasized his view and let me just quote from my colleague: "A fair process requires that at some point document discovery must end and the process of evaluating and questioning must begin. This can only occur in a hearing in which every member of the committee has the opportunity to raise questions, voice concerns, or highlight any objections."

That is what Senator Risch said in the 116th. I do not recall any Republican members, several of whom are still on the committee today, objecting or expressing any concerns to that decision.

Today's hearing is not only critical to consider important national security nominations it is fully consistent with the Republican precedent of just a few years ago. I hope all of us can agree that

there cannot be one standard for Republican nominees and a different standard for Democratic nominees.

So that is how we arrived at today's hearing. But as we move forward I want to emphasize my deep commitment to working with all members, both Democrats and Republicans, to do important work of the committee and the American people.

Senator Risch and I are working on an agenda for a business meeting that we hope that we will be able to notice very shortly. We are working with several bipartisan bills that have been suggested by members of the Senate including Senator Rubio and Hassan's bipartisan bill the SHIP Act, which follows up on the hearing we had in regards to Iran and enforcing the sanctions against Iran through secondary sanctions.

We hope that we will be able to bring that bill before our committee. We are working on a bill by Senator Coons and Graham that deals with the conservation needs with Senator Shaheen and Wicker in regards to the Western Balkans, a bill that I am working on with Senator Wicker in regards to the International Freedom Protection Act and several others.

So we hope that we will be able to note a business meeting shortly on these issues and others where we have bipartisan interest.

With that, let me turn it to the distinguished ranking member Senator Risch.

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

Senator RISCH. Thank you very much, Mr. Chairman, and certainly your description of how we have handled these things in the past is absolutely accurate. I take no difficulty with that at all.

We are, however, at that point where we have these five nominations which we have objected to and I know, the Chairman knows, and his predecessor knows that we have serious objections to them. Those objections continue today.

On most of the run of the mill appointments we get they get cleared pretty quickly and we do have hearings on them and we move along.

On occasion we have ones that we just cannot clear, and so that everyone knows we take our obligation with—the advice and consent obligation in the Constitution very, very seriously and we have dug on all of these and we wound up with these five out of all of them that we have had before that we just cannot agree to.

And so it is time that there be a hearing and if they want to continue the laundry gets put out here in this hearing and we go from there.

Obviously, unless things change dramatically I am going to put a hold on these when they do get to the floor. You have the numbers. You will be able to put them out there and we will go from there.

But, again, I stress that the result—the time result has been a function of our looking into these and things you are going to hear today that we have problems with on all five of the nominees.

Obviously, they are going to get a chance to defend themselves. Then I have some witnesses I would like to call to corroborate the things we are going to say about these here in the hearing today.

So with that, let us talk, first of all, about Ms. Taylor. I want to address her nomination specifically to start with. She certainly—currently serves as general counsel at USAID where she oversees the enforcement of U.S. laws toward its contractors and partners.

Sadly, on her watch some of these partners repeatedly promoted abortion overseas in violation of U.S. law. Given the slow response and weak justifications I received when I raised these questions I have substantial concerns she will not draw a strong line in State's relationship with organizations that violate U.S. law.

I have got a second reason for holding her and I am going to continue to hold her. She is the highest ranking and the one State Department wants the most to be confirmed and I am going to continue to do that and until the State Department gives us some basic information that I want.

I have been asking for eight months for information regarding the suspension of Special Envoy Robert Malley's security clearance. The department's defiance left me no choice but to hold this nomination until State responded.

State came in to brief me and the Chairman. We went into the SCIF. This was supposed to be secret and nobody was supposed to know because it was such a big deal.

I can tell you what happened in that SCIF. Nothing. They refused to give us the information as to why Malley's clearance was suspended.

This is important to me. It is important to the Chairman. It is important to this committee. Because we all listened to Mr. Malley for a long time. He told us things. We acted and thought about and formed beliefs based on those and they will not tell us why his clearance was suspended.

So they have to tell us but they will not. They act like we work for them instead of them working for us. And so until that happens I am going to continue to hold Ms. Taylor's nomination and it is—and I have gotten word to the Secretary to quit calling me and asking me for favors when they will not do what they are supposed to do.

If I were the Chairman of the committee I would subpoena this and if they did not answer the subpoena I would go to try to hold them in contempt of court.

This is not right. We cannot do our oversight work without getting this information. Certainly, it is classified information but I am the most senior member of the Intelligence Committee. I hear this stuff every day. The people that came in to brief us my clearance was at least as good, probably better, than the guys that came in to brief us. So, in any event, that is going to continue on.

Regarding Mr. Woodhouse to be sanctions coordinator, that—as the chairman indicated I was the one that put together the legislation that created that particular position. It is a great position to have.

Mr. Woodhouse played a pivotal role in the administration's protection of Nord Stream 2 pipeline from mandatory bipartisan sanctions before Russia's 2022 invasion of Ukraine.

While Mr. Woodhouse was not the only administration official responsible for this blatant violation of the law, during his confirma-

tion process it has become clear that he intentionally misled the committee and ignored facts that contradicted Biden policy.

My legislation created that job and his predecessor did a good job at it. I believe Mr. Woodhouse will not embody the same standards required for this position and I am going to leave the rest of this to Senator Cruz who has some very strong thoughts on this matter and he will be here today to talk about that.

Turning to Mr. Aliu, I have concerns regarding his judgment and leadership as Deputy Chief of Mission at Embassy Warsaw. Mr. Aliu did not seek approval from Washington when a foreign national with concerning business ties stayed at the official residence with his permission for six weeks.

This person was a foreign national with business ties in Montenegro, the country to which Mr. Aliu is now nominated. In any event, several current Foreign Service officers have described the toxic work environment under Mr. Aliu's leadership.

One of these individuals wrote a formal letter regarding complaints against Mr. Aliu, a redacted copy of which I am going to submit for the record today. The posting was classified as, quote, "difficult to staff" while Mr. Aliu was running it. Immediately upon him leaving, the difficulty of the staff was removed. So I cannot support his nomination.

Regarding the nomination of Mr. Sfraga, this is a difficult one, to be Ambassador for Arctic and certainly I support a—we need a nominee in the Arctic. I have great respect for Senator Murkowski but this is another example I think of the administration's failure to vet nominees.

Mr. Sfraga traveled extensively to Russia and China and negotiated multiple MOUs with Chinese institutions tied to government defense and intelligence services and appeared on a panel—appeared on a panel—with Russians who were sanctioned by the United States Government.

One of the MOUs that he negotiated was going to allow China to access the computers at the university where he worked. That was stopped, fortunately. Certainly, a bad judgment.

In addition to that, while our staff was going through this, he failed to disclose that any of this—and he had to update his file three times when confronted with information about his record.

My staff found out about trips he made. They went to him and said, hey, you did not disclose this trip. He said, oh, I forgot, and so he disclosed the trip. That happened multiple times, not just once.

Finally, he wrote an op-ed extolling the importance of the U.S.-Russia relationship after Russia's invasion of Ukraine. I continue to strongly oppose his nomination and it is unfortunate we have him here today.

Finally, there is Mr. Forden. The department says the health and safety of U.S. diplomats is its highest priority; indeed, we should always guarantee our diplomats their basic privileges and immunities.

Sadly, Mr. Forden and failed to ensure these protections during his tenure at Embassy Beijing during COVID. In our staff investigation of his nomination, they found that from 2020 to 2023 department leadership in Washington and at Embassy Beijing sub-

jected diplomats and their families to severe, unsafe, and degrading treatment by the Chinese Government, our greatest adversary and a major, major counter intelligence threat.

Specifically, State granted a waiver of—a waiver of inviolability—inviolability—in September of 2020, which waived certain diplomatic privileges and immunities to allow the Chinese Government to test and quarantine U.S. diplomats upon arrival in China.

That is not allowed unless there is the waiver. The Chinese violated this waiver constantly. Yet, Mr. Forden encouraged compliance and never imposed any real costs on the Chinese for these violations.

I am submitting a letter for the record from multiple courageous whistleblowers of whom—some of whom are with us here today, as well as the numerous documents that I have obtained.

These documents show that under Mr. Forden career diplomats had to comply with draconian quarantine protocols, often against their will and in deplorable conditions.

Some examples include not being allowed to quarantine at home and instead be put in a Chinese quarantine hotel, quarantines enforced for weeks on end with little to no ability to communicate with Embassy staff or loved ones, dilapidated quarantine hotels with no cleaning services and still filthy from previous occupants, minor children separated from their families and the ability—inability to get basic medical care. In one case a toddler was denied treatment for food poisoning.

In December of 2020 Embassy Beijing began to allow the Chinese Government to require incoming arrivals to submit to a blood test in the United States, a major change in protocol, and only from U.S. labs that were handpicked by Chinese Embassy and consulates.

Let us let this sink in. The U.S. Government facilitated Chinese collection of DNA from dozens of U.S. diplomats inside the United States. This is appalling.

When asked Mr. Forden's defense was he was on leave and not involved in the creation or implementation of these policies. But this is not true. Mr. Forden returned to post in July of 2020, two months before the initial waiver was issued.

Mr. Forden will tell you that no diplomats were forced into fever hospitals or similar institutions. This is also not true. A mother and her infant went into a fever hospital on his watch. Just days after he left post two American families were detained in makeshift fever clinics for at least 60 days each. That shows how bad things got and there are photos of this condition which we are going to submit into the record.

State will also say our diplomats voluntarily submitted to these protocols and conditions. This is not true either. The information was never disclosed to them and the list goes on.

An unwillingness to stand up for our diplomats and deference to an authoritarian government are not qualities we should promote and these are not people that we want running our embassies.

I want to thank the whistleblowers and their families for their difficult service in China and for their bravery. For those of you that are here today I am sorry the State Department failed you.

If I hear of any reprisals against these whistleblowers who have come forward—all career employees at the State Department—there is going to be serious consequences that flow from that.

As I say, we will get to some witnesses in a few minutes. Look, I do not like this any more than anybody else does. It is unfortunate we have these. But we take these matters seriously, and I understand the majority has the power to run over us. They can sure do that. Out of the five I doubt all five of you will make it because I do not think that the majority leader is going to devote the time to all five but there you are for trying.

So with that, let us get on with it. We will hear from them and then we will hear from others who have matters to say in that regard.

The CHAIRMAN. We are now going to allow our nominees to make opening statements. I will give you extra time if you want to respond to some of the statements that the—that Senator Risch has made.

We will start with Margaret Taylor.

STATEMENT OF MARGARET L. TAYLOR, OF MARYLAND, NOMINATED TO BE LEGAL ADVISOR OF THE DEPARTMENT OF STATE

Ms. TAYLOR. Thank you so much, Mr. Chairman.

Just for clarity, are we doing five minutes or two minutes?

The CHAIRMAN. The normal practice for nominees I think is three minutes—three to five minutes. But because of the ranking member's opening statements and serious issues that he has raised if you want to take more time to respond to that you may.

Ms. TAYLOR. Thank you so much, Mr. Chairman.

Chairman Cardin, Ranking Member Risch, and members of the committee, it is a tremendous honor to appear before you as President Biden's nominee to serve as legal advisor of the Department of State.

I am so grateful to President Biden, to Secretary Blinken, to Administrator Power, and to the members of this committee for your consideration—and your staff.

I welcome my family seated behind me including my loving husband of nearly 22 years, my wise, son, and my supportive sister, as well as my kind daughter who I am told is watching from her college dorm room.

I also want to acknowledge my parents who instilled in me the importance of education and hard work. They are no strangers to the sacrifices of public service. My father was a major in the United States Army when I was born at Fort Bliss in Texas.

I also want to acknowledge my maternal grandfather Edward Turner who served on a landing ship tank LST 912 in the South Pacific in World War II, participating in five invasions in 1944 and 1945, and surviving an attack by an enemy plane. He and his generation sacrificed so much so that we could be free.

I felt called to public service early on. It was in my third year at Columbia Law School in New York City that terrorists flew planes into the World Trade Center towers, a few miles south of where I sat stunned, speechless, and terrified for my country.

In the days and weeks that followed the call I felt to public service became a single-minded commitment to the rule of law, to combat the threats to America's safety and security, and to advance the safety and security of peace-loving people around the world.

I spent 10 years as an attorney pursuing these goals in the office I am now nominated to lead. I have worked under both Republican and Democratic administrations. I believe wholeheartedly in the role of this committee and Congress in shaping our foreign policy and that that is vitally important.

If confirmed I will do what I have always sought to do throughout my career, provide objective legal advice of the highest quality in the service of our Constitution and the American people and if confirmed this will be my top priority.

I will use legal diplomacy vigorously to advance U.S. interests internationally and support the international legal rules that the U.S. helped to develop and that have benefited the United States so greatly since the end of World War II.

I look forward to your questions, and if I may respond briefly to Senator Risch. In my time as general counsel of USAID I have provided legal advice that is consistent with all applicable provisions of law related to the use of appropriated funds including on the issue that you have raised and I want you to feel assured about that.

Thank you.

[The prepared statement of Ms. Taylor follows:]

PREPARED STATEMENT OF MARGARET L. TAYLOR

Chairman Cardin, Ranking Member Risch, and Members of the committee: It is a tremendous honor to appear before you as President Biden's nominee to serve as Legal Adviser to the Department of State. I am grateful to President Biden, Secretary Blinken, and Administrator Power for their confidence in me. I also want to express my gratitude to the Members of this committee, and your staff, for your consideration.

I had the privilege of working for this committee as its democratic deputy counsel, and later chief counsel and deputy staff director. The 5½ years I spent here were among the most rewarding and meaningful of my career. The work of this committee is incredibly important, and I was honored to have the chance to assist in that work. Because of it, I am dedicated to the importance of the Article I branch of government in shaping and implementing our Nation's foreign policy.

I welcome my family, seated behind me, including my loving husband of nearly 22 years; my wise son; my supportive sister; and my kind daughter—who I'm told is watching from her college dorm room. I also want to acknowledge my parents, who instilled in me the importance of education and hard work. They are no strangers to the sacrifices of public service. My father was a Major in the United States Army when I was born at Fort Bliss in Texas.

I also want to acknowledge my maternal grandfather, Edward Turner, who served on a Landing Ship Tank, LST-912, in the South Pacific in World War II, participating in 5 invasions in 1944 and 1945, and surviving an attack by an enemy plane. He and his generation sacrificed so much so that we could be free.

I felt called to public service early on. I worked at the Department of Justice before attending Columbia Law School in New York City. It was in my third year there that terrorists flew planes into the World Trade Center towers a few miles south of where I sat-stunned, speechless, and terrified for my country. In the days and weeks that followed, the call I felt to public service became a single-minded commitment to the rule of law, to combat the threats to America's safety and security, and to advance the safety and security of peace-loving people around the world.

After graduation and a judicial clerkship, I spent 10 years as an attorney pursuing these goals in the Office I am now nominated to lead. I worked under both Republican and Democratic administrations. I spent years learning the ins and outs of the legal aspects of sanctions, foreign assistance, international extradition, treaty

negotiations and ratification, and combating trafficking in persons. I want to highlight this last item. It was a privilege to be a part of the efforts to use diplomacy to prosecute traffickers, protect victims, and prevent human trafficking; and I recognize and appreciate Congress's role in pressing for action to combat international trafficking in persons.

I won't rehash all of the accomplishments of this committee while I was a staffer here. Suffice it to say, I believe the role of this committee, and Congress, in shaping our foreign policy is vitally important. And when I departed the committee in 2018, I sincerely wanted the public to understand that better. So, I spent several years, outside of government, writing and offering public commentary about the legal aspects of Congress's role in foreign policy and national security.

If confirmed, I will do what I have always sought to do throughout my career as a lawyer: provide objective legal advice of the highest quality; with the utmost commitment to integrity and ethical leadership; and in the service of our Constitution and the American people. If confirmed, this will be my top priority. I have led the Office of the General Counsel at USAID for more than three years with this philosophy, and I am grateful to my colleagues there for the privilege of working alongside them to help people around the world live lives of dignity.

In addition, if confirmed, I will use legal diplomacy vigorously to advance U.S. interests internationally and support the international legal rules that the U.S. helped to develop and that have benefited the United States so greatly since the end of World War II.

We depend on these norms of behavior in international politics. Russia's flagrantly illegal, full-scale invasion of Ukraine is a direct challenge to these international rules. So are the People's Republic of China's expansive maritime claims in the South China Sea. There are other examples.

We are a nation of laws. We respect our international obligations. The United States must continue to be a confident and principled voice for international legal norms in international politics.

I would be humbled and honored to serve the United States in this new capacity. I look forward to your questions.

The CHAIRMAN. Mr. Woodhouse?

STATEMENT OF ERIK JOHN WOODHOUSE, OF VIRGINIA, NOMINATED TO BE HEAD OF THE OFFICE OF SANCTIONS COORDINATION WITH THE RANK OF AMBASSADOR

Mr. WOODHOUSE. Mr. Chairman, Ranking Member, and distinguished Members of the committee, I am honored to appear before you today. Thank you for considering my nomination and I also thank the committee staff for meeting with me.

I am honored that President Biden has nominated me to lead the Office of Sanctions Coordination. I am grateful for Secretary Blinken's support for my candidacy.

I am here because of the love and support of my family, and most importantly my wife Emily and our three children. They are the foundation of my ability to serve.

I am thrilled that my mother Cristina and my stepfather Erdmann can be here with me today. My father, Mark Woodhouse, passed away almost exactly two years ago. He would be very proud to know that I am here with you today.

Beyond my family, I am grateful for many mentors and friends whose encouragement and lessons have shaped me in ways that bring me here today.

I have spent more than half my career in public service in various roles at the State Department and at the Treasury Department and a substantial time also in the private sector.

I have seen from several perspectives how impactful sanctions can be as well as the importance of enforcement, clear communication, and engagement and would commit myself to furthering these efforts if confirmed.

In my current job I work on sanctions policy with colleagues across the State Department and the interagency as well as with our partners and allies around the world. I have worked closely with the current Office of Sanctions Coordination since its inception and have seen the important role it plays for U.S. sanctions policy overall.

If confirmed I would seek to continue and deepen this work to ensure that our sanctions are fully integrated and in support of our foreign policy.

The office makes the State Department more effective internally, in the interagency, and diplomatically when it comes to sanctions policy and implementation. Within the department more than 10 bureaus reporting to four different under secretaries work intensively on sanctions programs within their purview, and although an impressive amount of collaboration already happens it is a tall task.

The office can play a key role ensuring consistency across our sanctions practice, identifying and shepherding good ideas through the bureaucracy, and resolving disagreements and ensuring that we are being responsive and timely.

The office also has played a key role facilitating and strengthening coordination with the Treasury Department as well as with partners and allies on sanctions policy and implementation and, if confirmed, this work would remain a priority for me.

I am also mindful of the committee's role in creating the position for which I am nominated and would feel a special responsibility to ensure effective consultation with the committee in the course of our work.

Mr. Chairman, Ranking Member, and members of the committee, our sanctions are one of the most powerful tools we have to pursue our foreign policy and national security.

I am honored to be nominated to lead the State Department's work in this area and, if confirmed, to be entrusted with the responsibilities that entails.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Woodhouse follows:]

PREPARED STATEMENT FOR ERIK J. WOODHOUSE

Mr. Chairman, Ranking Member, and distinguished Members of the committee, I am honored to appear before you today. Thank you for considering my nomination, and I also thank the committee staff for meeting with me. I am honored that President Biden has nominated me to lead the Office of Sanctions Coordination and grateful for Secretary Blinken's support for my candidacy.

I am here because of the love and support of my family, most importantly my wife Emily and our three children. They are the foundation of my ability to serve. I am thrilled that my mother, Cristina, and my stepfather, Erdmann, can be here with me today. My father, Mark, passed away almost two years ago; he would be very proud to know that I am here with you today. Beyond my family, I am grateful for many mentors and friends whose encouragement and lessons have shaped me in ways that helped bring me here today.

I have spent more than half of my career in public service, in various roles at the State Department and at the Treasury Department, and a substantial time also in the private sector. I've seen from several perspectives how impactful sanctions can be, as well as the importance of enforcement, clear communication, and engagement, and would commit myself to furthering these efforts if confirmed.

In my current job, I work on sanctions policy with colleagues across the State Department and the interagency, as well as with our partners and allies around the world. I have worked closely with the current Office of Sanctions Coordination since

its inception and have seen the important role it plays for U.S. sanctions policy overall. If confirmed, I would seek to continue and deepen this work to ensure that our sanctions are fully integrated and in support of our foreign policy.

The Office makes the State Department more effective internally, in the inter-agency, and diplomatically when it comes to sanctions policy and implementation. Within the Department, more than ten bureaus reporting to four different Under Secretaries work intensively on sanctions programs within their purview and although an impressive amount of collaboration already happens, it is a tall task. The Office can play a key role ensuring consistency across our sanctions practice, identifying and shepherding good ideas through the bureaucracy, resolving disagreements, and ensuring that we are being responsive and timely. The Office also has played a key role facilitating and strengthening coordination with the Treasury Department, as well as with partners and allies, on sanctions policy and implementation. If confirmed, this work would remain a priority for me.

I also am mindful of this committee's role in creating the position for which I am nominated, and would feel a special responsibility to ensure effective consultation with the committee in the course of our work.

Mr. Chairman, Ranking Member, and Members of the committee, our sanctions are one of the most powerful tools we have to pursue our foreign policy and national security. I am honored to be nominated to lead the State Department's work in this area, and if confirmed, to be entrusted with the responsibilities that entails.

Thank you. I look forward to your questions.

The CHAIRMAN. Mr. Forden?

STATEMENT OF ROBERT WILLIAM FORDEN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA

Mr. FORDEN. Mr. Chairman, Ranking Member, and distinguished members of the committee, thank you for considering my nomination to be the next United States Ambassador to the kingdom of Cambodia.

I am honored by the faith President Biden and Secretary Blinken have placed in me. If confirmed, I will work closely with Congress to advance U.S. interests in Cambodia.

The United States is a long-standing and committed partner of the Cambodian people and we seek to work with Cambodia's new government to advance a shared vision of a free, open, prosperous, and secure Indo-Pacific region.

We have productive bilateral cooperation on a number of important issues but we have much work to do in others. There have been many setbacks in Cambodia in recent years concerning democracy and human rights. If confirmed I will make these issues a key priority.

The United States also has serious concerns about the intent, nature, and scope of construction at Ream Naval Base and the role the PRC military is playing in this process.

The United States will continue to support efforts to maintain and preserve Cambodia's sovereignty. It would be a great honor to lead our experienced and professional U.S. mission staff in Phnom Penh.

If confirmed I will do my utmost to prioritize their safety and security and ensure the American taxpayers' resources are used efficiently and effectively to advance U.S. interests.

On a more personal note, it has been my lifelong dream to contribute to U.S.-Cambodia relations. As a young college student I

watched as my mother, a public school teacher, served as a volunteer English tutor to Cambodian refugees sponsored by our church.

Meeting these wonderful people and learning about Cambodia's rich culture and history instilled in me a deep appreciation for that beautiful country.

Finally, I cannot conclude without thanking the people who have supported me throughout my 35-year career in the Foreign Service. My parents, Bill and Toby, watching from—today from their home in St. George, Utah, were tremendous role models and instilled in me a deep respect for people from all cultures and backgrounds.

And I am so appreciative of my wife Jasmine, my daughters Jessica and Emily, and my son Christopher, who have made enormous sacrifices to join me in frequent moves around the world. Without their love and support I would not be where I am today.

And I am equally proud of my daughter-in-law Noelle, who, like my son Christopher, is a distinguished West Point graduate serving our country in the United States Army.

Thank you again, members of the committee, for your consideration. I look forward to your questions.

[The prepared statement of Mr. Forden follows:]

PREPARED STATEMENT OF ROBERT WILLIAM FORDEN

Mr. Chairman, Ranking Member, and distinguished Members of the committee: Thank you for considering my nomination to be the next United States Ambassador to the Kingdom of Cambodia. I am honored by the faith that President Biden and Secretary Blinken have placed in me.

If confirmed, I will work closely with Congress to advance U.S. interests in Cambodia. I look forward to supporting the Cambodian people in their aspirations for a truly independent, prosperous country that respects democratic principles, human rights, and the rule of law.

The United States is a longstanding and committed partner of the Cambodian people, and we seek to work with Cambodia's new government to advance a shared vision of a free, open, prosperous, and secure Indo-Pacific region.

We have productive bilateral cooperation on a number of important issues. Law enforcement, child protection, education, cultural preservation, public health, and POW/MIA accounting are some of the bright spots in our bilateral relations. Our two countries also continue to work together on regional and global issues, such as the full range of ASEAN cooperation, the Mekong-U.S. Partnership, condemnation of Russia's invasion of Ukraine, and implementing DPRK-related UN Security Council resolutions.

While we have worked well together in these areas, there is still much work to do in others. Cambodia has regressed from a flawed, but functioning, democracy to a state of governance that has little tolerance for dissent. There have been many setbacks concerning human rights and democratic practices, including the conviction for "treason" of political opposition leader Kem Sokha and the imprisonment of U.S.-Cambodian citizen Seng Theary and union leader Chhim Sithar.

It is my belief that Cambodia's new generation of leaders offers an opportunity to improve the country's international standing, including by restoring genuine multi-party democracy, ending politically motivated trials, and allowing independent media outlets to reopen and function without interference. If confirmed, I will make advancing respect for human rights and multiparty democracy a central focus of my work.

The United States has serious concerns about the intent, nature, and scope of construction at Ream Naval Base, as well as the role the PRC military is playing in this process and in the future use of the facility. The United States will continue to support efforts to maintain and preserve Cambodia's sovereignty.

Our experienced and professional U.S. Mission staff in Phnom Penh—both American and locally employed staff—are dedicated to defending U.S. national interests and strengthening the U.S.-Cambodia relationship. If confirmed, I will prioritize their safety and security, work to invest in their professional development, and do my utmost to ensure that the resources provided by American taxpayers are used

efficiently and effectively to advance U.S. interests. I would be honored to lead and facilitate our team's efforts throughout the Kingdom.

On a more personal note, it has been a life-long dream for me to contribute to building a strong relationship between the people of the United States and Cambodia. Ever since I was a young college student, I watched as my mother served as a volunteer English tutor for Cambodian refugees that were sponsored by our church. Meeting these wonderful people in our home and learning about Cambodia's rich culture and its long history—both its ancient history as well as its more recent tragic history—instilled in me a deep appreciation and fascination with that beautiful country.

Finally, I cannot conclude without thanking the people who have inspired and supported me throughout my 35-year career in the Foreign Service. My parents, Bill and Toby, watching today from their home in St. George, Utah, were tremendous role models and instilled in me a thirst for life-long learning and travel and a deep respect for people from all cultures and backgrounds. My father himself was a life-long public servant in the field of corrections in California and my mother was a public-school teacher and entrepreneur in the education field.

I am so proud and appreciative of my wife, Jasmine, my daughters Jessica and Emily, and my son Christopher, who have made enormous sacrifices to follow me as we moved frequently throughout their lives to live in places as diverse as China, Taiwan, Vietnam, and Israel. Without their love and support, I would not be where I am today. I am equally proud of my daughter-in-law Noelle who, like my son Christopher, is a distinguished West Point graduate currently serving our country in the United States Army.

Thank you, Members of the committee, for your consideration of my nomination. I look forward to your questions.

The CHAIRMAN. Mr. Aliu?

STATEMENT OF B. BIX ALIU, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, NOMINATED TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONTENEGRO

Mr. ALIU. Thank you, Chairman Cardin, Ranking Member Risch, and distinguished committee members.

I am humbled and honored to appear before you as President Biden's nominee to be the next U.S. Ambassador to Montenegro. I am grateful to the President and Secretary Blinken for their confidence in me and I hope to earn your trust as well. If confirmed I will work closely with you to advance U.S. interests in Montenegro.

I would not be here today without my family's support. With me is my wife Dr. Nora Zajazi, who has championed me through our incredible 36-year journey together; my son Bled, a Nittany Lion and a recent GW Law grad who is a member of the D.C. bar, and my warrior daughter Tea who is alive today because she beat leukemia and who is studying archaeology and historical preservation when she has time because she is a cheerleader and a member of the rugby team at the University of Mary Washington.

My children are my greatest blessing and I am very proud of the global citizens they have become. However, none of us would be here without my parents Azem and Shirley and their sacrifices. They fled the former Yugoslavia, leaving everything behind to allow my sisters and me to pursue a better life in the United States.

Distinguished committee members, if confirmed, I will be the first Albanian American in our history to serve as a U.S. Ambassador, a testament that if you trust in God, dream big, work hard you will succeed.

Over my 22-year diplomatic career I have been privileged to serve American citizens and promote U.S. interests and values around the world. Recently I led Mission Poland and guided our team in advancing humanitarian and security goals as Russia's brutal invasion sent millions of Ukrainians across the border.

The welfare of American citizens is ever paramount and I worked with Polish leaders to secure a safe passage for Americans fleeing Ukraine. If confirmed the safety and security of U.S. citizens in Montenegro will remain a top priority.

American leadership matters. Montenegro's 2023 elections provided a historic opportunity to accelerate the country on its EU path.

However, we must also be clear eyed about the risks this goal—to this goal that Montenegro's governing coalition poses and remain engaged with practical solutions to help the country attain its rightful place in the European Union, which 80 percent of Montenegrins desire.

If confirmed four priorities will guide my work. First, Russia's brutal war in Ukraine underscores the urgency for Montenegro to accelerate critical reforms for EU accession: democratic development, stability and prosperity.

If confirmed I will lead an interagency effort to engage Montenegrin leaders and to promote the rule of law, fight intense corruption, respect human rights, and deliver tangible results to their citizens, all in line with U.S. national security objectives.

Second, Montenegro has been a steadfast NATO ally for seven years including stalwart support to Ukraine and deployments to NATO's eastern flank. If confirmed I will work to deepen those NATO security ties.

Third, we will strengthen Montenegrin resilience against malign actors seeking to undermine its democracy and institutions, expand journalistic professionalism, buttress civil society, and amplify U.S. messaging on transatlantic values.

And, finally, if confirmed I will support Montenegro's economic prosperity through a renewed U.S.-Montenegro economic dialogue to strengthen the investment climate.

It is also essential that the United States and the EU help identify viable alternatives to PRC investment especially in critical infrastructure.

Montenegro is at a crossroads. The country needs effective democratic institutions cemented in the Euro-Atlantic framework and committed to the welfare of all of its citizens.

We are Montenegro's ally in building a better tomorrow as part of NATO and the EU. Montenegrin citizens clearly have voiced this desire with their votes and deserve nothing less.

I would be honored to lead our mission in Podgorica. I appreciate the opportunity to appear before this committee and welcome your questions and God bless the United States of America.

If I could, sir, I would like to address a couple of the claims that were made.

Senator, thank you for your concern about my visitor. I wanted to be very, very clear that I strictly adhere to policies that respect—in respect to contact reporting.

In fact, the minority counsel did receive a review. DS did a review of the instance and confirmed that I abided by requirements with respect to contact foreign reporting and temporary stay.

I have never had a security violation in my career in the Foreign Service and at the time I also informed the Ambassador and the RSO of the visitor.

I want to talk a little bit about the allegations of my difficulties with staff as well. My leadership style is to empower. My leadership style is an empathetic leadership style. My leadership style is the core of my being.

I have always protected the people that I have worked—that I have worked with and I will continue to do so. If you note in my resume, half of my career has been dedicated to nurturing and the professional development of diplomats. I worked at the Foreign Service Institute to do so.

So this is the first that I am hearing about these claims. The difficulty to staff piece is the last thing that I wanted to touch on and you very rightly so said, sir, that in the two-year—after I left it went up. It was taken away.

It was taken away because I put parameters in place to make sure that we had the correct number of people bidding on jobs that we had—we reached out and expanded our outreach for work in Poland and that is a cycle. It takes a cycle to happen.

And so I am very, very happy that it is correct. It is no longer a hard to fill post. Thank you very much.

[The prepared statement of Mr. Aliu follows:]

PREPARED STATEMENT OF B. BIX ALIU

Thank you, Chairman Cardin, Ranking Member Risch, and distinguished committee members; I am humbled and honored to appear before you as President Biden's nominee to be the next U.S. Ambassador to Montenegro. I am grateful to the President and Secretary Blinken for their confidence in me, and I hope to earn your trust as well. If confirmed, I will work closely with you to advance U.S. interests in Montenegro.

I would not be here today without my family's support. With me is my wife, Dr. Nora Zajazi, who has championed me through our incredible 36-year journey together; my son, Bled, a Nittany Lion and recent GW law grad; and my daughter, Tea, who is studying archeology and historical preservation at the University of Mary Washington. My children are my greatest blessing, and I am very proud of the global citizens they have become. None of us would be here without the sacrifices of my parents, Azem and Shirley. They fled the former Yugoslavia, leaving everything behind to allow my sisters and me to pursue a better life in the United States. Distinguished committee members, if confirmed, I will be the first Albanian American in our history to serve as a U.S. Ambassador—a testament that if you trust in God, dream big, and work hard, you will succeed.

Over my 22-year diplomatic career, I have been privileged to serve American citizens and promote U.S. interests and values in the UAE, Montenegro, Albania, North Macedonia, Kosovo, and Hungary. Recently, I led Mission Poland and guided our team in advancing humanitarian and security goals as Russia's brutal invasion sent millions of Ukrainian refugees across the Polish border. The welfare of American citizens is ever paramount, and I worked with Polish leaders to secure safe passage for Americans fleeing Ukraine. If confirmed, the safety and security of U.S. citizens in Montenegro will remain my top priority.

I have always ensured mission policies reflect Administration and congressional priorities. I have sent tough, clear messages advocating for the rule of law, democratic institutions, media freedom, and rights of minority groups—often in the face of outside criticism. These experiences have prepared me to lead U.S. Mission Podgorica.

American leadership matters. Montenegro's 2023 elections provide a historic opportunity to accelerate the country on its EU path. We must also be clear-eyed

about the risks to this goal that Montenegro's governing coalition poses, and remain engaged, with practical solutions, to help the country attain its rightful place in the European Union, which 80% of Montenegrins desire.

If confirmed, four priorities will guide my work:

- First, Russia's brutal war in Ukraine underscores the urgency for Montenegro to accelerate critical reforms for EU accession, democratic development, stability, and prosperity. If confirmed, I will lead an interagency effort to engage Montenegrin leaders and promote the rule of law, fight entrenched corruption, respect human rights, and deliver tangible results to their citizens, all in line with U.S. national security objectives.
- Second, Montenegro has been a steadfast NATO Ally for seven years, including stalwart support to Ukraine, deployments to Enhanced Forward Presence in Latvia, and increasing troops for Enhanced Vigilance Activities in Bulgaria. If confirmed, the mission and I will work to deepen those security ties, also through our excellent State Partnership Program with the Maine National Guard; and streamline Montenegro's acquisitions that enhance interoperability, such as its recent purchase of patrol boats built in Alabama and 65 JLTVs produced in Oshkosh, Wisconsin.
- Third, we will strengthen Montenegrin resilience against malign actors seeking to undermine its democracy and institutions. If confirmed, I will collaborate with the interagency, EU, and local partners to counter disinformation; expand journalistic professionalism, freedom, and independence; buttress civil society; and amplify U.S. messaging on Trans-Atlantic values. We will also pursue sanctions, where appropriate, to confront and counter malign actors.
- Finally, if confirmed, I will support Montenegro's economic prosperity through a renewed U.S.-Montenegro Economic Dialogue to strengthen the investment climate, improve infrastructure, diversify energy sources, promote decarbonization, and deepen regional economic integration. It is essential that the United States and EU partners help identify viable alternatives to problematic PRC investment, particularly in critical infrastructure. To that end, I will encourage adopting Blue Dot Network and Strategic Ports initiatives to bolster sustainable, transparent development, level the playing field for U.S. exporters and suppliers; and reduce trade barriers.

Montenegro is at a crossroads—the country needs effective democratic institutions cemented in the Euro-Atlantic framework and committed to the welfare of all its citizens. The United States will work with Montenegro's leaders to advance shared goals, uphold international commitments, and tackle corruption. We are Montenegro's ally in building a better tomorrow as part of NATO and the EU. Montenegrin citizens clearly voiced this desire with their votes and deserve nothing less. I would be honored to lead our Mission in Podgorica. I appreciate the opportunity to appear before this committee and welcome your questions.

The CHAIRMAN. Dr. Sfraga?

STATEMENT OF DR. MICHAEL SFRAGA, OF ALASKA, NOMINATED TO BE AMBASSADOR-AT-LARGE FOR ARCTIC AFFAIRS

Dr. SFRAGA. Thank you, Chairman Cardin and Ranking Member Risch and distinguished members of the committee for the opportunity to appear before you today as the nominee for Ambassador-at-Large for Arctic affairs.

I am grateful for the trust and confidence President Biden and Secretary Blinken have placed in me to represent a region in which I live and have dedicated most of my career. I would also like to thank Senator Murkowski for her gracious introduction and for her continued support.

I come before you today as an Alaskan and a humble example of the American dream. I am the son of working-class parents and the first in my family to graduate from college.

My story compels me, it requires me, to serve our nation. My family could not be with me today, but I thank them for their love, their support, their strength, and their humor.

My father, a high school graduate and blue-collar worker, passed away in November, but I know he is relishing this moment—as his son sits before you as a nominee to serve our country.

The Arctic is undergoing profound change. Russia's war against Ukraine has rendered cooperation virtually impossible with Russia including in the Arctic.

The PRC is attempting to reshape the global rules-based system in its favor and increasingly working with Moscow to elevate and advance its presence and its influence in the Arctic in ways that threaten our interests.

And at the same time climate change is disproportionately impacting the Arctic and its people. If confirmed, I commit to addressing these changes by promoting U.S. leadership and interests while countering geopolitical competitors' ambitions and ensuring Arctic governance is reserved for Arctic nations by strengthening cooperation with like-minded Arctic allies and partners to keep the Arctic a region of peace, stability, and prosperity, by combating climate change and addressing its impacts to build more resilient Arctic communities, and by advocating for more economic, social, and cultural opportunities in the region in meaningful consultation with indigenous and local communities.

The creation of this position has already shown our allies and partners, and our adversaries that we are serious about our interests in the Arctic.

If confirmed I look forward to working with this committee, the Congress, and the administration with a sense of urgency and purpose to advance our important interests in the Arctic.

Thank you, sir. And if I may just follow up on just a couple of points.

Senator Risch, I share your concerns about Chinese influence in universities and other organizations. I share those concerns. Memorandums of agreement, partnerships, sometimes they seem opaque. But as your document points out they have not been opaque.

They have been very purposeful in their use as a tool just like many of the tools of the PRC. So I share that concern.

In terms of documentation, I appreciate you and your staff's willingness to accept a more full picture of my career by documenting more and more of my presentations and publications, about 150 to 200 or so altogether—I appreciate that—and providing a full accounting of MOUs.

In terms of travel to Russia, indeed, I traveled to Russia after Crimea was invaded in 2014 but not after 2022. It is hard to ignore half of the Arctic, which is Russia, and in the North it is a big neighborhood but a small community and you must engage and, indeed, at one of those conferences President Putin did provide a keynote address but I had no interaction with President Putin at all.

Sir, I would just leave it at that, aside from saying that the North needs leadership and this position can project and reflect U.S. policy domestically and internationally.

I thank you both, sir.

[The prepared statement of Dr. Sfraga follows:]

PREPARED STATEMENT OF DR. MICHAEL SFRAGA

Thank you, Chairman Cardin, Ranking Member Risch, and distinguished Members of the committee for the opportunity to appear before you today as a nominee for the position of Ambassador-at-Large for Arctic Affairs.

I am grateful for the trust and confidence President Biden and Secretary Blinken have placed in me to represent a region in which I live—and have dedicated most of my career. I would also like to thank Senator Murkowski for her gracious introduction and support.

I come before you as a humble example of the American dream, the American promise, the American dividend. I am the son of working-class Italian Americans who came to this country at the turn of the last century and worked too many hours, for too many years to ensure our family had our most basic needs met; they created the path that led me to this chair.

I am the first in my family to attend to college, to earn a bachelor's degree, a master's degree, and a PhD. I am a proud native of Brooklyn, New York and resident of Fairbanks, Alaska. My story compels me—requires me—to serve our nation.

My family could not be with me today, but I thank them for their love, support, strength, and humor. My father, a high school graduate and blue-collar worker passed away in November, but I know he is relishing in this moment—as his son sits before you as a nominee to serve our country.

The Arctic is undergoing profound change, including an increasingly challenging geopolitical environment. Russia's illegal war of aggression against Ukraine has rendered cooperation with Moscow virtually impossible, including in the Arctic.

The PRC is attempting to reshape the global rules-based system in its favor and increasingly working with Moscow to elevate and advance its presence and influence in the Arctic. And at the same time, the impacts of climate change are disproportionality impacting the Arctic environment and its people.

These realities have resulted in a renewed unity among likeminded Arctic nations:

- To reinvigorate and expand the transatlantic Alliance, motivating Finland and Sweden to join NATO and making 7 of the 8 Arctic nations members of the most powerful defensive alliance in world history.
- To combat climate change.
- To work closely to bring about more economic, social, and cultural opportunities across the region.
- And to strengthen the international rules-based order.

These four points are in line with the U.S. National Security Strategy that states, “The United States seeks an Arctic region that is peaceful, stable, prosperous, and cooperative” and mirror the four pillars of the 2023 U.S. National Strategy for the Arctic Region:

- Security
- Climate Change and Environmental Protection
- Sustainable Economic Development
- International Cooperation and Governance.

If confirmed, I commit to supporting the Strategy's implementation while advancing U.S. interests through the following six priorities:

- Strengthen cooperation with likeminded Arctic and non-Arctic Allies and partners in efforts to keep the Arctic a region of peace, stability, and prosperity, and expand international and sub-national cooperation especially across the North American Arctic.
- Leverage the tools of government to increase commerce through sustainable economic growth. This includes expanding Arctic infrastructure and connectivity, and the responsible development of essential commodities, such as critical minerals.
- Promote U.S. leadership and interests while countering geopolitical competitors' ambitions; ensuring Arctic governance is reserved for Arctic nations; and leverage the region's unique position to strengthen the international rules-based system.
- Address the impacts of climate change and build more resilient Arctic communities.

- Empower U.S. Arctic rights- and stakeholders, especially Indigenous and local communities, through regular meaningful consultations, to inform policy and support their participation in international fora.
- Advance domestic and international understanding of the importance of the Arctic region and help build the next generation of Arctic leaders.

I know the President's decision to create the position of Ambassador-at-Large for Arctic Affairs, in close consultation with the Congress, will enhance and elevate the nation's Arctic leadership.

If confirmed, I will ensure the Ambassador's office projects and reflects U.S. Arctic policy, brings value and support to the many offices within the Department with Arctic equities; creates one focal point within the Department of State to inform, lead, facilitate, and coordinate Arctic efforts and policy directives; and serves as a resource and partner for our bilateral Ambassadors, interagency colleagues, and international partners.

I am honored to have been nominated for this position and, if confirmed, I look forward to working with this committee, the Congress, and the Administration—with a sense of urgency and purpose—to achieve these important goals. Thank you.

The CHAIRMAN. Let me thank all of you for your statements and, again, for your willingness to serve our country. I am going to reserve my time.

Senator Risch?

Senator RISCH. Thank you, and I will try to be brief because I do have some witnesses.

So let me first follow up with that. Have you engaged with the FBI at all regarding your work with the Russians and the Chinese?

Dr. SFRAGA. Sir, I have not engaged directly with the Russian—with the FBI on work with Russia and China.

Senator RISCH. Have they done any investigations of you in that regard?

Dr. SFRAGA. I have no idea, sir.

Senator RISCH. You know that we have been told that that happened. Is that correct?

Dr. SFRAGA. I do know that.

Senator RISCH. Yeah. And you are aware that we cannot get the FBI to deny that. Are you aware of that?

Dr. SFRAGA. I am not aware of that.

Senator RISCH. And have you retained an attorney at all in regards to a possible investigation?

Dr. SFRAGA. No, sir.

Senator RISCH. Okay. Thank you.

Let me give an opportunity because this is going to go into the record so I want to give Mr. Aliu a chance to respond to this. Give me just a second here.

This was the letter. I am wondering if you saw this. Did you see the letter that was dated April 21st, 2021, and this is Mr. Aliu. Have you seen the letter dated April 21, 2021, to Ambassador Carol Z. Perez, Acting Under Secretary of State for Management and District General of the Foreign Service? Have you seen that letter?

Mr. ALIU. No, sir.

Senator RISCH. Okay. I want to quote from this letter because it is going to go into the record and I want you to respond to it, please.

This was from an employee and it is someone who was employed there in the Embassy. Quote, "The time I spent at Embassy War-

saw under DCM Aliu's leadership was one of the worst experiences of my Foreign Service career.

"He created an incredibly toxic work environment and often exhibited blatantly inappropriate or unethical behavior, especially once he became Chargé. When one individual curtailed and raised concerns about his behavior he retaliated against him by maligning them to other senior leaders during visits, calls, et cetera.

"That experience had a chilling effect on other officers. When other officers curtailed they did not cite him or his behavior in their curtailment requests for fear of reprisal."

Do you want to respond to that?

The CHAIRMAN. I am going to let you respond. Just for the record I want to point out that you are quoting from a letter that we just got this morning. This nomination has been pending for 535 days. But we did not receive this information from the Republicans until this morning.

Senator RISCH. And just for the record, too, this came from a whistleblower and we did not have it either until recently.

Mr. ALIU. Absolutely. Thank you, Senator.

I share your concern because there is nothing more important to me than the well being and the welfare of the people that I work with. I worked very, very closely with your staff, sir, and with yourself when I worked in Poland. We took on a lot of challenges, and I want to thank you for that and I want to thank your staff for that.

Let me address this issue. I have never seen this letter so it is very difficult for me to be able to respond to that letter without having read it and without having seen it.

But the department has shared an unprecedented amount of my personnel information with your staff and there are no complaints of any type or anything like that in that information that they have shared.

If there were such complaints I would have not passed the vetting for the nomination today nor would I have received the Presidential Rank Award I did because of the thorough vetting.

I also provided minority counsel with a list, the very detailed lists of the people that curtailed during Ambassador Mosbacher's and my time—five people in four years. Two of those people we asked to leave.

So there are—the claims in that letter, the part that I heard you mention, something about me badmouthing somebody to other people, that is not my modus operandi. I do not badmouth anybody. I have not badmouthed anybody.

I have nurtured and I have allowed for the professional development of the staff. My record as well as many other testimonials—the support from Ambassador Mosbacher, the support from Senator Blackburn, the support from many, many Republicans—will also attest my dedication including Ambassador Ric Grenell, including Bill White, all of whom, by the way, wished—wanted me to thank you and say hello to you on their behalf.

Sir, I take nothing more important. I think there is nothing more important than the well being of our staff, their physical being and their mental being, and I have—my credit—my reputation shows that. So thank you very much.

Senator RISCH. Mr. Chairman, my time is almost up and I do want to save some time because we are—it is going to take a bit. Thank you.

The CHAIRMAN. Senator Menendez?

Senator MENENDEZ. Thank you, Mr. Chairman.

Let me just start off as someone who understands being falsely accused. I believe that due process at the minimum requires notice—due notice—and time and an opportunity to be heard.

And so to the extent that we are going to challenge, which is perfectly legitimate, nominees, having notice so that a fulsome answer to any of those issues could be had is something that I would hope that the committee would make as its practice.

Now, let me say that I regret to say that I have a strong objection to Ms. Taylor's nomination because the State Department will be getting a damn good legal advisor, and since I know that legal advisors can often create challenges for the interests of the committee as it relates to needing things that they want from the State Department I wish she was on this side of the ledger, even though we have a great counsel here at the committee, than there.

But I know she will do an extraordinary job. I do hope that as part of that extraordinary job you will remember the obligations under the CASE Act to this committee and that you will advise the department appropriately.

Do I have your commitment on that?

Ms. TAYLOR. Absolutely, Senator. Thank you.

Senator MENENDEZ. Thank you.

Now, let me—I am interested in all these nominees but I only have limited time so I will submit some questions for the record. Let me focus on Mr. Woodhouse because as the architect and author of many of the sanctions that you will be called upon to coordinate for the State Department I want to pursue some with you.

Iran continues to deny any direct involvement in the attacks of Iran-based groups against the United States in the Middle East. However, there is no denying that its proxies do not have the weaponry and intelligence capabilities to execute such attacks on the United States without Tehran.

If confirmed you would be the lead sanctions diplomat responsible for coordinating sanctions and ensuring their full implementation.

So, Mr. Woodhouse, do you believe that our sanctions on Iran have been effective? Is there more if you were confirmed in this role that you would be advising the State Department to pursue?

Is it a moment, especially with what Iran is continuing to do not only through its proxies and destabilizing of the region but its violation of the IAEA's obligations that it has for which we know less today than we did before, to internationalize those sanctions? Can you give me some thinking on that?

Mr. WOODHOUSE. Thank you for that question, Senator.

Iran is an adversary and one of the leading state sponsors of terrorism and I would absolutely treat it that way. It is also one of the most heavily sanctioned countries in the world with long-standing programs addressing the full range of its harmful and destabilizing activities.

The Biden administration has not lifted any sanctions on Iran and we have continued to implement and enforce those sanctions. This includes actions involving Iranians' oil exports, its support for terrorism and its proxies in the region.

Senator MENENDEZ. But, for example, we are not sanctioning China, which is purchasing huge amounts of Iranian oil and is giving flow to the Iranians of money.

Mr. WOODHOUSE. Thank you, Senator. We have—in a number of actions that have involved Iranian oil sales we have designated entities in China both in Hong Kong and mainland China.

Senator MENENDEZ. Well, it is far—we cannot claim success with the flow that is going into China of Iranian oil and therefore the flow of money that is going from China to Iran.

Let me turn to Venezuela. I urged the Biden administration not to preemptively give away the enforcement mechanism that the United States possesses through sanctions until we saw real tangible results from the Maduro regime.

Then in January I was, sadly, proven right when Maduro's hand-picked Supreme Court upheld a ban on the candidacy of Maria Corina Machado, the opposition candidate who won overwhelmingly last year's primary election. She is now barred.

So when the primary opponent that the people have spoken already want this person to be their candidate is barred then it seems to me that the Maduro regime has failed to live up to its end of the deal and there have to be consequences from the United States and our allies.

Maduro gained sanctions relief and other measures that only benefit the regime. How are you going to hold the Maduro regime accountable for failing to uphold the Barbados agreement as Venezuela's presidential election remains set for July 28?

Mr. WOODHOUSE. Thank you for that question, Senator. We continue to believe that the Barbados agreement is the most effective path forward to achieve a return to democracy in Venezuela.

However, as you note, a number of actions by Maduro and his representatives have been inconsistent with that agreement and cast real doubt on their willingness to follow through on that agreement.

We have already begun to pull back sanctions relief, specifically General License 43 involving interactions with the gold sector in Venezuela, and we have been clear that if Maduro and his representatives do not get back on track with the Barbados agreement we will not renew General License 44 which authorizes activities in the oil sector.

So we are watching the situation very carefully and we are prepared to allow General License 44 to expire and not offer any additional sanctions relief until Venezuela returns and gets back—Maduro and his representatives get back on track with the Barbados agreement.

Senator MENENDEZ. Well, I look forward to following up in written questions with you. These two issues as it relates to your nomination is of critical importance to me and I would like to see a more fulsome—maybe there will be an opportunity for you and I to speak after your hearing.

Thank you, Mr. Chairman.

Mr. WOODHOUSE. I would welcome that, Senator.

The CHAIRMAN. Senator Ricketts?

Senator RICKETTS. Thank you, Mr. Chairman.

Right now the world is more dangerous since—than any time since World War II and this makes the work that we do on this committee so critical.

It goes without saying that the Senate Foreign Relations Committee, when it acts in a bipartisan manner, is going to be more effective. As a new member of this committee I have enjoyed working with my Democratic colleagues on a number of important issues. I would point to the work Senator Shaheen and I have done when we have engaged on the European Subcommittee.

That is why I was disappointed to hear about how we got to this nominations hearing today. I agree that we have to have Ambassadors and State Department officials in their posts to pursue American interests.

However, it is vital that we have the right people in those posts and this makes our oversight role here so important because the responsibilities of these positions warrants scrutiny and vetting.

It has been nine months since we first learned that Robert Malley was suspended and placed on administrative leave because of an investigation into his possible mishandling of classified documents.

This was revealed, by the way, not by the State Department but by the press. Malley was not some low-level official either. He was the special envoy for Iran who played a critical role in this administration's Iran policy.

Soon after the press reports revealed that Malley was under investigation by the FBI and the State Department Diplomatic Security Office. We then come to find out through a leaked sensitive State Department memo published by the Tehran Times that Malley's investigation and clearance suspension had occurred weeks earlier than originally known and, again, just let me stress that we learned that from not the State Department but the state-controlled Tehran Times, not our own government.

And, finally, in September a press report revealed that Iran had orchestrated an influence operation that involved Malley's close associates and yet we have not heard from the State Department on whether this revelation was related to Malley's suspension and investigation.

Time and time again the State Department has stonewalled requests from Congress to understand the basics of these allegations, let alone whether something more nefarious was occurring.

However, it has chosen to hide behind the Privacy Act despite the law providing clear exception for oversight committees. This is coming from an administration that on its first day pledged that it would bring transparency and truth back to government. Clearly, that is not the case.

Ms. Taylor, are you familiar with the Privacy Act of 1974?

Ms. TAYLOR. Yes, I am, Senator, because at USAID we do deal with the Privacy Act on a fairly routine basis.

Senator RICKETTS. Very good. Based on your legal understanding does the Privacy Act provide an exception for congressional oversight committees?

Ms. TAYLOR. Yes, it does, Senator. It provides an exception for that either house of Congress or committees or subcommittees of Congress.

Senator RICKETTS. So based on your legal understanding do you agree that the Privacy Act includes an exception for congressional inquiries, does not require prior written consent from the concerned individual, and makes no distinction between majority and minority requests?

Ms. TAYLOR. I am not sure about the majority/minority request piece of it but, yes, that is my understanding.

Senator RICKETTS. Okay. Great.

Based on your legal understanding do you believe the Privacy Act would prevent the disclosure to this committee information pertaining to the suspension of Robert Malley's security clearance?

Ms. TAYLOR. Senator, I do not believe the Privacy Act would have that effect and I would—I will just say I am not privy to any of the conversations at the State Department on this matter so I have limited visibility into any of this.

Senator RICKETTS. So, Mr. Chairman, it has been 250 days since we found out of Malley's suspension and, clearly, this administration does not want to cooperate. We have got letters back from them basically saying they are using the Privacy Act to say they cannot do it despite that it very clearly says that Congress does have the ability to hear this.

You were—and, obviously, I was not in the SCIF with you when you heard from the folks there. But I do not think it is unreasonable for this committee to perform its inherent oversight role and demand transparency.

Therefore, I make a motion for the committee to suspend the rules and subpoena all the relevant documents related to Malley's suspension and investigation so we can get to the bottom of this and if the chairman is unwilling to consider a suspension of the rules then I would ask that we take this off and have a vote on it in our next business meeting.

The CHAIRMAN. If the gentleman would yield just for a moment. The State Department does not have that information. It is the FBI that has the information that you are referring to. The FBI operates under a different set of standards in regards to investigations.

So it is not the State Department that is the proprietary entity that has the material that you are requesting.

Senator RISCH. Mr. Chairman?

The CHAIRMAN. Senator Risch?

Senator RISCH. I think there is no doubt that the FBI has this information. But State Department certainly has that information and they admitted as much to you and I when we met with them. So I—

The CHAIRMAN. I do not think they did. I agree with you that they were not responsive to your requests but I do not believe the State Department had the information. I think the State Department said—that is why we had the representative from the Justice Department that was in the SCIF. That was the entity that was responding to us. It was not the State Department.

Senator RISCH [continuing]. Well, they were all there and they would not tell us how to get this information. I mean—

Senator RICKETTS [continuing]. So, again, perhaps, if there is some—

The CHAIRMAN [continuing]. I think the challenge—

Senator RICKETTS [continuing]. Clarify on this we could take it up again.

The CHAIRMAN. I think the challenge is that in law enforcement that does investigations they are very protective of any of the information from anyone. I do not necessarily agree with that but that is law enforcement. It is not State Department.

Senator RICKETTS. But—okay. So, again, if we do a subpoena of the State Department—I agree FBI operates under different terms so I totally get that.

But if we subpoena the State Department and they have no records then they would have nothing to give us. But if they do have records, even just basic HR records on when Mr. Malley was suspended and so forth would that not be helpful in us getting to understand that? And if the Chairman does not want to take it up here I certainly understand taking it up at a business meeting.

The CHAIRMAN. I am more than happy to work with you on that. It is just not relevant to this hearing or the nominee that you are referring.

Senator RICKETTS. I think it is.

The CHAIRMAN. I am more than—

Senator RICKETTS [continuing]. I think it is relevant because the Chair—the ranking member, rather—is putting a hold on Ms. Taylor because of the lack of responsiveness from the State Department.

The CHAIRMAN. We will continue to work with you in that regard but it is not relevant to this specific hearing that we have before us.

Senator RICKETTS. All right. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Shaheen?

Senator SHAHEEN. Well, Mr. Chairman and Ranking Member Risch and to all of our nominees today, thank you all very much for your willingness to continue to serve the country and congratulations on your nominations.

I would like to address what are some underlying issues that, sadly, do not have anything to do with your nomination but do have to do with what we need to do to ensure that we have ambassadors and representatives of the United States in place who can do the work of this country, and I am very disappointed that there is such a lack of trust on this committee that 500 days into the nominations of Mr. Aliu we finally get the information that is the concern that the minority has had.

And I think those are serious allegations and they need to be investigated and I would like to have done that 500 days ago.

And you do not need to respond, Senator Risch, but I think this committee needs to get its act together so that we do not have hearings in the future where we are—so that we are, first, not holding up nominees for 200-plus days when we need you in the field and, secondly, that we are having a hearing like this where a lot of dirty laundry is being aired when we should be talking about the role that these nominees are going to play in the countries to which we hope you will serve.

So I am really disappointed in the behavior of the committee today and I hope that we are going to fix that, going forward.

Now, Mr. Aliu, recognizing that you have not seen those letters accusing you I will say that my office has received numerous enthusiastic recommendations about your service and have commended your leadership and your management style and your character.

So I would like to, therefore, raise questions about Montenegro and the job that you hopefully will be going to serve.

I had the pleasure of visiting Montenegro in the—within the last year and we met with President Milatovic at the Munich Security Conference. This is a country, as you point out, that is on the cusp of EU membership and I want you to talk to us a little bit about how we can support how you would support Montenegro if you are confirmed as ambassador as they continue their accession talks with the EU.

Mr. ALIU. Senator Shaheen, thank you so much and thank you for your leadership, and thank you for the kind words.

I would be remiss if I did not thank you for your leadership in Europe when I was charge in Poland and if I did not thank Senator Risch and his team because we worked very, very hard and protected media freedom in that country and I would be remiss if I did not mention that. Thank you so much.

First, if confirmed, what I would continue to do is ensure that Montenegro continues down its path towards EU accession. We have vibrant programs through our INL programming that the Embassy is implementing right now because right now Montenegro has opened 33 chapters of 35 for accession talks.

They closed three provisionally and they are working on two of the most important. The EU has put—chapters 23 and 24, judicial reform and security reform—the EU has put conditions on Montenegro that they cannot move forward if they do not close these chapters.

So what we are doing and what the Embassy is doing, and I hope to continue and expand, is provide both technical and capacity-building assistance to the prosecutor's office to the special police to combat corruption and organized crime.

They have done a—the new government has done a miraculous job in the 100 days that they have been in power. They have named judicial councils, filled vacant constitutional court places.

They have named a very competent and brave Chief Special Prosecutor—Mr. Novovic, that is taking on crime and prosecuting bad actors. We need to continue to help them but we also need to continue to push on the EU and, if confirmed, I will do so to make this accession process transparent and fair.

Thank you, ma'am.

Senator SHAHEEN. Thank you. I certainly agree with that on the EU.

In my brief time that I have left, Dr. Sfraga, given that NATO has welcomed the two new Arctic allies in Sweden and Finland can you talk about how you would work with NATO partners if you are confirmed to ensure that we are all working together to deter Russian and Chinese aggression in the Arctic?

Dr. SFRAGA. Thank you, Senator, for the question. We all do wait patiently but maybe with a good sense of urgency about Sweden's imminent ascension to NATO.

With seven of the eight Arctic nations now members of the NATO it intensifies and further coordinates and further strengthens the transatlantic alliance because what we have created now is a trans-Arctic alliance and Sweden now is a big part of that as is Finland, of course, and NATO.

Ma'am, I would certainly work very closely with our European bureau, our NATO colleagues, and in Brussels. The job of this ambassadorship should be to inform and to bring value to this discussion.

The Arctic is unique but it is globalized, and so now we have a region in the Arctic that is very much part of NATO's portfolio. With the networks that an ambassador should have, that ambassador should be able to inform the process, inform interoperability, look at opportunities to strengthen this alliance but needs to work very closely with our bilateral ambassadors in those countries, bring value to internal discussions, work appropriately with the Department of Defense, and think about ways in which we communicate what it is that we are doing.

This is the most—this is the strongest defensive alliance the world has ever seen, and it has now grown because of actions from another country.

These two countries, Finland and Sweden, bring to us capacities that we need, we welcome. They are friends. They are allies. They have unique capabilities in the North that can not only be used in their side of the North but, I would argue, in the North American side of the North. There is an analogue here. And so I would see this role to be connecting and to informing and to assisting in that process.

Senator SHAHEEN. Thank you very much. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Hagerty?

Senator HAGERTY. Thank you, Mr. Chairman.

Mr. Forden, I would like to start with you. You are nominated to be the Ambassador to Cambodia. I have spent time in Cambodia. I have also spent a lot of time dealing with the PRC.

Can you tell me how extensive is China's influence in Cambodia?

Mr. FORDEN. Thank you for that important question, Senator.

We have seen in—especially in recent years—for quite a long time that Chinese investment in Cambodia has risen dramatically, that Chinese citizens traveling to Cambodia and residing there and getting involved in sometimes nefarious—

Senator HAGERTY. I think that is an understatement. The influence of China in military affairs, political affairs, economic affairs, is extensive. I know that. You know that.

Mr. FORDEN. Right.

Senator HAGERTY. What I want to talk to you about is how do you stand up to Chinese influence because we need our diplomats to be strong. We need our diplomats to stand up to nefarious influence, as you mentioned. It is all over Cambodia.

So I want to go back to your time when you were serving at mission China. First, I want to ask you this. Are you aware of the leg-

isolation that Senator Peters and I just passed out of the Homeland Security Committee yesterday dealing with BGI and WuXi AppTec?

Mr. FORDEN. No, I am not.

Senator HAGERTY. These are PRC-influenced and controlled companies that take the genomic data of people all over the world including Americans and they work with the PRC. Exposing any American genetic data to the PRC is a grave concern of mine.

Let us go back to your time serving as DCM in China. You understand this, don't you? You understand the approach of the Chinese. Would you be concerned about them having our DNA data?

Mr. FORDEN. Absolutely, but—

Senator HAGERTY. I am glad you share my concern. But according to whistleblower complaints back in 2021 when you were in charge of the Embassy in Beijing you knowingly allowed DNA collection from our U.S. Government employees through blood tests prior to their entry to China and it is in spite of the national security and the counterintelligence concerns that you seem to share with me.

The U.S. Government had no way to verify that China only used these samples for COVID-19. In fact, China refused to deanonymize or to—I am sorry, to anonymize and to destroy the samples. Weren't you concerned?

Mr. FORDEN. I certainly was concerned but, Senator, at the time that policy—those policy decisions were made in Washington and then we were instructed to implement them in China.

My understanding was that they were shared with all of the relevant agencies and I can tell you at post—

Senator HAGERTY. Well, here is my understanding.

Mr. FORDEN [continuing]. Beijing is that we also discussed those with all of the relevant agencies and I was never—no information was ever brought to my attention that any of the relevant agencies believed that what the Chinese were doing with COVID testing in China would enhance their ability to collect the DNA because—

Senator HAGERTY. I think you should—I think you should have followed the instructions from the State Department because back in September 2020 they granted—the State Department granted a limited waiver of inviolability—Senator Risch mentioned this—that allowed for predeparture COVID testing for U.S. personnel so long as conditions remained the same on the ground.

But the conditions then were nasal swab testing. They went to blood testing. The PRC even dictated which labs could be used in America.

You did nothing to stop that. You did not notify through the front channel the State Department as you were instructed to do. You did not stop that from happening. In fact, you recommended that our personnel comply with the PRC's request. I think that is deeply, deeply concerning.

And then we get documents from March and June of 2021 that talk about your consent to this protocol change. Going to COVID-19 blood tests and only at labs that they allowed opened the door for the PRC. They gain an inch because you allowed that to happen.

And then what happens next? It gets even worse. In early 2021 it comes to Mission China's attention that the PRC has now esca-

lated beyond blood tests to go to anal swabs of our personnel in their apartments. That is shocking to me.

Did you decide to stand up then to the PRC?

Mr. FORDEN. Senator, the reports of anal swabs of U.S. diplomats are completely false, and there was an instance that occurred when a U.S. diplomat incorrectly complied—voluntarily complied with that when he should not have and we rapidly and immediately protested to the—

Senator HAGERTY. So you protested this—

Mr. FORDEN [continuing]. And told—and told—

Senator HAGERTY [continuing]. But you did not protest them taking our blood samples and exposing our DNA.

Mr. FORDEN. I never—by that time I was—

Senator HAGERTY. What I am saying is we have to have diplomats that will stand up for American interests and will stand up to China.

Mr. FORDEN [continuing]. Senator—

Senator HAGERTY. If you are going to go to Cambodia you need to be able to stand up for our interest and for our diplomats' interest. You need to be strong against China, not allow them an inch and certainly not allow them the mile.

Thank you, Mr. Chairman.

Mr. FORDEN. Senator, there is an enormous amount of information here that is being—that is incorrect and not true that you are weaving into this narrative.

We—Ambassador Branstad and I—throughout our tenure there we tirelessly pushed back on the Chinese on every single one of the things that you mentioned.

With regard to blood tests, at no point ever while I was in China did I waive anyone's diplomatic immunity or instruct anybody in China to comply with a request for a blood test in China. These blood tests—

Senator HAGERTY. No. Not in China, in the U.S.

Mr. FORDEN [continuing]. I understand. These blood tests in the U.S.—

Senator HAGERTY. At the labs the PRC dictated.

Mr. FORDEN. That is right.

Senator HAGERTY. You did allow it.

Mr. FORDEN. That was a Washington, D.C.-based decision and policy. I was never consulted on that issue because that was a requirement that the Chinese Embassy in Washington put out there for travelers to China.

Senator HAGERTY. And I just read you what the notice required. You were supposed to notify the State Department through the front office channel if conditions on the ground changed. Conditions certainly changed going from a nasal swab to taking our blood test and DNA.

Mr. FORDEN. Well, I—every single change of any type that happened with blood testing or requirements in China that occurred during my tenure was immediately, almost in real time, informed to the department.

We were having daily phone calls, email exchanges, and weekly conference calls on all of these issues and every change was communicated back.

Senator HAGERTY. So you are saying you did—under the limited waiver of inviolability that Senator Risch mentioned—you did notify the front office channels. You did do that when this condition on the ground changed—when this condition moving to a blood test requirement you did notify them as required?

Mr. FORDEN. That was a development in Washington and not in Beijing. They were quite aware—well aware of that because that was a requirement that the Chinese Embassy in Washington notified to the State Department about requirements including visa requirements that people would need to travel to China.

So I can talk about what happened in China and I can assure you that everything that happened in China we shared, again, almost in real time any changes, any modifications.

Any additional requirements that were imposed in China were shared almost in real time with our counterpart offices in the State Department and informed to department leadership at the time, which was Secretary Pompeo and Under Secretary Bulatao.

Senator HAGERTY. Did you relay at any time your concerns about the Chinese Government having access to our blood samples?

Mr. FORDEN. That was a discussion that occurred in Washington in the interagency.

Senator HAGERTY. I remain very concerned about this. You are aware of my legislation to try to address it. We have to keep our DNA here and I want our diplomats to be protecting Americans at every turn possible. I would expect that from each of you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Cruz?

Senator CRUZ. Thank you, Mr. Chairman.

Mr. Woodhouse, the position of sanctions coordinator is supposed to oversee and implement sanctions in an objective and non-partisan way. In examining your record during the Biden administration I have become concerned that you are singularly unqualified for this position.

Far too often the Biden administration has politicized sanctions. This administration has used sanctions as a bludgeon against countries and international figures whom Democrats do not like while ignoring much more significant violations by those embraced by the global populist left.

You have sanctioned our friends and ignored our enemies and the mess on the global stage is a direct result of that. Let's start by talking about Israel and Hamas.

Hamas has launched repeated wars against Israel during the Biden administration, injuring, kidnapping, murdering thousands of people including dozens of Americans.

They know they cannot defeat Israel militarily so their fundamental strategy is to use Palestinian human shields to generate Palestinian civilian casualties and, therefore, international outrage to damage Israel.

To counter that strategy in 2018, I authored and secured into law mandatory sanctions against Hamas and Hezbollah terrorists for using human shields. In May of 2021 Hamas launched yet another war against Israel once again using human shields.

Mr. Woodhouse, how many Hamas terrorists did you sanction for using human shields during this conflict?

Mr. WOODHOUSE. Thank you for that question, Senator.

During the Biden administration we have released multiple rounds of sanctions targeting both Hamas and its financial networks in the region and globally, seeking to continue to degrade its ability to operate and perpetrate these awful crimes against Israel.

Senator CRUZ. I understand you want to make a generic statement. I am going to ask the question again because it is precise. How many Hamas terrorists did you sanction for using human shields during the 2021 conflict?

Mr. WOODHOUSE. With respect to the Shield Act sanctions I will have to get back to you. I do not have that number currently.

Senator CRUZ. Well, I can help you on it. That number was zero. You did not sanction anybody and that is why you do not have the number because there is not an answer to give.

All right. Let us move forward. Hamas sanctioned. They use human shields. You have got a mandatory obligation to sanction them but this administration does not want to because in a conflict between the Palestinians and Israel this administration has decided that you are for the Palestinians and against Israel.

Recently you exercised the other half of that. This administration sanctioned Israelis. Those sanctions were imposed pursuant to a new executive order that imposes crippling sanctions on, quote, "persons undermining peace, security, and stability in the West Bank."

Critics have rightly said that this executive order and your imposition of sanctions is meant to target only Israeli Jews living in Judea and Samaria. The administration has claimed in your talking points that the sanctions are neutral. So if it is neutral it ought to be pretty simple to answer this question.

The Palestinian Authority gives hundreds of millions of dollars to terrorists who murder Jews. These are "pay to slay" payments, which they call martyrs funds.

How many sanctions have you imposed on the Palestinian Authority or Palestinian officials for paying for the murder of Jews?

Mr. WOODHOUSE. Thank you for that question, Senator.

The program that you just referenced has been very recently established. There has been one round of sanctions imposed under that program. I cannot preview future actions—

Senator CRUZ. All on Jews?

Mr. WOODHOUSE [continuing]. The first round did—the targets were all Israeli, yes.

Senator CRUZ. Well, and clearly in the wake of October 7th you are looking at Hamas terrorists who murdered 1,200 people, who rape women, who murder children and I will tell you it was sickening. A number of us sat here. The Chairman of this committee arranged for us to listen to stories of the horrors that came on.

Why does the Biden administration look at that and say, clearly, what we need to do is sanction Israeli Jews? But we do not sanction Hamas. We do not sanction Hamas terrorists for using human shields and you do not sanction the Palestinian Authority for essentially offering rewards for the murder of civilians.

Why not?

Mr. WOODHOUSE. Senator, President Biden and the administration have been very clear that the United States stands behind

Israel's right to defend itself against these attacks. We also have imposed—

Senator CRUZ. Okay. Except for the fact that you are only sanctioning our friends and you are not sanctioning our enemies.

All right. My time has expired but I want to ask one last thing. You have screwed up sanctions in the Middle East. You have screwed up sanctions in Latin America, which could be an entire other round of questioning. But let me end with this.

Screwing up sanctions also caused the war in Ukraine. If you knew in 2021 that allowing Nord Stream 2 to be physically completed would convince Vladimir Putin that he was able to destroy Ukraine's energy infrastructure and then invade Ukraine would you still have made the same decisions you made then about Nord Stream 2 to give Putin a multibillion-dollar gift and an invitation to invade Ukraine?

Mr. WOODHOUSE. Thank you, Senator.

When Russia began that invasion they had already heard from the President, standing next to German Chancellor Scholz, that if Russia invaded, Nord Stream 2 would be no more and Chancellor Scholz said that there was no disagreement—

Senator CRUZ. If Russia—so did that work? I find your answer astonishing.

Mr. WOODHOUSE. Well, Nord Stream 2 is no more.

Senator CRUZ. Are you claiming responsibility for that?

Mr. WOODHOUSE. No.

Senator CRUZ. You will make news if you are saying that.

Mr. WOODHOUSE. No.

Senator CRUZ. I am not aware of that. Well, then that cannot be your answer. If that is not what you are saying—you smirk and say Nord Stream 2 is no more, but your gift, refusing to enforce the sanctions on Nord Stream 2, caused the invasion.

My question, which you did not answer, if you knew then what you know now would you still have given that gift to Putin and started the war?

Mr. WOODHOUSE. Senator, the decision that we had to make in 2021 was a pipeline that was almost complete. The Secretary has been clear—

Senator CRUZ. Are you going to answer the question? Would you have made the same decision knowing what you know now, yes or no?

Mr. WOODHOUSE. The decision that we had to make at that time was based on the facts and the realities available at that time.

Senator CRUZ. It was staggeringly wrong. All of us told you it was staggeringly wrong. You did not listen to us and it caused the war because you put ideology above the interests of America and above the interests of our allies.

The CHAIRMAN. Senator Risch?

Senator RISCH. Mr. Chairman, first of all, I want—I understand you can deny it but I want to formally request that we have some witnesses to testify.

The CHAIRMAN. Right, and as Senator Risch is aware that when we call witnesses for a hearing it has worked out. We will have some from each, the Democrats and Republicans, and we will decide whether it is necessary.

We have not done that on nomination hearings. It would require advance notice so, yes, your request is denied.

Senator RISCH. And thank you for that. I would say that this is a little different. These are fact witnesses who can corroborate some of these if not all of these allegations here.

Let me say, first of all, I would like to ask unanimous consent that—all the documentation I referred to and will submit for the record, please.

The CHAIRMAN. No objections, but pointing out, again, that this material was not shared with the committee prior to today.

Senator RISCH. Well, the—Mr. Chairman, with all due respect, there is some material that came in—the one letter came in today. But these—some of the whistleblower letters came in in '20 and '22 and you have had—the majority and minority have had—

The CHAIRMAN. Just to be clear, you gave us a folder that included, I think, three documents. Those documents were first seen by us today, if I understand correctly.

I do not know the additional documents you are referring to but the three documents that you gave us in a folder today at our desk it is my understanding that they were not—we had not seen them until this morning.

Senator RISCH. There is very little in there that has not been seen. The whistleblower complaints were directed to you or to the minority and the majority way back when. So that is included in here.

And I have a number of other documents that I have that have been in possession. They have been in—we used them for the investigations on this matter. So—

Senator SHAHEEN. I do not think we received it.

The CHAIRMAN. We had not looked at it. But I am not going to object to you including it in the record.

Senator RISCH. And I—

The CHAIRMAN. You have the right to include what you want to into the record. I just want everyone to understand that it will be our opportunity to review that information and we look forward to reviewing it.

Senator RISCH. If and when we ever get to a debate on the floor we will reference those and read them into the record on the floor. But in the meantime I would like them in the record for the committee to review.

The CHAIRMAN. That is—without objection, so ordered.

[The information referred to above is located at the end of this transcript.]

Senator RISCH. That is all I have, Mr. Chairman.

The CHAIRMAN. I think that the rhetoric that has been used by particularly our Republican colleagues with certain innuendos they are just not accurate. I think our witnesses have responded to each of those. I am going to be asking some questions for the record just to clarify that.

Mr. Forden, you made it very clear that the decisions in regards to testing was not made in China, that if—to the extent the decision was made it was made by the Secretariat's office in Wash-

ington, DC. That was not your decision making. I think you were pretty clear about the role that you played there.

Ms. Taylor, I think you have been pretty clear that in regards to the abortion policies that you did not change any of the decisions. That was in the Trump administration as far as the framework for the laws and the application of the laws.

So it is interesting that my Republican colleagues are using that to say that there is a difference under the Biden administration when in fact some of their complaints are probably under the Trump administration.

But you are a legal advisor. You follow the law, if I understand what you had said.

Mr. Aliu, I think you had responded that—to the charges that have been made that they are just not true and that will—you may have a disgruntled employee issue. We recognize that and we will take a look at the information that has been made part of our record.

Mr. Woodhouse, the number of sanctions that have been imposed particularly against Russia are unprecedented. This is the single largest number of sanctions I think we have ever imposed, and the sanctions against Iran we cannot find any more to impose.

We want to enforce the sanctions but we are looking—we have pretty well exhausted the cupboard as to what we can find for sanctions.

So I just want to point—make the record clear that—the aggressiveness of the Biden administration in regards to the use of sanctions.

Mr. Sfraga, I can understand if you have written or participated in a hundred or 200 conferences and that there will be a lot of material there that we have a right to go through and that you are attending conferences on the Arctic would certainly include Russia and China.

So I think that you would not be an expert in this area if you did not have those opportunities. So we will take a look at all the information being made available by the Republicans today. We will take a look at all the information.

You will be—I have a feeling there is going to be some questions for the record, and maybe I am wrong on that but I got to think there is going to be a few questions that will be asked.

We are going to ask that the record remain open until the close of business tomorrow, March the 8th, for questions for the record. I would ask you all to do your best to get them back as complete and as quickly as possible so that we can then evaluate with the next way that we will continue our process of vetting executive nominations and I will certainly be working closely with all members of the committee.

Senator Shaheen?

Senator SHAHEEN. Mr. Chairman, I am sorry Senator Cruz has left because I was a co-sponsor of those—the legislation on Nord Stream 2, and I certainly disagreed with the administration's failure to put those sanctions on after that legislation was passed.

But for anybody to suggest that that is the reason that Vladimir Putin invaded Ukraine denies the reality of the situation.

So I just want to give an opposing view for the record that I do not believe Vladimir Putin used Nord Stream 2 as the reason to invade Ukraine. It certainly was not the reason when he went into Ukraine in 2014.

I do not think it is the reason he went in two years ago and I think we need to do everything we can to stop him.

The CHAIRMAN. And with those comments the hearing will stand adjourned.

[Whereupon, at 12:15 p.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO MARGARET L. TAYLOR BY SENATOR BENJAMIN L. CARDIN

Responsiveness to Committee and Congress

Question. First, I have a few questions that speak to the importance that this committee places on responsiveness by all officials in the executive branch, and that we expect and will be seeking from you. I would ask you to provide just a YES or NO answer. Do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

Answer. Yes, if confirmed, I agree to work with this committee to make appropriate officials from my office available to the committee and designated staff when invited.

Question. Do you commit to keep this committee fully and currently informed about the activities under your purview?

Answer. Yes, if confirmed, I commit to keep this committee fully and currently informed about the activities under my purview.

Question. Do you commit to engaging in meaningful consultation while policies are being developed, not just providing notification after the fact?

Answer. Yes, if confirmed, I commit to engaging in meaningful consultation with the committee.

Question. Do you commit to promptly responding to requests for briefings and information requested by the committee and its designated staff? Thank you.

Answer. Yes, if confirmed, I commit to promptly responding to requests for briefings and information requested by the committee and its designated staff.

Global Magnitsky

As you know, I am a proud champion of the Global Magnitsky Act, which has promoted accountability for human rights violators and corrupt officials around the world. One provision of Global Magnitsky requires the Administration to make determinations about whether foreign persons have engaged in sanctionable activity, upon a request from the Chair and Ranking Member of the SFRC. There have been three such joint Chair and Ranking member requests. To date, the Executive Branch has not complied.

Question. Can you provide your assurance that you will work with the committee to ensure that all provisions of the Global Magnitsky Act are fully complied with?

Answer. Yes. If confirmed, I am committed to working within the Department and with the Department of the Treasury and this committee on the implementation of all sanctions authorities, including the Global Magnitsky Human Rights Accountability Act.

Use of Force and Houthis

Question. The White House has sent at least four reports to Congress over the past two months pursuant to the War Powers Resolution, providing notice of strikes against Houthi targets. What is your view on the need for authorization to use military force for these actions on an ongoing basis?

Answer. I understand the Administration's view is that the President's constitutional authority under Article II authorizes the recent uses of force against the Houthis to protect and defend U.S. forces and degrade and disrupt the ability of the Houthis to carry out attacks against vessels in the Red Sea region.

I am not currently involved in deliberations regarding the legal basis for uses of force against Houthi targets but, if confirmed, I commit to actively engage in these discussions, and to ensure that Congress is well-informed about these very important matters.

On a personal note, it is my view that the most important and grave decision a government can make is whether to send its sons and daughters into harm's way.

International Criminal Court

Question. In the 2023 Consolidated Appropriations Act, Congress made clear that we support the President assisting the International Criminal Court's investigation into Russia's atrocities in Ukraine, including Putin's war crimes. If confirmed, would you work to support the ICC's efforts to hold Putin to account?

Answer. If confirmed, I would work closely with the Ambassador-at-Large for Global Criminal Justice and others to further U.S. support for a range of international investigations and inquiries into war crimes and other atrocities in Ukraine and against its people, including those conducted by the Prosecutor of the International Criminal Court (ICC).

I appreciated when the Senate passed S. Res. 546 on March 15, 2022, which provided that the Senate "supports any investigation into war crimes, crimes against humanity, and systematic human rights abuses levied by President Vladimir Putin, the Russian Security Council, the Russian Armed Forces and their proxies, and President Putin's military commanders."

Question. In the 2023 Consolidated Appropriations Act, Congress made clear that we support the President assisting the International Criminal Court's investigation into Russia's atrocities in Ukraine, including Putin's war crimes. In your view, would aiding the Russia/Ukraine investigation pave the way for prosecutions against the U.S. or contrary to our interests?

Answer. No. Russia's cruel and systematic flouting of international law, including the United Nations Charter, and its utter inaction in addressing alleged atrocity crimes set it apart. It is in service of U.S. national security interests to uphold the rule of law and to ensure those responsible for the most serious crimes of concern to the international community are held accountable. The International Criminal Court can play a meaningful role in this regard, especially where, as in Russia, there is a complete absence of accountability efforts at the national level. Constructive engagement with the ICC supports rather than undermines U.S. interests, including advancing accountability and protecting our personnel.

Question. As General Counsel of USAID, can you confirm that you have advised full compliance with U.S. law, including related to statutory restrictions on foreign assistance related to reproductive health?

Answer. Yes, as the General Counsel of USAID, I have advised full compliance with U.S. law, including related to statutory restrictions on foreign assistance related to reproductive health.

Question. Was there any change in USAID's legal position on compliance with such restrictions, including the Helms and Siljander amendments, from the Trump administration?

Answer. There has been no change in USAID's legal position on compliance with statutory restrictions on foreign assistance related to reproductive health, including the Helms Amendment and the Siljander Amendment, from the previous administration to the current administration. USAID continues to comply with such statutory restrictions.

Statutory abortion restrictions are implemented through mandatory standard provisions included in USAID grants, cooperative agreements, and contracts. My understanding is that these standard provisions have been substantively the same for many years.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO MARGARET L. TAYLOR BY SENATOR JAMES E. RISCH

Section b(9) of the Privacy Act of 1974 states: "No agency shall disclose any record unless disclosure of the record would be to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee."

Question. In your legal opinion, does the Privacy Act provide an exception for disclosures to Congressional committees?

Answer. Yes, in my view, this language provides an exception for disclosure of Privacy Act-protected information to either House of Congress, or, to the extent of a matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee. If confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. In your legal opinion, do you agree this exception covers congressional inquiries regarding matters of oversight?

Answer. Yes, in my view, this language provides an exception for disclosure of Privacy Act-protected information to either House of Congress, or, to the extent of a matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee. This could include information that is related to matters over which a committee or subcommittee is exercising oversight. If confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. In your legal opinion, do matters pertaining to the security clearance of senior employees at the State Department fall under the jurisdiction of the Senate Foreign Relations Committee?

Answer. While I am not in a position to answer hypothetical questions, as a general matter, in my view, matters pertaining to the security clearance of senior employees at the State Department would fall under the jurisdiction of the Senate Foreign Relations Committee. In fact, I understand that there is now a requirement in the FY 24 NDAA that the Chair and Ranking members of this committee be informed when a covered State Department official's security clearance is suspended or revoked.

If confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the Constitution.

Question. In your legal opinion, do you agree this exception does not require written consent prior to disclosure?

Answer. Yes, in my view, this language provides an exception for disclosure of Privacy Act-protected information to either House of Congress, or, to the extent of a matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee. Such an exception would not require a written Privacy Act authorization by the affected individual prior to the disclosure. If confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. In your legal opinion, do you agree this exception does not require a request from the Chairman of a committee in order for the exception to apply?

Answer. I have not had the opportunity to examine prior executive and legislative branch policy and practice, caselaw, and regulation on this specific matter. However, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Section b(9) of the Privacy Act of 1974 states: "No agency shall disclose any record, unless disclosure of the record would be to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee."

Question. In your legal opinion, do you agree this exception makes no distinction between majority and minority requests?

Answer. I have not had the opportunity to examine prior executive and legislative branch policy and practice, caselaw, and regulation on this specific matter. However, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the

laws of the United States and the constitutionally-mandated accommodation process.

Question. In your opinion, do matters pertaining to the security clearance of employees at the State Department fall under the jurisdiction of the Senate Foreign Relations Committee?

Answer. While I am not in a position to answer hypothetical questions, as a general matter, in my view, matters pertaining to the security clearance of senior employees at the State Department would fall under the jurisdiction of the Senate Foreign Relations Committee. In fact, I understand that there is now a requirement in the FY24 NDAA that the Chair and Ranking members of this committee be informed when a covered State Department official's security clearance is suspended or revoked.

If confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the Constitution.

Question. In your opinion, what legal justification, if any, would allow the Department to withhold information from the committee of jurisdiction during congressional oversight inquiry?

Answer. While I am not in a position to answer hypothetical questions, disclosure of information must be consistent with all applicable law. There are categories of information for which courts have upheld the right of the executive branch to withhold from disclosure to Congress. If confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Hypothetical Legal Question—Let's assume a senior official at USAID has his or her security clearance suspended. The State Department has told me the Privacy Act prevents them from providing such information to the committee. Do you agree? Is that USAID's position?

Answer. While I am not in a position to answer hypothetical questions, if a senior official at USAID had his or her security clearance suspended, it would be up to USAID's Office of the General Counsel, in consultation with other agencies as appropriate, to advise whether under the particular facts and circumstances of the matter any laws of the United States or the U.S. Constitution would impact USAID's ability to provide such information.

If confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Over the last 8 months, I have asked the State Department for information relating to Special Envoy for Iran Robert Malley and the conditions surrounding his security clearance revocation. State has repeatedly refused my formal request for information, citing the Privacy Act. The Privacy Act of 1974, as amended, provides an exception for "either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any joint committee." Do you agree or disagree that the nature of Mr. Malley's infractions are excluded from Congress under the Privacy Act?

Answer. Although I do not have knowledge of the specifics of this situation. If confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. If confirmed, do you agree to provide the committee with full access to the details of the allegations against Mr. Malley that prompted the Department to include the FBI?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. I am concerned that Mr. Malley's lapse in judgement may have negatively impacted U.S.-Iran policy or improperly influenced proximity talks with the regime. Is Mr. Malley's investigation related to his work as the Special Envoy for Iran or is this an unrelated issue? If it is related, how?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. How did the actions that resulted in the suspension of Mr. Malley's clearance impact the conduct of U.S.-Iran policy?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Did Mr. Malley have any role—formal or informal—leading to the September 2023 deal with Iran in which the United States unfroze \$6 billion of Iranian assets? If yes, was his alleged infraction related to his conduct in these negotiations?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Mr. Malley was the point person for the JCPOA discussions in Vienna between May 2021 and August 2022. Did his alleged infraction impact his conduct or the American negotiating position during these talks?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Was the suspension of Mr. Malley's security clearance related to the Iran Experts Initiative or any other Iranian malign influence operation or activity?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Can you confirm Mr. Malley's security clearance has been suspended?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. If so, on what date was Mr. Malley notified that his security clearance has been suspended?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. On what date did Mr. Malley stop serving as the Special Envoy to Iran?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. On what date(s) did the alleged event(s) occur that led to the investigation or suspension? Please provide details of the alleged conduct that resulted in such investigation or suspension.

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Is it true that Mr. Malley was on personal leave for serious family health issues? If yes, which dates did the leave begin and end? If not, who was responsible for providing this response to congressional inquiries?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Can you confirm or deny reports that Mr. Malley met with wrongfully detained Americans' families after being placed on leave without pay? If so, in what capacity did he take the meeting(s)?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. When did Mr. Malley, as required by 12 FAM 233, turn in all "Department-issued credentials that provide logical or physical access to classified systems or designated classified spaces/facilities and any and all Special issuance Agency-issued passport(s) to the Office of Personnel Security and Suitability (DS/SI/PSS)"?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Given that the Special Envoy for Iran leads the State Department's Iran Action Group (IAG), was Special Envoy Malley restricted from physically accessing IAG's classified spaces?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. When and how were IAG members informed that Special Envoy Malley's clearance was suspended?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Was Mr. Malley read into any covert action programs or DoD special access programs (SAPs)? If so, which departments or agencies and who at those departments or agencies sponsored his request? If so, were there any objections from the relevant departments or agencies? Were standard vetting procedures governing these programs followed, or did Mr. Malley receive any waivers? If so, from whom did he receive waivers?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Is the FBI leading an investigation regarding Mr. Malley? If yes, on what date did the Department involve the FBI? What about the allegations demanded FBI involvement?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. On August 27, 2023, the Tehran Times released an allegedly authentic "sensitive but unclassified" memorandum dated April 21, 2023, informing Mr. Malley of his suspended security clearance. Is this memorandum authentic?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. Has the Department performed, begun to perform, or is it intending to perform a top-to-bottom security review following the release of allegedly authentic sensitive government documents?

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. If you cannot provide substantive answers to any of the above questions (question 12 through question 29) at this time, if confirmed, do you commit to pro-

viding full, substantive answers to the committee on each of the above questions (question 12 through question 29)?

Answer. I do not currently have knowledge of the specifics of this situation. But, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. The War Powers Resolution requires congressional notifications when United States Armed Forces are introduced into hostilities or into situations where there is imminent involvement in hostilities. In your legal opinion, what do you think the term “hostilities” means?

Answer. For purposes of the War Powers Resolution, I understand the Executive Branch has generally interpreted the term “hostilities” as situations in which units of the U.S. armed forces are actively engaged in exchanges of fire with opposing units of hostile forces. I agree with that interpretation. If confirmed, I commit to actively engage in discussions related to the interpretation of the War Powers Resolution with other interagency lawyers.

Question. At present, in your view, are United States Armed Forces introduced into hostilities or into situations where there is imminent involvement in hostilities in the Red Sea or an associated area?

Answer. I am not currently involved in deliberations regarding the application of the War Powers Resolution to operations in the Red Sea, but if confirmed I commit to actively engage in these discussions and to ensure that Congress is well-informed about these very important matters.

Question. Under multiple administrations, certain terrorist detainees held at Guantanamo Bay have not been released for good reason. What is your legal opinion regarding Guantanamo Bay detentions?

Answer. It is the position of this and prior Administrations, based on now longstanding judicial precedent, that detainees at the Guantanamo Bay detention facility are held pursuant to the 2001 AUMF, as informed by the laws of war. The AUMF authorizes detention of individuals who were part of, or substantially supported, al-Qaida or Taliban forces and associated forces that are engaged in hostilities against the United States or its coalition partners. The AUMF generally authorizes detention until the end of hostilities. Separate from the legal authority to detain, detainees designated for continued law-of-war detention are eligible for review by the Periodic Review Board, an administrative, interagency body established under Executive Order 13567 to determine whether their detention remains necessary to protect against a continuing significant threat to U.S. security. My understanding is that as of March 7, 2024, there are 16 detainees who have been determined to be eligible for transfer. If confirmed, I will support the Department of State’s efforts to identify appropriate transfer locations and negotiate security and humane treatment assurances prior to any transfer.

Question. In the event the Biden administration attempts to release any detainee, do you commit to providing SFRC significant advance notice and consultation before such transfer?

Answer. If confirmed, I will work to support the Executive Branch’s efforts to appropriately notify and consult with the SFRC and other relevant committees prior to the transfer of any detainee from the Guantanamo Bay detention facility.

Question. What is your view on the scope of the 2001 AUMF?

Answer. The Executive Branch has long interpreted the 2001 AUMF as authorizing use of force against al-Qaida, the Taliban, and associated forces, including against ISIS. The Executive Branch has also been clear that the 2001 AUMF does not authorize the President to use force against every group that commits terrorist acts. I share these views.

As I indicated in my opening statement at the March 7, 2023, hearing, I am dedicated to the importance of the Article I branch of government in shaping and implementing our nation’s foreign policy.

Question. What is your view on the scope of Article II authority on the use of force?

Answer. It is my view that the most important and grave decision a government can make is whether to send its sons and daughters into harm’s way.

I understand that the longstanding view of the Executive Branch across administrations of both parties has been that the President may order military action with-

out the prior approval of Congress only when (1) that action serves an important national interest, and (2) the reasonably anticipated nature, scope, and duration of the operation would not rise to the level of “war” for purposes of the Constitution’s Declare War Clause. The Justice Department’s Office of Legal Counsel has published a series of opinions across administrations of both parties explaining these limitations in more detail.

As I said in my opening statement for the March 7, 2023, hearing, I am dedicated to the importance of the Article I branch of government in shaping and implementing our nation’s foreign policy. If confirmed, I am committed to a cooperative and continuing relationship with Congress on these matters.

Question. Do you believe that the 2001 AUMF should be repealed or updated? Why or why not?

Answer. I understand that President Biden has committed to work with Congress to ensure that outdated authorizations for the use of military force are replaced with a more specific framework that will ensure that we can continue to protect Americans from terrorist threats. I absolutely share this commitment and, if confirmed, look forward to working with you on these important issues.

Question. Do you believe that any legislative update to the 2001 AUMF should ensure that detention authority for terrorist detainees is not interrupted? Why or why not?

Answer. Yes, I share this Administration’s view that any legislative updates to the 2001 AUMF should ensure the Executive Branch has uninterrupted authority to continue operations that are necessary to address terrorist threats, including detention activities.

Question. Do you believe that any legislative update to the 2001 AUMF should ensure that current military operations against terrorists around the world continue to be authorized?

Answer. Yes, I share this Administration’s view that any legislative updates to the 2001 AUMF should ensure the Executive Branch has uninterrupted authority to continue operations that are necessary to address terrorist threats.

Question. Should the 2002 AUMF be repealed? Why or why not?

Answer. I share the Administration’s support for repeal of the 2002 AUMF, which is consistent with President Biden’s longstanding commitment to repealing outdated authorizations for the use of military force.

Question. In your legal opinion, based on public reporting, do you believe the 2002 AUMF provided an independent legal basis for the strike against Soleimani?

Answer. I am not aware of all the circumstances surrounding the strikes against Soleimani because I was not in government at the time. My recollection of public reporting, at the time, was that the Trump Administration relied on both Article II of the U.S. Constitution and the 2002 Authorization for Use of Military Force Against Iraq to justify the strike.

As I said in my opening statement for my hearing, I am dedicated to the importance of the Article I branch of government in shaping and implementing our nation’s foreign policy. President Biden has committed to work with Congress to ensure that outdated authorizations for the use of military force are replaced with a more specific framework that will ensure that we can continue to protect Americans from terrorist threats. I absolutely share this commitment and, if confirmed, look forward to working with you on these important issues.

Question. Would a repeal of the 2002 AUMF provide any litigation risks for detention operations?

Answer. I understand that it is the position of this and prior Administrations, based on now longstanding judicial precedent, that detainees at the Guantanamo Bay detention facility are held pursuant to the 2001 AUMF, as informed by the laws of war. It is my understanding that no ongoing military detention operations are dependent on the 2002 AUMF as a domestic legal basis. If confirmed, I commit to study this issue further.

Question. In your view, what legal advantage does a repeal of the 2002 AUMF provide the President?

Answer. I share the Administration’s support for repeal of the 2002 AUMF, which is consistent with President Biden’s longstanding commitment to repealing outdated authorizations for the use of military force.

As I said in my opening statement for my hearing, I am dedicated to the importance of the Article I branch of government in shaping and implementing our na-

tion's foreign policy. President Biden has committed to work with Congress to ensure that outdated authorizations for the use of military force are replaced with a more specific framework that will ensure that we can continue to protect Americans from terrorist threats. I absolutely share this commitment and, if confirmed, look forward to working with you on these important issues.

Question. Do you commit to working closely with this committee and directing your staff to brief the committee on any use of force undertaken pursuant to the 2001 AUMF, 2002 AUMF, or Article II of the U.S. Constitution?

Answer. Yes, if confirmed, I commit to working closely with the committee to ensure the committee is well informed on these important issues related to the use of military force by the United States.

Question. What is the definition of “reproductive health rights and services”? From where is that definition derived?

Answer. It is my understanding that “reproductive health rights and services” is not a term typically used by the Department of State or USAID. However, if confirmed, I will ensure that any legal advice regarding reproductive health takes into account all relevant laws.

Question. Is the United States bound by international agreements—whether a treaty, convention, accord, or other instrument—to which the United States is not a party?

Answer. No.

Question. Is access to abortion a human right protected under international law?

Answer. No, access to abortion is not a human right protected under international law. The United States is not a party to any international human rights law treaty that enshrines access to abortion as a human right under international law.

Question. If confirmed, will you commit to ensuring full and complete compliance with current U.S. law, which prohibits the use of U.S. foreign assistance to perform or promote abortion as a method of family planning, support involuntary sterilizations, or lobby for or against the legalization of abortion overseas?

Answer. If confirmed, I commit to ensuring Department officials receive the legal advice necessary for full and complete compliance with all applicable legal requirements, including statutory restrictions related to abortion.

Question. If confirmed, will you also commit to ensuring that all implementers of U.S. foreign assistance—including sub-contractors and sub-grantees—fully adhere to U.S. law?

Answer. If confirmed, I commit to ensuring that State Department officials receive the legal advice necessary to ensure all implementers, including sub-contractors and sub-grantees, fully adhere to U.S. legal requirements, including statutory restrictions related to abortion, in implementing State Department foreign assistance programs.

Question. Is it your view that using the voice, vote, and influence of the United States to encourage countries who signed to Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family to “un-sign” such declaration constitutes lobbying under the Siljander amendment? If not, why not?

Answer. My understanding is that the Biden-Harris Administration's position on the GCD relates neither to abortion nor the legalization of abortion. President Biden removed the United States from the GCD in January 2021 because aspects of the document are inconsistent with current U.S. priorities to advance gender equality and the empowerment of all women and girls. The Department and USAID continue to comply with all applicable statutory restrictions related to abortion, including the Siljander Amendment.

Question. USAID routinely hires individuals who have served as implementers of U.S. foreign assistance. Would it present a conflict of interest if an individual who recently led implementation of a USAID-funded global health program, for example, to be hired by USAID to lead the design of a follow-on global health program?

Answer. Determinations of conflicts of interest are fact-specific. I commit to providing Department officials advice that ensures full compliance with the law and is also sensitive to the appearance of a conflict and upholds a strong culture of ethics.

Under 5 CFR 2635.502, where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the em-

ployee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee. An individual who joins the federal government from the private sector would have a covered relationship for purposes of this regulation with their former employer for one year.

Based on the conflict of interest rules in section 502, a new USAID employee would not be prohibited from working on the design of a global health program based on their expertise and experience. However, the employee could not make decisions in order to benefit their former employer. Furthermore, the new employee would likely need to recuse from the program's implementation if their former employer applies for funding or otherwise becomes involved in the follow-on program. Any other prudential considerations would depend on a full assessment of the relevant facts.

Question. Section 1263(d) of the Global Magnitsky Act requires that the President make a sanctions determination within 120 days after receipt of a joint request from the Chairman and Ranking Member of the Senate Foreign Relations Committee (or other relevant committee leadership). If confirmed, will you commit to help ensure Congress receives a specific determination to any such request within 120 days of submission?

Answer. Yes, and if confirmed, I am committed to working within the Department and with the Department of the Treasury and this committee on the implementation of all sanctions authorities, including the Global Magnitsky Human Rights Accountability Act.

Question. What role should L play in genocide determinations?

Answer. I understand that the Secretary of State decides, as a matter of foreign policy, whether the U.S. Government should publicly characterize particular actions and abuses as a specific atrocity, including genocide, based on an analysis of the law, available facts, and policy considerations. I also understand that the role of L, in coordination with relevant Department policy offices, including the Office of Global Criminal Justice, is to advise the Secretary in applying the law to the available facts. If confirmed, I will look forward to advising the Secretary on these critical issues and supporting the Department's important efforts to promote justice and accountability for genocide and other atrocities.

Question. In your legal opinion, should the atrocities committed by Vladimir Putin against Ukrainians be considered a genocide?

Answer. I understand that the Secretary of State decides, as a matter of foreign policy, whether the U.S. Government should publicly characterize particular abuses as a specific atrocity, including genocide, based on an analysis of the law, available facts, and policy considerations. I also understand that, in 2023, Secretary Blinken determined that members of Russia's forces have committed war crimes and, along with other Russian officials, crimes against humanity in Ukraine. I agree with that assessment. If confirmed, I will look forward to supporting the Department's efforts to address atrocities in Ukraine and to promote accountability for those responsible.

Question. In your legal opinion, should the atrocities perpetrated in Sudan be considered a genocide?

Answer. I understand that the Secretary of State decides, as a matter of foreign policy, whether the U.S. Government should publicly characterize particular abuses as a specific atrocity, including genocide, based on an analysis of the law, available facts, and policy considerations. I also understand that, in December 2023, Secretary Blinken determined that members of the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) have committed war crimes in Sudan. He also determined that members of the RSF and allied militias have committed crimes against humanity and ethnic cleansing. I agree with that assessment. As Secretary Blinken's statement conveyed, the determination did not "preclude the possibility of future determinations as additional information about the parties' actions becomes available." If confirmed, I will look forward to supporting the Department's efforts to address atrocities in Sudan and to promote accountability for those responsible.

Question. The re-instatement and expansion of the Protecting Life in Global Health Assistance Policy, formerly known as the Mexico City Policy, during the last administration reignited a longstanding debate about aid conditionality and the "rights" of U.S. foreign assistance implementers and beneficiaries. Do foreign non-

governmental organizations have a legally-enforceable “right” to United States foreign assistance, or is the provision of U.S. foreign assistance discretionary?

Answer. The provision of U.S. foreign assistance is discretionary, and foreign assistance programs must be implemented consistent with applicable legal requirements.

Question. Does Congress have the right to place conditions upon the use of the U.S. foreign assistance it appropriates?

Answer. Yes, Congress may place conditions on the use of appropriated funds made available for U.S. foreign assistance consistent with its constitutional authorities.

Question. Does the Executive also have the right to condition U.S. foreign assistance?

Answer. Yes, the Executive Branch may place conditions on the use of appropriated funds made available for U.S. foreign assistance consistent with applicable statutory requirements and its constitutional authorities.

Question. If confirmed, will you commit to ensuring full and complete compliance with current law, which prohibits the use of U.S. foreign assistance to perform or promote abortion as a method of family planning; support involuntary sterilizations; or lobby for or against the legalization of abortion overseas?

Answer. If confirmed, I commit to ensuring that State Department officials receive the legal advice necessary to fully and completely comply with all applicable legal requirements, including statutory restrictions related to abortion.

Question. Do you commit to ensure that tools such as the 7031(c) visa restriction tool is not politicized?

Answer. Under Section 7031(c), the Secretary, or his or her designee must publicly or privately designate foreign government officials and their immediate family members when the Secretary has credible information that the official has been involved, directly or indirectly, in significant corruption or a gross violation of human rights, where no exception is met and the requirement is not waived. The designation is mandatory when the requirements are met, and the law does not provide an exception based on political considerations. I will seek to ensure that 7031(c) designations meet the requirements.

Question. Do you commit to sharing relevant documents with the committee regarding the new Civilian Harm Incident Response Guidance (CHIRG)?

Answer. If confirmed, I commit to working with other bureaus within the Department of State, the committee, and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the constitutionally-mandated accommodation process.

Question. What role does L play in the new CHIRG?

Answer. I am aware of the CHIRG but am not involved in implementation of the CHIRG in my current role. If confirmed, I commit to ensure that L is appropriately involved in the CHIRG process.

Question. In your opinion, what is the definition of “human rights”?

Answer. Human rights are rights inherent to all human beings; all individuals have these same human rights regardless of race, sex, nationality, ethnicity, language, or religion. Examples of such human rights include, but are not limited to, the right of the individual to life and liberty and security of person, to not be held in slavery or subject to torture, and to exercise freedom of expression, peaceful assembly, association, and religion or belief.

Question. In your opinion, is access to abortion a “human right”?

Answer. In my opinion, access to abortion is not a human right protected under international law.

Question. In your opinion, what is the definition of “internationally-recognized human rights”?

Answer. There is no definition of the term “internationally-recognized human rights” in international law.

Question. In your opinion, is access to abortion an “internationally-recognized human right”?

Answer. There is no definition of the term “internationally-recognized human rights” in international law. However, in my opinion, access to abortion is not a

human right protected under international law and the United States is not a party to any international human rights law treaty that enshrines access to abortion as a human right under international law.

Question. In your opinion, what is the definition of “universally-recognized human rights”?

Answer. There is no definition of the term “universally-recognized human rights” in international law.

Question. In your opinion, is access to abortion a “universally-recognized human right”?

Answer. There is no definition of the term “universally-recognized human rights” in international law. However, in my opinion, access to abortion is not a human right protected under international law and the United States is not a party to any international human rights law treaty that enshrines access to abortion as a human right, under international law.

Question. Is there a difference in the definition of “universally-recognized human rights” and “internationally-recognized human rights”?

Answer. There is no definition of “universally-recognized human rights” and “internationally-recognized human rights” in international law.

Question. What are the U.S. legal obligations under the 1948 Universal Declaration of Human Rights?

Answer. The 1948 Universal Declaration of Human Rights is a non-binding resolution of the United Nations General Assembly and creates no legally binding obligations for the United States.

Question. Is the United States Government bound by definitions of “human rights” contained in international treaties, agreements, accords, or resolutions to which the United States is not a party?

Answer. No, the United States is not bound by the definition of “human rights” contained in international treaties, agreements, accords or resolutions to which the United States is not a party.

Question. In March of 2023, USAID sent the committee a CN for \$5M to the organization Global Fund for Women. Yes or no—does this organization promote abortion advocacy?

Answer. During my time as the General Counsel of USAID, I have provided legal advice that is consistent with all laws related to the use of appropriated funds, including the Siljander Amendment.

USAID’s May 23, 2023, letter to you from USAID’s Assistant Administrator for the Bureau for Legislative and Public Affairs, responding to your May 16, 2023, letter regarding a congressional notification submitted by USAID to the committee, notes that “USAID abides by the statutory restrictions related to abortion, including the Helms Amendment, which prohibits the use of USAID funds to perform abortion as a method of family planning or to motivate or coerce any person to practice abortion, and the Siljander Amendment, which prohibits the use of foreign assistance funds to lobby for or against abortion. USAID has no evidence of any violation of the abortion restrictions or any other legal requirement applicable to this program.”

The letter notes that statutory abortion restrictions are implemented through a mandatory standard provision included in USAID grants, cooperative agreements, and contracts, and this provision was included in the agreement with the partner organization. The letter also notes that the partner organization provided an implementation plan that specified the additional staff hired to oversee use of USAID funds in an appropriate manner consistent with the terms of the grant award, to include that the activities supported under the USAID-funded award are not connected to reproductive health services or lobbying.

While USAID had no legal concerns with the proposed use of the funding, the Agency withdrew the congressional notification on September 7, 2023, because funds would have otherwise expired at the end of the fiscal year. The funds from the withdrawn congressional notification were then programmed into an existing and already notified five-year, \$50 million commitment to the World Bank’s Investing in Childcare initiative.

[The letter referred to above follows:]



May 23, 2023

The Honorable James E. Risch
Ranking Member
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Ranking Member Risch:

Thank you for your letter dated May 16, 2023, expressing your concerns regarding the U.S. Agency for International Development's (USAID) funding for a specific localization activity implemented by the Global Fund For Women (GFW). We appreciate your interest and commitment to the activities we are supporting, and we would like to provide clarifications and assurances that this award abides by all legal and procedural requirements.

As part of the Agency's efforts to increase locally-led development, we sought a partner that had the unique ability to engage and build the capacity of grassroots, women-led organizations. Most of USAID's traditional partners did not satisfy our localization objectives, as they were not women-led organizations with a specific focus on building the capacity of other women-led organizations.

The award to GFW is an assistance award. Under the Federal Grant and Cooperative Agreement Act of 1977, assistance awards, including grants and cooperative agreements, do not have a statutory requirement for competition. Agency guidance, as set forth in ADS 303, reflects the statutory flexibility concerning competition and allows for the selection of assistance awardees using "restricted eligibility." USAID "must provide the programmatic rationale for restricting eligibility consistent with this section, and support how the rationale outweighs USAID's policy preference for, and the benefits of, an unrestricted competitive process" (see ADS 303.3.6.5(d)). In this case, USAID explored options for partnering with women's funds to advance localization and gender equality goals and determined that restricted eligibility would best serve the objective of piloting an assistance award with a women-led organization that has a specific focus on building the capacity of other women-led organizations.

In contrast, agencies must follow strict competition regulations contained in the Federal Acquisition Regulation when awarding a contract. The language cited in 7019(e) of the

Consolidated Appropriations Act of 2023 (P.L. 117-328) requires annual reports for “any procurement actions for which competition was limited.” Because the award to GFW was not a procurement contract, it was not required to be included in this annual report.

GFW is a large non-profit foundation based in San Francisco with an annual operating budget of approximately \$30 million in 2021, of which \$17 million was re-granted to 374 groups in 84 countries. The activities GFW supports through its grants include adoption of egalitarian workplace regulations, more equitable land rights, better access to financial institutions, expanded legal protections for domestic workers and stronger laws against sexual harassment. In the U.S., we take many of these legal protections and safeguards for granted, yet in the countries where GFW engages at the grassroots level, these rights are still not ensured.

As part of the agreement with USAID, GFW provided an implementation plan that specifies the additional staff hired to oversee use of USAID funds in an appropriate manner consistent with the terms of the grant award, to include that the activities supported under the USAID-funded award are not connected to reproductive health services or lobbying.

USAID abides by the statutory restrictions related to abortion, including the Helms Amendment, which prohibits the use of USAID funds to perform abortion as a method of family planning or to motivate or coerce any person to practice abortion, and the Siljander Amendment, which prohibits the use of foreign assistance funds to lobby for or against abortion. USAID has no evidence of any violation of the abortion restrictions or any other legal requirement applicable to this program.

The statutory abortion restrictions are implemented through a mandatory standard provision included in our grants, cooperative agreements, and contracts, and this provision is included in the agreement with the GFW. The funds provided by USAID are for specific measurable goals and objectives for this activity and are not for general support costs of the organization. All funds under the award, including activities implemented by any sub-recipients, are required to comply with these restrictions. All USAID funds, including those for project staff, can only be spent for costs directly attributable to the award; no USAID funds will support staff time for work on non-USAID activities.

GFW is fully aware of USAID’s statutory restrictions related to abortion and has assured the Agency that the USAID-funded localization activity is in compliance. USAID will continue to regularly monitor and work with the Global Fund for Women to ensure all project staff, as well as sub-recipients that are selected, conduct activities in compliance with the statutory abortion restrictions and other award terms.

We hope that the detailed descriptions presented in this letter provide useful insights that allow you a better understanding of how USAID promotes the impact of its work by identifying the best possible partnership for achieving its priorities in localization, efficiency, sustainability, and impact. Please be assured that USAID takes this issue seriously, and we will continue to stay engaged with you and other interested Members of Congress.

Thank you for your leadership and continued support of USAID. If I can be of further assistance, please do not hesitate to contact me at jherman@usaid.gov.

Sincerely,



Jodi B. Herman
Assistant Administrator
Bureau for Legislative and Public Affairs

cc: Chairman Robert Menendez

Question. What is the definition of “human rights defender”?

Answer. I understand that the Department defines “human rights defender” as individuals, working alone or in groups, who non-violently advocate for the promotion and protection of human rights and fundamental freedoms.

Question. In your legal opinion, should John Podesta’s appointment to replace Secretary Kerry be submitted to the Senate for Advice and Consent? If no, please provide a detailed explanation.

Answer. While I have not been involved in this issue, if confirmed, I would ensure that State Department officials receive the legal advice necessary to comply with all applicable legal requirements related to appointments, including those in section 1(j) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(j)).

Question. Section 5105 of the National Defense Authorization Act provides much needed congressional oversight over the appointment of special envoys. Do you commit to advising President Biden that he should submit a nomination for any appointee who will be “exercising significant authority pursuant to the laws of the United States” to the Senate for its advice and consent before the appointee takes office? For the purpose of ensuring compliance with this law, how would you define significant authority?

Answer. While I have not had the opportunity to advise on this statutory provision in my current position, my understanding is that section 1(j) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(j)) concerning Special Envoys and similar positions requires a case-by-case analysis with respect to particular positions. If confirmed, I would study the statutory provisions related to Special Envoys and similar positions and work with attorneys in the Office of the Legal Adviser and Department leadership to implement them.

Question. For positions not exercising significant authority, Section 5105 requires the President or Secretary of State to notify the committee 15 days before such appointment: (1) a certification the position does not require the exercise of significant authority pursuant to the laws of the U.S.; (2) a description of the duties and purpose of the position; and (3) a rationale for giving the specific title and function of the position. Do you commit to advising the President and Secretary of State to provide substantively robust notifications to Congress and consult with the committee as appointments are contemplated?

Answer. If confirmed, I would ensure that State Department officials receive the legal advice necessary to comply with all applicable legal requirements related to Special Envoys, including the notification provisions in section 1(j) of the State Department Basic Authorities Act of 1956 (which was enacted in section 5105 of the Department of State Authorization Act of 2021) (22 U.S.C. 2651a(j)).

Question. Section 5105 also provides a limited exception for temporary appointments exercising significant authority, pending notifications to SFRC. Do you commit to adhering to these limits? That same section requires the disclosure of “all” information related to potential conflicts of interests? What is your legal view of the term “all”?

Answer. While I have not had the opportunity to advise on this statutory provision in my current position, my understanding is that section 1(j)(3) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(j)) contains a provision for the President to maintain or establish certain positions for temporary periods, and that the relevant subsection contains a notification provision requiring that the notification include “all relevant information” regarding any potential conflict of interest which an appointee may have with regard to their temporary appointment under that section. If confirmed, I would study this provision and the other statutory provisions related to Special Envoys and similar positions and would work with attorneys in the Office of the Legal Adviser and Department leadership to implement them.

Question. Does the Department of State pay the salary of “L” detailees seconded to SFRC?

Answer. Yes.

Question. If yes, does this present a conflict of interest? Why or why not?

Answer. It is my understanding that it is a common, long-standing practice for Executive Branch employees to be detailed to Congress for certain periods of time. As both the Senate and the State Department are part of the federal government, my understanding is that there is no conflict of interest for a State Department employee detailed to work for the Senate Foreign Relations Committee. Whether working at the State Department or for the Senate Foreign Relations Committee, an employee would be subject to supervision and direction in their work, and would be charged with advancing the national interest, rather than any personal or private interest. The federal ethics rules recognize that Executive Branch employees can be detailed to Congress from time to time, and specify that employees who are detailed for over a month are subject to Congress’s ethical standards and must also continue to abide by the conflict of interest statutes. 5 C.F.R. 2635.104(b).

Question. What steps would you take to ensure there is no conflict of interest between the State Department and Congress in this regard? Please provide any written guidance on these issues.

Answer. Although there is no conflict of interest within the federal government, I recognize that the SFRC and the Department may have institutional sensitivities they would like to protect while also facilitating details that are mutually beneficial. If confirmed, that would be my goal as well: To provide opportunities for attorneys to work for the SFRC when it would be beneficial for both the committee and the office of the legal adviser, and on terms that are acceptable to both the committee and the department. I understand, for example, that recent details have been arranged through an exchange of letters that notes the protection of classified and confidential information. If confirmed, I also would work with attorneys in the Office of the Legal Adviser to ensure that any detailee is advised of the ethics and conflict of interest rules that apply during their service with the SFRC.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO MARGARET L. TAYLOR BY SENATOR ROBERT MENENDEZ

Question. How have your personal and professional experiences and role as a Chief Counsel on the Senate Foreign Relations Committee prepared you to be Legal Adviser of the Department of State?

Answer. All of my professional roles have afforded me experiences, knowledge, and wisdom that will be valuable in this new role, if confirmed. My personal experiences and convictions have given me an energetic commitment to hard work and to having the courage to do what is right. My time on the Senate Foreign Relations Committee will allow me to bring the perspective of the committee, and Congress more broadly, to all aspects of my duties as Legal Adviser, if confirmed.

I felt called to public service early on. I worked at the Department of Justice before attending Columbia Law School in New York City. It was in my third year there that terrorists flew planes into the World Trade Center towers a few miles south of where I sat-stunned, speechless, and terrified for my country. In the days and weeks that followed, the call I felt to public service became a single-minded

commitment to the rule of law, to combat the threats to America's safety and security, and to advance the safety and security of peace-loving people around the world.

After graduation and a judicial clerkship, I spent 10 years as an attorney pursuing these goals in the Office I am now nominated to lead. I worked under both Republican and Democratic administrations. I spent years learning the ins and outs of the legal aspects of sanctions, foreign assistance, international extradition, treaty negotiations and ratification, and combating trafficking in persons. I want to highlight this last item. It was a privilege to be a part of the efforts to use diplomacy to prosecute traffickers, protect victims, and prevent human trafficking; and I recognize and appreciate Congress's role in pressing for action to combat international trafficking in persons.

The five and a half years I spent as a staffer on the Senate Foreign Relations Committee were among the most rewarding and meaningful of my career. During my time as counsel for the committee, Congress passed and Presidents enacted into law the Iran Nuclear Agreement Review Act; sanctions on North Korea, Iran, Russia, and human rights abusers including the Global Magnitsky Human Rights Accountability Act; and hundreds of other bills, resolutions, and treaties. I also assisted with the passage through this committee of two Authorizations for the Use of Military Force. Through all of these experiences I learned how to negotiate and compromise, work productively in a bipartisan manner, and communicate effectively. My time on the committee taught me the importance of respecting and amplifying this committee's voice in building peace, security and freedom for Americans and peace-loving people around the world.

The work of this committee is incredibly important, and I was honored to have the chance to assist in that work. As Legal Adviser, I will be dedicated to the importance of the Article I branch of government in shaping and implementing our nation's foreign policy.

My time as the General Counsel of USAID has been a profoundly valuable and rewarding experience. I have learned so much about leading and managing people with empathy, and in a spirit of cooperation and trust. I am so thankful for my time at USAID, and I will bring the management skills and legal knowledge I have developed to my new role, if confirmed.

Question. With more than 300 days since your nomination, I welcome the opportunity to hear about your priorities in fulfilling this critical position. How will you build upon the work of your predecessor?

Answer. If confirmed, I will do what I have always sought to do throughout my career as a lawyer: provide objective legal advice of the highest quality; with the utmost commitment to integrity and ethical leadership; and in the service of our Constitution and the American people. If confirmed, this will be my top priority.

In addition, if confirmed, I will use legal diplomacy vigorously to advance U.S. interests internationally and support the international legal rules that the United States helped to develop and that have benefited the United States so greatly since the end of World War II. If confirmed, I would look to support important policy initiatives that have significant legal components, as well as elevate and accelerate initiatives on which L takes the lead role. There are many, but I will highlight just a few.

Diplomacy to Counter Russian Aggression and Support NATO

Russia's aggression against and invasion of Ukraine is a direct challenge to the international rules the United States has helped develop. The Administration already has significant accomplishments where L has played a crucial support role, most notably the coalition of countries this Administration assembled to counter Russia's aggression in Ukraine, and the accession into NATO of Finland and Sweden. There's much more to be done, of course, including finding ways to ensure Russia pays for the damage it has caused in Ukraine.

Diplomacy Related to the South China Sea

The United States has been clear, in public statements, that the PRC's expansive maritime claims in the South China Sea do not comport with international law. Attorneys in the Office of the Legal Adviser participate actively in bilateral and multilateral diplomatic initiatives in the region and beyond to make this clear. In 2023, the Office of the Legal Adviser, in close cooperation with the Bureau of East Asia and Pacific Affairs met with more than 20 foreign government counterparts to discuss the PRC's unlawful South China Sea maritime claims, abuse of legal mechanisms, and so-called "gray zone" activities aimed at other South China Sea claimants, including the Philippines, Malaysia, and Vietnam. I would look to elevate and accelerate this work.

G7 Partnership for Global Infrastructure and Investment

If confirmed, I look forward to providing legal advice in support of the Department's efforts as part of the G7's Partnership for Global Infrastructure and Investment (PGI). Through PGI, the U.S. Government, alongside our G7 partners, aims to mobilize billions of dollars, including from the private sector, in infrastructure investments that will make a difference in people's lives around the world, strengthen and diversify supply chains, and advance shared national security interests.

Resolution of Conflicts

I would be remiss if I did not highlight the important role State Department lawyers have always played an important role in supporting negotiations to resolve conflicts, including in the Middle East, Africa, and elsewhere, because bringing peace to other countries enhances our national security. If confirmed I will support and foster that work, which is particularly critical now.

Elevate and Accelerate Rule of Law Diplomacy

One of the ways I would elevate and accelerate all of these efforts is by working with my legal adviser counterparts around the globe. I has relationships with counterpart offices among our allies and partners in the G7, across Europe, in East Asia, and elsewhere. If confirmed, I look forward to deepening those relationships, including with the global South, in support of promoting a common understanding of the international rules and their importance to peace and prosperity.

The United States must continue to be a confident and principled voice for international legal norms in international politics. A confirmed Legal Adviser brings a confident voice—backed by the support of the U.S. Senate—to discussions both within the Administration and with legal counterparts around the world. There is no substitute for the advice and consent of this body when it comes to projecting U.S. values with conviction.

On a more personal note, I recall vividly my personal interactions, as a young attorney in L, with three State Department Legal Advisers: William Taft and John Bellinger in the Bush administration, and Harold Koh in the Obama administration. Each of them inspired me, and those interactions were a key part of why I have remained in public service for my career. If confirmed, I hope to inspire young attorneys pursuing a similar path.

In this respect, I want to compliment and congratulate the career officials at the Department, especially Principal Deputy Legal Adviser Richard Visek, who has been a friend and colleague of mine for many years.

I would be humbled and honored to serve the United States in this new capacity.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO MARGARET L. TAYLOR BY SENATOR MARCO RUBIO

Question. In May 2022, Secretary Blinken said that the People's Republic of China (PRC) is the "only country with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do it." The Chinese Communist Party (CCP) clearly holds the reins of power in the PRC and has used this power to commit genocide in Xinjiang, flood our communities with fentanyl, and emit the largest quantity of greenhouse gases in the world today. With their absolute control of Chinese society and industry, the CCP could stop all of these destructive actions tomorrow if they so choose to do so. Is the CCP a threat to the United States?

Answer. Last year, the Director of National Intelligence testified that "the CCP represents both the leading and most consequential threat to U.S. national security and leadership globally." As Secretary Blinken has said, under President Xi, the CCP has become more repressive at home and more aggressive abroad. If confirmed, I will provide sound legal advice to support U.S. policy to advance U.S. national security interests and counter the People's Republic of China (PRC) efforts to expand its problematic influence, including through legal engagements with our allies and partners aimed at promoting adherence to international law and upholding the rules-based international order.

Question. Does the CCP undertake any activities that are beneficial to U.S. interests? If so, please explain.

Answer. As Secretary Blinken has said, the CCP has become more repressive at home and more aggressive abroad. According to the Office of the Director of National Intelligence's 2023 Annual Threat Assessment, the CCP is seeking to "under-

cut U.S. influence, drive wedges between Washington and its partners, and foster some norms that favor its authoritarian system.”

Question. Do you believe that there are any areas within which the CCP that would constructively work with the United States in good faith, knowing that at any moment Chinese interlocutors with U.S. representatives could be disappeared at a moment's notice? If so, please explain.

Answer. Senior U.S. policymakers have established that the United States will work with the PRC, including through appropriate legal engagement, to address transnational challenges, such as counternarcotics, when it is in the U.S. interest to do so. If confirmed, I will work with my colleagues across the U.S. interagency and Congress to provide legal advice to support U.S. objectives and counter harmful behavior by the PRC.

Question. If confirmed, will you approve any joint activity with organizations or representatives from the PRC in the countries or areas in which you will work?

Answer. If confirmed, my priority will be to provide legal advice to support U.S. national security interests, including adherence to international law, in countering efforts by our strategic and regional competitors to undermine those interests. The Administration has been clear that the PRC is the most consequential geopolitical challenge facing the United States, and that the United States is committed to working to strengthen our regional partners' capacities to uphold international law. If confirmed, I will work closely with Department of State and interagency colleagues and Congress to address the PRC's efforts to expand its influence, particularly where such efforts are inconsistent with international law.

Question. As you may be aware, a group of federal employees penned an open letter to President Biden criticizing U.S. support for Israel in the aftermath of Hamas' brutal terrorist attack on October 7, 2023. In addition, on January 16, 2024, employees from nearly two dozen agencies staged a walkout in protest of the administration's Israel policy. Efforts like these directly undermine the duty of our diplomats to advance the policies of the President of the United States. Yes or no, did you sign the letter to the President expressing opposition to the President's Israel policy?

Answer. No.

Question. Yes or no, did you participate in the January 16, 2024 walkout?

Answer. No.

Question. If confirmed, would you define an employee or contractor, operating under your supervision, that signs an open letter criticizing you, or policies you undertake at the instruction of the President, as insubordination as defined by the Government Accountability Office?

Answer. The Executive Branch's definition of insubordination as a willful refusal to follow a lawful order is consistent with GAO's definition. Using this definition, I would not regard such a letter as an act of insubordination.

Question. In your view, are the actions these federal employees took, by anonymously signing a letter to the President of the United States, covered as "whistleblowing"?

Answer. The statutory definition of whistleblowing covers reports of a reasonable belief of violations of law, rule, or regulation, gross mismanagement, gross waste of funds, an abuse of authority, or a substantial and specific danger to public health and safety, as long as such a report is not otherwise prohibited by law. Although I have not personally reviewed the letter, it is my understanding that the letter you reference expressed a policy disagreement rather than a disclosure of wrongdoing.

Question. If confirmed, how will you address discipline issues, such as insubordination, that do not take established dissent channels?

Answer. If confirmed, and if faced with an act of insubordination, I would consult with Human Resources specialists and with the employment lawyers in the Office of the Legal Adviser to ensure we follow the law and Department policy.

Question. Have you ever expressed support for an Israeli ceasefire in Gaza?

Answer. No, I have not expressed support for an Israeli ceasefire in Gaza.

Question. Do you agree that Hamas is an antisemitic entity?

Answer. Yes, Hamas is a designated foreign terrorist organization (FTO) and an antisemitic entity. This foreign terrorist organization seeks to eliminate the State of Israel, and its founding charter calls for the killing of Jewish people.

Question. Would a ceasefire allow these groups to reconstitute and attack Israel, and Americans, in the future?

Answer. I support the Administration's policy of advancing humanitarian pauses, which have previously resulted in hostage releases, enabled and increase in the flow of aid, and allowed the voluntary movement of civilians who sought to move to safer locations. The U.S. Government supports Israel's right to defend itself from Hamas' terrorism, consistent with international law.

Question. Do you agree that calling for a ceasefire in Gaza means calling for Israel to stop its pursuit of Hamas, a designated foreign terrorist organization, that orchestrated the October 7 attacks and still refuses to release all Israeli and American hostages?

Answer. It is my understanding that the Administration's stated policy is to support temporary humanitarian pauses to enable a sustained flow of aid and to allow the voluntary movement of civilians seeking safer locations. Working with partners, the U.S. Government is attempting to secure the release of all hostages held by Hamas. The U.S. Government supports Israel's right to defend itself from Hamas' terrorism, consistent with international law.

Question. Do you believe that Israel, in its operation against Hamas, which is known to use civilians as human shields, is taking all necessary steps to minimize civilian casualties?

Answer. The U.S. Government supports Israel's right to defend itself, consistent with international law. The Administration has urged Israel to avoid civilian casualties and abide by its obligations under international humanitarian law, include the obligation to distinguish between civilians and combatants. Hamas's use of civilians as human shields, a blatant violation of international law, does not lessen Israel's obligations under international humanitarian law.

Question. This committee has requested meaningful information and briefings regarding the security clearance suspension and investigation of the former Special Envoy for Iran, Robert Malley. Department officials have not shared any pertinent information and claim they are legally prohibited from disclosing this information, or underlying concerns regarding impacts upon policy and national security. The law is crystal clear regarding providing information to the Legislative branch given the oversight role Congress plays over the executive branch. Do you believe there is a legal justification in not providing the information required to Congress?

Answer. Although I do not have any knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible consistent with the laws of the United States and the Constitutionally-mandated accommodation process.

Question. In your opinion, can the State Department withhold information to Congress, or appropriate committees of jurisdiction, that has grave national security implications?

Answer. I have the utmost respect for the essential role Congress plays in the foreign policy-making process, and the legitimate oversight and legislative roles of this committee and other committees of jurisdiction.

Generally, when there is a disagreement between the branches about the disclosure of information, there is a constitutionally based obligation to engage in a serious and good faith effort to reach a reasonable accommodation.

If confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the Constitutionally-mandated accommodation process.

Question. If confirmed, will you commit to providing the requested information to an appropriate committee of jurisdiction, by unclassified or classified means?

Answer. Yes, if confirmed, I commit to providing requested information to appropriate committees of jurisdiction, by unclassified or classified means, consistent with the laws of the United States and the Constitutionally-mandated accommodation process.

Question. U.S. foreign assistance is prohibited, by law, to perform or promote abortion or advocate for or against the legalization of abortion overseas. However, in 2023, it was discovered USAID planned to obligate a \$10 million grant to an organization and implementer who promoted abortion and pro-abortion lobbying efforts. As vetted by you, USAID argued the grant was justified and there were no

violations of law regarding promoting abortion in foreign assistance. Ultimately, USAID rescinded the grant proposal. What was your role in advocating for pro-abortion aid in foreign assistance?

Answer. I have had no such role. As I noted in my confirmation hearing, in my time as the General Counsel of USAID, I have provided legal advice that is consistent with all applicable provisions of law related to the use of appropriated funds.

Attached, for your reference, is a May 23, 2023, letter to Senator Risch from USAID's Assistant Administrator for the Bureau for Legislative Affairs responding to a May 16, 2023, letter from Senator Risch regarding a congressional notification submitted by USAID to the committee. Among other things, the May 23, 2023, letter notes that "USAID abides by the statutory restrictions related to abortion, including the Helms Amendment, which prohibits the use of USAID funds to perform abortion as a method of family planning or to motivate or coerce any person to practice abortion, and the Siljander Amendment, which prohibits the use of foreign assistance funds to lobby for or against abortion. USAID has no evidence of any violation of the abortion restrictions or any other legal requirement applicable to this program."

Statutory abortion restrictions are implemented through mandatory standard provisions included in USAID grants, cooperative agreements, and contracts. These standard provisions have been substantively the same for many years.

While USAID had no legal concerns with the proposed use of the funding, the Agency withdrew the congressional notification on September 7, 2023, because funds would have otherwise expired at the end of the fiscal year. The funds from the withdrawn congressional notification were then programmed into an existing and already notified five-year, \$50 million commitment to the World Bank's Investing in Childcare initiative.

Question. Is it legal to provide foreign assistance to advocate or perform abortions in any of State's programs?

Answer. My understanding is that, like USAID, the Department of State abides by all statutory restrictions related to abortion, including the Helms Amendment, which prohibits the use of foreign assistance funds to perform abortion as a method of family planning or to motivate or coerce any person to practice abortion, and the Siljander Amendment, which prohibits the use of foreign assistance funds to lobby for or against abortion.

Question. Did you opine that the grant was in violation of federal law on abortion? If no, What did you advise?

Answer. No. As I noted in my confirmation hearing, in my time as the General Counsel of USAID, I have provided legal advice that is consistent with all applicable provisions of law related to the use of appropriated funds.

The attached May 23, 2023, letter to Senator Risch from USAID's Assistant Administrator for the Bureau for Legislative Affairs responded to a May 16, 2023, letter from Senator Risch. I, with the assistance of career attorneys in the Office of the General Counsel, reviewed this letter for legal accuracy before it was sent to Senator Risch.

It states that USAID abides by the statutory restrictions related to abortion, including the Helms Amendment and the Siljander Amendment. It states that USAID has had no evidence of any violation of the abortion restrictions or any other legal requirement applicable to the program addressed in the May 23, 2023, letter to Senator Risch.

The letter notes that statutory abortion restrictions are implemented through a mandatory standard provision included in USAID grants, cooperative agreements, and contracts, and this provision was included in the agreement with the partner organization.

Question. Will you assure the committee that you will not advocate for or stretch legal authorities at State to promote or conduct pro-abortion activities in foreign assistance programs?

Answer. If confirmed, I will advise Department officials to comply with all applicable legal requirements, including statutory restrictions related to abortion.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO MARGARET L. TAYLOR BY SENATOR BILL HAGERTY

Congressional Review of the Iran Nuclear Agreement Review Act

Question. If confirmed, do you commit to take the position that informal unwritten agreements with Iran relating to the nuclear program of Iran trigger the legal requirements for congressional review in the Iran Nuclear Agreement Review Act?

Answer. I was the Democratic Chief Counsel on the Senate Foreign Relations Committee when the Iran Nuclear Agreement Review Act of 2015 (“the Act”) was drafted and passed on a bipartisan basis.

The Act provides, in pertinent part, that “[t]he term ‘agreement’ means an agreement related to the nuclear program of Iran that includes the United States, commits the United States to take action, or pursuant to which the United States commits or otherwise agrees to take action, regardless of the form it takes, whether a political commitment or otherwise, and regardless of whether it is legally binding or not.”

The answer to the question would depend on whether a particular agreement falls within this definition.

If confirmed, I will ensure the Department receives the legal advice necessary to act fully in accordance with the requirements of the Iran Nuclear Agreement Review Act of 2015.

Question. Given that there is an explicit exception to the Privacy Act protections for Congressional oversight committees, is there any legal justification for the State Department to withhold information relevant for Congressional oversight with respect to the Robert Malley matter? If so, please provide the specific statute that provides this justification.

Answer. Although I do not have knowledge of the specifics of this situation, if confirmed, I commit to working with the committee and others in Congress to share appropriate information and be as transparent as possible, consistent with the laws of the United States and the Constitutionally-mandated accommodation process.

Question. Is Abram Paley, in his current capacity as acting Special Envoy for Iran, exercising significant authority pursuant to the laws of the United States?

Answer. While I have not been involved in this issue, if confirmed, I would advise the Department on all applicable legal requirements related to Special Envoys, including those in section 1(j) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(j)).

Question. If no, did the President or Secretary of State submit, as required by Section 5105 of the National Defense Authorization Act for Fiscal Year 2022 (Public Law 117–81), a waiver, which would allow Paley to operate in the role for 180 days without Senate confirmation, to appropriate congressional committees not later than 15 days before Paley’s appointment?

Answer. While I have not been involved in this issue, if confirmed, I would advise the Department on all applicable legal requirements related to Special Envoys, including those in section 1(j) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(j)).

Question. If yes, did the Secretary of State submit, as required by Section 5105 of the FY 2022 NDAA, a notification for temporary appointments exercising significant authority to appropriate congressional committees not later than 15 days after Paley’s appointment?

Answer. While I have not been involved in this issue, if confirmed, I would advise the Department on all applicable legal requirements related to Special Envoys, including those in section 1(j) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(j)).

Question. Please provide the full legal justification, as you understand it, of the Biden administration’s claims that construction of homes for Israeli Jews in the West Bank is “inconsistent with international law.” Please do not simply state that this has been the longstanding position of both Republican and Democratic administrations prior to the Trump administration.

Answer. I understand that this Administration believes it is critical for Israel to refrain from unilateral steps that exacerbate tensions and undercut efforts to advance a negotiated two-state solution; this includes settlement activity. It has been long-standing U.S. policy—under both Republican and Democratic administrations—that new settlements are counterproductive to the cause of peace. I understand the Secretary of State recently made a statement in which he reaffirmed that the Israeli

Government's settlement program is inconsistent with international law. I have not had the opportunity to engage on the relevant facts or underlying legal analysis that informs this position, but if confirmed, I will look closely at this issue.

Question. The State Department has often helped create the climate to resolve prominent bilateral commercial and legal issues. Do you agree that this is an appropriate and important role of the Legal Adviser and other senior State Department officials? One current matter that would benefit from constructive engagement by the Department is the *San José* shipwreck in Colombia, the value of which is estimated to be between \$7 billion and \$20 billion. This is one of the largest claims by U.S. citizens against a foreign State in the world. As such, I believe this is partly a foreign policy issue with implications for U.S.-Colombia relations. I would welcome an effort by the Department to facilitate an amicable resolution with Colombia.

Answer. Yes, this is an appropriate and important role of the Legal Adviser and other senior State Department officials. I understand that the Office of the Legal Adviser and other bureaus in the State Department have been tracking this case closely.

In December, the Office of the Legal Adviser submitted a non-disputing party statement outlining the United States' views on the agreement underlying the case, the U.S.-Colombia Trade Promotion Agreement. That Agreement provides Sea Search-Armada LLC with a right to pursue its claim directly against Colombia through investor-state arbitration pursuant to the terms of that Agreement. A jurisdictional hearing on Sea Search-Armada LLC's claims was held in December 2023, and a decision is awaited. If confirmed, I commit to closely following these proceedings.

Question. If confirmed, do you agree to look into this matter and encourage the amicable resolution of this dispute?

Answer. Yes, I commit to closely following the ongoing proceedings initiated by the claimants, which are aimed at providing a resolution of the dispute.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO MARGARET L. TAYLOR BY SENATOR JEANNE SHAHEEN

Question. Under the Biden administration, USAID has made clear many times over that it takes full compliance seriously with the Helms and Siljander amendments. My understanding is that it has taken the same approach to those statutory restrictions over the course of many administrations, including the Trump administration. Can you confirm that USAID's legal position is unchanged from the Trump administration?

Answer. While policies addressing aspects of the abortion issue may change depending on the Administration, U.S. law has remained the same. President Biden revoked, by Presidential Memorandum dated January 28, 2021, his predecessor's Presidential Memorandum of January 23, 2017, addressing policies related to this issue.

There has been no change in USAID's legal position on compliance with statutory restrictions on foreign assistance related to reproductive health, including the Helms Amendment and the Siljander Amendment, from the previous to the current administration. USAID continues to comply with such statutory restrictions.

Statutory abortion restrictions are implemented through mandatory standard provisions included in USAID grants, cooperative agreements, and contracts. These standard provisions have been substantively the same for many years.

Question. Can you confirm that, in your current position at USAID and previous tenure at the Department of State, that you have advised full compliance with U.S. law, including related to statutory restrictions on foreign assistance related to reproductive health?

Answer. Yes, as the General Counsel of USAID, I have advised full compliance with U.S. law, including related to statutory restrictions on foreign assistance related to reproductive health.

Question. Can implementers funded via USAID grants legally use appropriated foreign assistance funds to advocate for abortion?

Answer. No.

Question. Is that consistent with the view under the Trump administration?

Answer. Yes.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO ERIK JOHN WOODHOUSE BY SENATOR BENJAMIN L. CARDIN

Question. Do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

Answer. Yes, if confirmed, I agree to work with the committee to make appropriate officials from my office available to the committee and designated staff when invited.

Question. Do you commit to keep this committee fully and currently informed about the activities under your purview?

Answer. Yes, if confirmed, I commit to engaging in meaningful consultation with the committee.

Question. Do you commit to engaging in meaningful consultation while policies are being developed, not just providing notification after the fact?

Answer. Yes.

Question. Do you commit to promptly responding to requests for briefings and information requested by the committee and its designated staff? Thank you.

Answer. Yes.

Russia Sanctions Circumvention

Question. Despite the comprehensive, coordinated sanctions effort by the U.S. and its allies, Russia has worked to circumvent some sanctions, particularly related to microchips and other key components necessary to support Russia's war machine. What are your views on how best to crack down on this type of sanctions evasion and other indirect trade with Russia?

Answer. Sanctions and export controls are having significant impacts on the Russian economy and Russia's ability to wage war against Ukraine. We remain deeply concerned about efforts to circumvent our sanctions and export controls on microchips and other key components. If confirmed, I am committed to continuing to work with allies and partners to tighten our sanctions to disrupt the networks that facilitate evasion and to crack down on individuals and entities attempting to evade them, including by continuing engagement with governments and the private sector in high-risk jurisdictions for evasion.

Question. Export controls and Russia: st year the Kyiv school of Economics found more than 1,000 foreign components in 58 pieces of recovered Russian military equipment, many of which are subject to export controls. The Royal United Services Institute found in a study over 450 unique components sourced from Western manufacturers in Russian systems, including from 318 U.S.-based companies. If confirmed, what would be your approach to ensuring that American companies monitor their supply chains and prevent goods they manufacture from ending up in Russia?

Answer. In response to Russia's full-scale invasion of Ukraine, we have imposed unprecedented sanctions and export controls. We continue to work with countries around the world to ensure these measures are properly enforced. As part of this effort, we are working with the Departments of Commerce and the Treasury to ensure American companies understand their responsibilities under our regulations and to underscore the importance of stopping the diversion of their products. We also engage with foreign governments and foreign companies to build understanding of our sanctions and export controls—and to stress the reputational and enforcement risks of supplying Russia's war machine. If confirmed, I will continue this important work to stem the flow of critical technology to the battlefield.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO ERIK JOHN WOODHOUSE BY SENATOR JAMES E. RISCH

Question. If confirmed, what practical steps will you take to stop money from flowing into the Kremlin's coffers and into Putin's pocket? Please be specific.

Answer. Since 2022, the United States, in coordination with allies and partners, has sanctioned more than 4,000 entities and individuals connected to Russia. If con-

firmed, I am committed to utilizing sanctions in coordination with our allies and partners to constrict Russia's resources and ability to finance its aggression, and to deny the Kremlin and its enablers the benefits of the rules-based global economy. By way of example, I will support steps to tighten compliance and enforcement of the oil price cap and to limit Russia's future energy revenues by impeding its development of future energy projects.

Question. What do you view as the primary goal of U.S. sanctions on Russia?

Answer. The primary goals of our sanctions and export controls on the Russian Federation are to limit the Kremlin's revenues and to disrupt Russia's efforts to procure the items and materials it needs to sustain its war of aggression or expand its defense industrial base. Our sanctions are degrading Russia's sources of financial resilience and making it more and more difficult for Russia to prosecute its war effort. If confirmed, I am committed to working with our allies and partners to achieve our shared objectives.

Question. Have U.S. sanctions on Russia yielded effective results?

Answer. U.S. sanctions and export controls are addressing our key objectives. First, we are limiting the revenues the Kremlin has to fuel its aggression. Russian oil and gas revenues have declined sharply, and overall Russia faces declining government revenues and increasing defense spending, leading to a growing budget deficit, and forcing the Kremlin to sacrifice Russia's future prosperity. Second, we are disrupting Russia's ability to procure goods it needs to supply its military and to build the weapons the Kremlin wants.

Question. Despite western sanctions, the Russian economy has statistically continued to grow as it transitioned to a wartime economy. Do you believe that sustained U.S. and allied sanctions will eventually slow or reverse this trend?

Answer. Our sanctions and export controls disrupt Russia's access to equipment for its military while constraining its economic options and targeting industries Russia aims to rely on in the future. Russia has a growing budget deficit, high spending, and declining government revenue; it is also cutting its budget for education, health care, and economic growth. Russia's economy has been effectively split between a growing military sector and the rest of the economy which is choked of investment and future prospects. In the short run, Russia will likely continue to grow as long as energy prices remain relatively high and massive fiscal spending pumps up the defense sector, but doing so will require sacrificing its future economic prosperity and degrading Russia's sources of financial resilience.

Russia's Revenue from Oil Sales to Illicit Trade Partners

Question. In defiance of sanctions by U.S. and our allies, Russia has increased its illicit trade ties with Iran, China and North Korea. What specific strategies will you implement to block these routes? Please specifically address:

Answer. While U.S. and partner measures are designed to put downward pressure on Russia's energy revenues, U.S. sanctions generally do not block Russian energy exports to other countries. The Department of the Treasury has issued General License 8 authorizing a broad range of energy-related transactions with sanctioned Russian banks. The price cap policy does not seek to restrict the volumes of Russian crude oil on the global market, which could result in higher global oil prices that increase Putin's profits. The price cap policy seeks to leave Russia with no good options: either to sell oil under the price cap for less than other global suppliers, or to face high costs to export it through non-Price Cap Coalition avenues. If confirmed, I will continue to work with the Price Cap Coalition to further limit the Kremlin's profits while maintaining market stability and energy supply.

Question. Russia's procurement of lethal and non-lethal military supplies from Iran, China, and North Korea.

Answer. To carry out its brutal and unjustified war against Ukraine, Russia's military continues to seek to acquire equipment, munitions, and related components, including from foreign suppliers. Russia's procurement efforts often involve multiple layers of front companies spanning different jurisdictions to obfuscate the ties between foreign sellers and Russia. If confirmed I will support our ongoing efforts to employ our broad set of counterproliferation tools to its fullest to prevent or disrupt these foreign inputs to Russia's defense sector.

Question. Russia's procurement of western-manufactured high-tech materials and high precision equipment through Chinese entities.

Answer. As we have warned when issuing multiple rounds of sanctions since last year, PRC entities continue to support Russia's war of aggression against Ukraine

by transferring key dual-use goods. If confirmed I will continue to work to disrupt and deter those that evade our sanctions and export control measures.

State and Treasury together have designated several PRC entities that have supported Russia's war effort. I commit to using sanctions and other appropriate means to counter PRC support to Russia's war effort.

Question. Russia's procurement of drones and other deep fire weaponry from Iran.

Answer. Since Iran's initial shipment of UAVs to Russia, the United States and our foreign partners including the EU have sanctioned dozens of entities and individuals linked to Iran's UAV program. These actions build on years of using all the tools in our nonproliferation toolkit—not only sanctions, but also interdiction, export controls, diplomatic engagement, and capacity building—to try to constrain these entities' procurement, production, and proliferation of UAVs. If confirmed, I commit to supporting this expansive and holistic approach to impede Iranian proliferation.

Question. How can the United States use sanctions to counter Russian influence in Africa?

Answer. The U.S. has deployed sanctions to respond to Russia's malign activities in Africa for several years with designations focused on Mali, CAR, Sudan, and elsewhere. In particular, in January 2023, we designated the Wagner Group as a Transnational Criminal Organization, which has had a range of disruptive impacts. Building on previous rollouts, on March 8, the U.S. sanctioned one entity in CAR and one Russian company for their support to the Wagner Group. Moving forward, I will continue to use all tools at my disposal to disrupt Russia's malign efforts across the continent.

Question. Please provide your assessment of the effectiveness of the Russian oil price cap.

- Has the mechanism worked as intended? If not, how not?
- What are the primary challenges to enforcing the cap?
- What are the most common methods by which violators evade sanctions on the cap?
- What successes have there been in prosecuting violators of the price cap?
- How could the price cap policy be improved?
- What is the status of discussions between the U.S. and European allies on altering the oil price cap policy?

Answer. We continue to see the Price Cap Coalition's policies, including import bans on Russian crude oil and petroleum products, constraining Russian revenues. In 2023, Russian oil tax revenue was down nearly 30 percent compared to 2022. Russia's oil export revenue in December 2023 fell 2.6 billion USD compared to November 2022, before the Coalition import bans and price cap policy were implemented.

We saw Russia responding to our efforts by increasing its reliance on a limited number of markets and turning to unreliable service providers. The Kremlin has been forced to invest significant resources in an effort to export more of its oil via a "shadow fleet," an infrastructure of ships, insurers, and other service providers with opaque ownership structures and a history of sanctions evasion activities.

In response, in October 2023, the Coalition launched the price cap's second phase with a two-pronged approach: tightening enforcement of the price cap for trades that used Coalition services, while increasing the costs to the Kremlin of selling oil via its alternative shipping ecosystem. Consistent with this approach, the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) has since taken repeated enforcement actions against those found to be accessing Coalition services to move Russian oil above the price cap. The Coalition also implemented changes to the price cap policy to strengthen the attestation and recordkeeping processes for certain covered service providers. Most recently, on February 23, OFAC took the next step of increasing pressure against Russia's ability to move its oil outside of the price cap's reach, by designating Sovcomflot, Russia's largest state-owned shipping company and fleet operator.

As part of these efforts, OFAC has now designated 18 entities and identified over 40 vessels owned by those 18 entities as blocked property. Since the start of these enforcement actions in October 2023, the discount on Russian oil has increased meaningfully, an outcome that is consistent with the goals of the policy's second phase: force Putin to either sell his oil under the price cap for much less than other global suppliers or face high costs to export it through non-Coalition avenues.

The Coalition remains focused on further reducing Kremlin profits while maintaining market stability and energy supply. We continue to work with our Coalition

partners to monitor the effectiveness of the price cap policy and ensure it is meeting these goals.

Simultaneously, the United States continues to sanction entities involved in the development of key energy projects and associated infrastructure—including Russia’s Arctic LNG 2 project. Our designations aim to degrade Russia’s future capacity to produce and export its energy resources.

According to a January 2024 report published by Russia’s Finance Ministry, Russia’s annual oil and natural gas revenues fell to just over USD 99.34 billion USD in 2023, a 24 percent year-on-year decrease and the lowest since 2020, when the COVID–19 pandemic pushed oil prices sharply lower. Russia’s weaponization of its energy resources has laid bare its unreliability as an energy supplier. This has significant implications for a country that, in 2021, relied on oil and natural gas revenues for 45 percent of its federal budget. As importing countries turn to more reliable sources for energy, there are very limited opportunities for Russia to secure additional markets. This shift will result in real, long-term losses for Russia, in terms of both its global energy influence and its future energy revenues.

Question. Under what conditions would the U.S. consider lifting sanctions on Russia?

Answer. The Russian Government continues to pursue malign, maximalist goals and has shown no signs that it is interested in de-escalating its full-scale invasion of Ukraine. The United States will continue to vigorously enforce our sanctions and export control measures as long as Russia continues its efforts to destabilize our partners and allies.

Question. How could you work with anti-corruption civil society organizations, such as Alexei Navalny’s Anti-Corruption Foundation, to better identify Russian oligarch assets for sanction? Would you support the creation of a State-Treasury-Civil Society task force to facilitate such efforts?

Answer. The Department continues to strongly support the Department of Justice-led Task Force KleptoCapture, which aims to leverage the U.S. Government’s tools and authorities against efforts to evade or undermine the economic actions taken by the U.S. Government in response to Russia’s aggression against Ukraine. Since its establishment, the KleptoCapture task force has taken significant actions including facilitating the seizure of superyachts and other assets of sanctioned individuals with close ties to the Russian regime; dismantling Russian criminal networks; and enforcing sanctions violations. We also support civil society’s independent efforts to identify and share information about targets for potential U.S. Government action.

Question. Do you support seizing Russian sovereign assets in the United States and transferring those assets to Ukraine for its reconstruction?

Answer. G7 leaders have committed to continuing work to identify all possible avenues by which immobilized Russian sovereign assets could be made use of to support Ukraine, consistent with our respective legal systems and international law. If confirmed, consistent with our laws and regulations, I will support the U.S. Government’s work with our allies and partners to find ways to unlock the economic value of these assets and ensure it is Russia who pays for the damage it has caused to Ukraine.

Question. Should the Office of Sanctions Coordination have a role in assisting with ongoing G7 talks regarding seizure of Russian sovereign assets? If so, what role?

Answer. Discussions with partners and allies, including the G7, regarding the complex issue of harnessing the value of Russian sovereign assets for the benefit of Ukraine involve a coordinated effort across relevant USG agencies and sub-components with relevant expertise. The Office of Sanctions Coordination can support the U.S. Government work on these issues, including engagement with G7 and other partners and allies.

Question. How will you urge our EU and other European partners to increase sanctions on Russia???

Answer. Sanctions and export controls are having a significant impact on the Russian economy and Russia’s ability to wage war. We work closely with our European partners to share information, coordinate designations, and support sanctions enforcement. If confirmed, I am committed to utilizing sanctions in coordination with our allies and partners, not only against Russia, but on individuals and companies in other countries that help Russia procure items to supply its war effort, including its defense industrial base.?

Question. If China takes military action against Taiwan, sanctions will inevitably be a part of the international response. How would you engage with European counterparts to ensure they are aware of the potentiality of this scenario?

Answer. We work closely with our European partners to share information, coordinate designations, and support sanctions enforcement. If confirmed, I will continue to work closely with my European counterparts to prepare for a variety of potential situations that may entail sanctions responses, including a scenario in which China takes military action against Taiwan.

Question. What more can the Administration do to enforce sanctions—particularly Chinese purchases of Iranian oil? What are the challenges associated with Iran oil sanctions enforcement? Is it a lack of capability, will or resources?

Answer. Our sanctions have caused Iran to rely heavily on a ghost fleet that sells mostly to teapot refineries in the PRC, which imposes heavy operational and economic costs on Iran. Larger state-owned Chinese firms have stayed away from Iranian oil, suggesting that our program has deterred Chinese companies with Western exposure from engaging in this trade. Since January 2021, we have designated over 180 entities and individuals across multiple jurisdictions, including in the People's Republic of China, United Arab Emirates, and Southeast Asia, that have played a critical role in the production, sale, and shipment of hundreds of millions of dollars' worth of Iranian petrochemicals and petroleum products. We have also identified nearly 40 vessels as blocked property involved in this trade.

Question. Iran's ghost fleet, which it uses to evade sanctions, has grown from 70 to over 300 vessels during the Biden administration, yet we've seen remarkably little action to curb the activity of these vessels. What is the Department's role and strategy to counter ship to ship transfers, vessels turning off transponders, changing flags, or other techniques to avoid penalties?

Answer. We continue to take action targeting Iran's exports of oil and petrochemicals. In addition to the actions noted in response to a previous question, we also engaged in outreach to allies, partners, and private industry, including international flag registries, to ensure that the risks and red flags associated with Iran's illicit shipments are well understood. Our engagement includes demarches and advisories to inform actors in the oil sector about the risk of U.S. sanctions associated with petroleum shipments and sanctions evasion tactics involving Iranian oil and vessels.

Question. The New York Times reported a U.S. insurance company, American Club, insures 27 ships suspected of carrying sanctioned Iranian oil. Do current sanctions authorities apply to insurance companies? If so, how have you engaged with American Club to stop insuring these ships?

Answer. The Departments of State and Treasury continue to engage with industry to encourage enhanced due diligence regarding Iranian oil sales, compliance, and preventing exposure to U.S. sanctions risk. This outreach also involves the issuance of advisories to inform actors in the sector about the risk of U.S. sanctions associated with petroleum shipments involving Iranian oil and vessels. The Office of Foreign Assets Control is primarily responsible for investigations of potential sanctions violations by U.S. persons.

Question. What actions have you taken against the United Arab Emirates for purchases of Iranian oil?

Answer. Since January 2021, we have designated over 180 entities and individuals across multiple jurisdictions, including entities in the United Arab Emirates, that have played a critical role in the production, sale, and shipment of hundreds of millions of dollars' worth of Iranian petrochemicals and petroleum products.

Question. The administration issued a waiver on September 11, 2023 for the National Iranian Oil Company and the Central Bank of Iran citing the "national security interest of the United States"? Please describe in detail the U.S. national security interest furthered by this waiver.

Answer. Transferring funds from restricted Iranian accounts in the Republic of Korea to restricted accounts in Qatar for humanitarian trade was consistent with longstanding U.S. policy across administrations to ensure our sanctions do not prevent humanitarian trade. The transfer was also necessary to facilitate the release of U.S. citizens from unjust detention in Iran. This money will never enter Iran, can only be accessed for humanitarian purposes, and goes directly to third-party vendors. The Department of the Treasury maintains oversight of these funds.

Question. The State Department issued a new 120-day waiver allowing Iraq to pay Iran for electricity, stressing Tehran could only use the funds for humanitarian

trade and seeking to blunt criticism of giving Iran the money. How did the unfreezing of funds impact the Sudan's Government's efforts to control Iranian-aligned Shia militia group attacks against U.S. troops and diplomats?

Answer. This waiver is designed to incentivize change in Iraq's energy sector while reducing Iraqi dependence on Iranian energy. It has been renewed 21 times since 2018 and remains vital to the Iraqi Government. As has been our position for years, Iranian restricted funds may only be used for humanitarian trade and other limited non-sanctionable transactions. These funds are closely monitored, and we remain in close contact with our foreign government and financial institution partners to ensure they are only used for non-sanctionable purposes.

Question. What is the status of the Oman channel used to facilitate the unfreezing of Iranian assets frozen in Iraq?

Answer. The Iranian regime does not have direct access to the transferred funds. These funds are contained in restricted accounts and can only be used for humanitarian and other non-sanctionable purposes.

Question. Oman faces a potential FATF gray-listing. What assurances do you have from Oman on preventing diversions of unfrozen Iranian assets to terrorism? How effective have those assurances been?

Answer. The Administration has established rigorous oversight mechanisms to ensure these restricted funds can only be used for humanitarian trade—food, medicine, medical devices, and agricultural items from third-party vendors—as well as for other non-sanctionable purposes with authorization by the U.S. Government. These funds are closely monitored by the Department of the Treasury, and we remain in close contact with our foreign government and financial institution partners to ensure these funds are only used for non-sanctionable purposes.

Question. Iran's support for terror groups is the regime's most malign activity. Iran was named "the leading state sponsor of terrorism" by the Bureau of Counterterrorism in November 2023 for "facilitating a wide range of terrorist and other illicit activities around the world." How do you respond to argument that the transfer of funds to Iran, to include unfreezing Iranian assets in jurisdictions abroad, has increased Iranian support for regional terrorism, to include Lebanese Hezbollah, Hamas, and the Houthis?

Answer. The Iranian Government has, for decades, at the expense of its own people's needs, consistently prioritized supporting destabilizing activities in the region. Across administrations, including this and the prior one, it has remained a longstanding U.S. policy to ensure our sanctions do not prevent food, medicine, and other humanitarian goods and services from flowing to ordinary people, no matter how objectionable their governments. The Iranian regime does not have direct access to the transferred funds. These funds are contained in restricted accounts and can only be used for humanitarian and other non-sanctionable purposes.

Question. While the Biden administration insists that unfrozen Iranian funds are for humanitarian purposes, isn't all money fungible and a net gain for the regime's terror budget? Please explain in detail.

Answer. The Iranian Government, at the expense of its own people's needs, has consistently prioritized supporting destabilizing activities in the region. Across administrations, including this and the prior one, it has remained a longstanding U.S. policy to ensure our sanctions do not prevent food, medicine, and other humanitarian goods and services from flowing to ordinary people, no matter how objectionable their governments. The availability of these funds for limited humanitarian trade in Iraq and Oman is consistent with that policy.

Question. What are the dangers of monetizing hostage policy? What impact does monetizing hostage policy have on the safety of Americans abroad?

Answer. The State Department has no higher priority than the safety and security of U.S. citizens overseas. This Administration has made clear that we are willing to make tough decisions to bring home Americans who are unjustly detained overseas. Regarding the September 2023 Iran hostage deal, the President and Secretary determined the trade-off necessary to get Americans home was in our national security interest. The United States will do whatever it can to provide all appropriate support for U.S. nationals—including lawful permanent residents with significant ties to the United States—held overseas.

Question. Do you support the permanent freeze of Iranian funds held in Qatar, Oman, Iraq, and other jurisdictions? Why or why not?

Answer. The Administration has established rigorous oversight mechanisms to ensure these restricted funds can only be used for humanitarian trade, as well as for other non-sanctionable purposes with authorization by the U.S. Government. Across administrations, including this and the prior one, it has remained a longstanding U.S. policy to ensure our sanctions do not prevent food, medicine, and other humanitarian goods and services from flowing to ordinary people, no matter how objectionable their governments. The availability of these funds in Iraq and Oman is consistent with that policy.

Question. Do you agree that Iran's Islamic Revolutionary Guard Corps (IRGC) designation as a Specially Designated Global Terrorist (SDGT) and as a Foreign Terrorist Organization (FTO) should not be lifted until they have demonstrated that they have permanently ceased terror activities?

Answer. The IRGC, including its Quds force, remain designated as a FTO and a SDGT. If confirmed, I am committed to using all tools at our disposal, including sanctions, and working in close coordination with our allies and partners, to counter the terrorist threat posed by Iran and its proxies.

Question. Just this week, the International Atomic Energy Agency (IAEA) admitted "the Agency has lost continuity of knowledge in relation to [Iran's] production and inventory of centrifuges, rotors and bellows, heavy water and uranium ore concentrate." What conditions would warrant snapback sanctions under UNSCR 2231?

Answer. UNSCR 2231 (2015) provides that a JCPOA participant State may notify the Security Council of an issue it believes constitutes significant non-performance of JCPOA commitments to initiate the "snapback" of previous U.N. sanctions on Iran. The Administration has made clear it will continue to vigorously enforce U.S. unilateral sanctions and implement the provisions of UNSCR 2231. The Administration has also stated that it remains in close consultation with European allies regarding the imposition and enforcement of new sanctions in response to Iran's actions.

Question. What is the Administration's strategy to penalize and deter Iran's further nuclear advances and non-compliance with its nonproliferation obligations??

Answer. The Administration has made clear that Iran's continued expansion of nuclear activities that have no credible civilian justification and failure to fully cooperate with the IAEA remain deeply troubling. The Administration has underscored that it continues to vigorously enforce sanctions on Iran, including actions targeting Iran's oil and petrochemical trade, and that the IAEA Board of Governors must be prepared to consider further action as necessary to hold Iran to account if Iran does not provide the necessary cooperation required by its safeguards obligations.

Iran and Other Malign Global Actors

During the Biden administration, U.S. adversaries to include Iran, China, Russia, North Korea, and Venezuela have grown closer to form a broader "axis of evil".

Question. If confirmed, how will you coordinate U.S. sanctions policy on Russia, China, and Iran to ensure they are aligned?

Answer. The Office of Sanctions Coordination was created, in part, to ensure that our sanctions policies are well coordinated across diverse sanctions programs and that these policies continue to advance our foreign policy goals. Doing so requires working closely with the State Department's regional bureaus and other stakeholders, including counterparts at the National Security Council and at the Treasury Department, to ensure we are creatively using all the tools at our disposal to meet the challenges posed by our adversaries.

Question. As U.S. adversaries grow closer in building a resistance economy insulated from the U.S. economic system and committed to evading sanctions, how will you ensure U.S. sanctions have the maximum impact?

Answer. Countering evasion networks is crucial to maintaining the effectiveness of our sanctions. Working with our partners in the G7 and around the world, using data and expert analysis to identify the linkages that facilitate evasion, and using the full range of our sanctions tools to consistently disrupt those entities and individuals that facilitate sanctions evasion and circumvention will remain a priority of mine if confirmed.

Question. Where do you see opportunities to drive wedges between U.S. adversaries?

Answer. Increasing the costs of coordination between our adversaries is important to countering sanctions evasion and ensuring our sanctions are maximally effective. Through diplomatic engagement and targeted sanctions, we can disrupt those linkages and make it harder and more expensive for our adversaries to support each other and engage in malign activity.

Question. In general, how do you plan to engage with partners like the UAE, Qatar, and Oman who engage with U.S. adversaries and have a questionable history of sanctions enforcement? How do we keep them on our side without excusing bad behavior?

Answer. Robust and frank engagement with partners on sanctions enforcement and implementation is essential to keeping them on our side. We must ensure they clearly understand our concerns, have actionable information, and have the capacity to enforce. When enforcement or other cooperation is not forthcoming, we must also be willing to utilize all tools at our disposal as needed.

Question. How do you assess the importance of sanctions, including from the Caesar Act, to pressure the Syrian regime to implement the reforms outlined in UNSCR 2254?

Answer. Our sanctions, including under the Caesar Act, are important tools to promote accountability for the Assad regime's abuses and press it to take genuine and credible steps toward a political solution in line with U.N. Security Council Resolution (UNSCR) 2254. A Syrian-owned, Syrian-led political process remains the only viable solution to the conflict. We are working with our allies, likeminded partners, and the U.N. to implement UNSCR 2254. The Administration remains committed to using all tools at its disposal, including Caesar Act sanctions, to pursue a resolution to the Syrian conflict.

Question. The Arab Gas Pipeline is intended to deliver natural gas from Egypt to Lebanon via pipelines in Syria, in exchange for a transit fee or payment in kind to the Assad regime. Do you assess that the Arab Gas Pipeline is compliant with the Caesar Syria Civilian Protection Act of 2019? If so, please give a detailed answer.

Answer. The parties and the World Bank are still discussing the financing terms and contracts of the gas pipeline project. The Departments of State and the Treasury need to receive the final details of the financing terms and contracts to assess any relevant sanctions implications. At that time, the Departments of State and the Treasury will have the information necessary to make a final determination regarding the pipeline's compliance with the Caesar Act.

Question. As the Syrian portion of the Arab Gas Pipeline is refurbished and maintained by Russian state-owned industries, notable Gazprom, please provide an analysis of the pipeline's compliance with Russia and Ukraine sanctions. [Less a question more a request, please answer]

Answer. We are aware of media reports that Russian firm Stroytransgaz was involved in construction of the Syrian portion of the Arab Gas Pipeline, which was completed in February 2008. Stroytransgaz has been on the OFAC SDN list since 2014. The Departments of Treasury and State have yet to receive details on the final financing terms and contracts. Only at that time will the Departments of State and the Treasury have the information needed to assess any sanctions implications and make any final determinations.

Question. The State Department has made a commitment to Senator Risch to provide a briefing and determination on Caesar sanctions compliance for the Arab Gas Pipeline before issuing any comfort letter, pre-assurance, licenses or waivers to Egypt or in support of activating the pipeline. Do I have your commitment to do the same?

Answer. I would welcome the opportunity to provide briefings to Congressional staff or members on the Arab Gas pipeline and Lebanon proposals, as we have done before. The Departments of Treasury and State have made no final determinations to date. I understand that the parties and the World Bank are still discussing the financing terms and contracts. The Departments of Treasury and State need to receive the details of the final financing terms and final contracts to be able to assess any relevant sanctions implications. As Secretary Blinken has made clear, we have not lifted or waived Syria-related sanctions.

Question. The Sanctioning the Use of Defenseless Shields Act of 2018 (P.L. 115-348) direct sanctions against entities that employ human shields. Given extensive confirmed reporting of Hamas and Hezbollah use of human shields, why has the Department not issued sanctions in compliance with the law?

Answer. Hamas and Hezbollah have been designated terrorist groups for more than 20 years. Using its counterterrorism authorities, the U.S. Government has sanctioned Hamas and Hezbollah for their terrorist activity, as well as their leaders and the supporters who enable that terrorist activity. This Administration remains steadfastly committed to countering Hamas and Hezbollah and the financial networks underpinning them, as demonstrated by the designation of numerous persons connected to these groups that have been announced since this administration began in January 2021.

Question. What barriers exist to issuing sanctions under the Use of Defenseless Shields Act?

Answer. The Administration has demonstrated it wholeheartedly believes that civilians should not suffer the consequences of the inhumanity and brutality of Hamas, Hezbollah, or any other terror group. And, if confirmed, I will continue to support the use of the tools at our disposal to target these groups, their financiers, and the financial transfer mechanisms that funnel funds in support of terrorist activities.

Question. Would you support corruption sanctions on Lebanese officials across the sectarian spectrum who prevent Lebanon from selecting a president and implementing reforms needed to recover from the economic crisis?

Answer. Sanctions are one tool, among many, to promote accountability for corrupt actors and those whose activities undermine democratic institutions or contribute to the breakdown of the rule of law. We are committed to leveraging all tools at our disposal to press the Lebanese political class to elect a president and implement the reforms needed to recover from the economic crisis, in line with the demands of the Lebanese people.

Afghanistan

The Special Inspector General for Afghanistan Reconstruction (SIGAR) said that U.S. aid through the United Nations is possibly being taken by the Taliban.

Question. How do you view the role of sanctions coordinator in enforcing sanctions on the Taliban?

Answer. The Taliban remain designated under U.S. counterterrorism sanctions as well as several of its leaders and members at the United Nations. There have been no sanctions lifted since August 2021. In December 2023, the U.S. imposed sanctions under Global Magnitsky on two Taliban leaders for human rights abuses related to the ongoing repression of women and girls. If confirmed, I will continue to work closely within the State Department and across the interagency to ensure U.S. sanctions against the Taliban support broader policy objectives, including countering terrorism, promoting human rights, and preventing diversion of humanitarian assistance.

Question. Which criteria does the State Department use to determine which officials from Latin American and Caribbean Governments are subject to 7031(c) designations?

Answer. I understand that when the Secretary of State has credible information that a foreign government official has been involved in significant corruption and/or a gross violation of human rights, the Secretary is required to designate or identify that official and his or her immediate family members under Section 7031(c). The Department of State actively reviews cases and applies this authority to designate current and former foreign government officials globally, and it aligns with our broad efforts to counter corruption and protect human rights.

Question. What role do sanctions, and 7031(c) designations have in contributing to promoting democracy, human rights, and security in Latin America and the Caribbean?

Answer. Sanctions and public designation under authorities, including Section 7031(c), allow the United States to promote accountability for corrupt and anti-democratic actors, as well as individuals involved in human rights violations and abuses. These actions aim to disrupt or deter future violations and abuses.

Question. How does the State Department assess the effectiveness of sanctions and 7031(c) designations in achieving their intended goals in Latin America and the Caribbean?

Answer. Sanctions and other authorities, including Section 7031(c), are important tools in the Department's efforts to promote accountability for human rights viola-

tions and abuses, counter impunity for corruption, and address democratic backsliding in the Western Hemisphere. During this administration we have used these tools across the region, including in Cuba, Nicaragua, Haiti, Guatemala, and Colombia. Designations are highly fact and context-specific, and the Department works with our embassies, the inter-agency, and civil society to gather and analyze relevant information regarding impact, including impacts that may manifest themselves over the long term.

Question. The U.S. and Argentina recently cooperated on seizing a Venezuelan cargo plane tied to Iran and its terrorist proxies. If confirmed, what will you do to ensure we continue enforcing counter-terrorism sanctions, particularly in the Western Hemisphere?

Answer. The Administration is committed to countering terrorism and enforcing U.S. law with respect to designated actors. If confirmed, I will continue our work in this area, including with our partners in the Western Hemisphere, to enforce U.S. sanctions against violators, including against Iran, its proxies and partners wherever they may be found.

Question. From your perspective, how can the United States better utilize sanctions with to limit the malign activities and influence of PRC in Latin America?

Answer. The Administration has deepened partnerships in Latin American to help protect against external interference or coercion, including from the PRC, and coordinate on sanctions enforcement. If confirmed, I will continue to work with our partners on sanctions policy and monitor the activities of the PRC in Latin America and act where appropriate.

Question. If confirmed, what considerations will guide your assessment to canceling the sanction relief extended to Venezuela since October 2022 [sic], particularly in light of the lack of response to lifting of the ban on opposition presidential candidates running for office?

Answer. We already have revoked General License 43 in response to actions by Maduro and his representatives that are inconsistent with the agreements reached in Barbados last year. The State Department press spokesperson has made clear that unless Maduro and his representatives show progress in creating conditions for competitive elections, we will not renew General License 44 (relief to Venezuela's oil and gas sector) when it expires on April 18, 2024.

Question. If not, under what conditions would you advocate for changes to the U.S. sanctions program for Venezuela? Under what conditions would you advocate for changes to the U.S. sanctions program for Venezuela?

Answer. The United States will reconsider its sanctions on Venezuela when Maduro takes concrete steps towards competitive elections. The State Department press spokesperson has made clear that unless Maduro and his representatives show progress in creating conditions for competitive elections, we will not renew General License 44 (relief to Venezuela's oil and gas sector) when it expires on April 18, 2024.

Question. If confirmed, how will you work to convince the EU to match U.S. sanctions until there is a credible transition to democratic order in Venezuela?

Answer. Last year, Department officials engaged European counterparts on Venezuela sanctions policy on multiple occasions, and I travelled to Madrid to reinforce the importance of the EU staying aligned with the U.S. on Venezuela sanctions policy. The EU renewed their sanctions regime on Venezuela late last year. If confirmed, I will continue to urge the EU to remain aligned with the U.S. on Venezuela sanctions policy.

Question. How is the State Department collaborating with the Treasury Department in implementing Executive Order 13850, specifically targeting individuals involved in Venezuela's gold sector or any other sector of the Venezuelan economy?

Answer. The Department works closely with the Department of the Treasury on the implementation of the Venezuela sanctions program, including with respect to General License 43, which had authorized transactions with Venezuela's state-owned gold company, and was rescinded in January.

Question. Do you support stronger sanctions against Maduro, and the allies of Maduro, currently sanctioned for committing human rights abuses, trafficking drugs, or are involved in corruption/subverting democracy in Venezuela?

Answer. Maduro has been designated for his subversion of democracy, and many of his allies have been designated for committing human rights abuses, trafficking drugs, corruption, and further subversion of democracy. I will continue to advocate

for the use of our sanctions authorities to support the democratic aspirations of the Venezuelan people.

Question. What is the State Department's assessment of how much revenue has dictator Maduro received from the November 2022 Chevron license?

Answer. I refer you to Chevron for information on how much revenue Maduro received from the license. As money goes into the energy sector, Maduro is likely to accrue some revenue, but this will happen slowly as businesses need to have confidence in the investment climate in Venezuela before any significant increases in revenue are seen by Maduro.

Question. What is the State Department's assessment of how revenue dictator Maduro's regime is expected/projected to earn from the licenses extended on October 18?

Answer. We regularly assess the impact our foreign policy has on Maduro and his associates with the objective of restoring democracy in Venezuela. We refer you to private sector participants for more information on payments associated with their activities in Venezuela. We are unaware of any new financial relationships, including investments in Venezuela's gold sector that occurred prior to General License 43 being revoked.

Question. What is the latest impact assessment of the USG's foreign policy of giving sanctions relief and corresponding revenue flows to the Maduro regime?

Answer. We regularly assess the impact our foreign policy has on Maduro and his associates with the objective of restoring democracy in Venezuela. We refer you to private sector participants for more information on payments associated with their activities in Venezuela. We are unaware of any new financial relationships, including investments in Venezuela's gold sector that occurred prior to General License 43 being revoked.

Question. If confirmed, will you advocate against any unilateral changes to U.S. sanctions or conditions put in place against the Cuba regime as required by U.S. law, including the Libertad Act absent the Cuban regime committing to a democratic process and democratic openings?

Answer. U.S. sanctions against Cuba are codified in statute. The embargo will not be lifted absent Congressional action or if the statutory criteria for terminating the embargo are met. If confirmed, I will continue to maintain sanctions on Cuba as required by U.S. law.

As the Biden-Harris Administration outlined on May 16, 2022, we are committed to promoting accountability for human rights abuses and supporting the political and economic well-being of the Cuban people.

Question. If confirmed, do you pledge to advocate for a Section 7301(c) designation of Cristina Fernandez de Kirchner, the outgoing Vice President of Argentina? Please provide your rationale for your decision.

Answer. While the Office of the Sanctions Coordinator does not lead on visa restriction authorities, if confirmed I will work with relevant stakeholders to consider appropriate tools to address corruption in Latin America and elsewhere.

Question. If confirmed, will you commit to advocating for a Section 7031(c) designation for former Ecuadorian President Rafael Correa due to his involvement in significant acts of corruption, as evidenced by his 2020 bribery conviction related to activities during his presidency from 2007 to 2017?

Answer. While the Office of the Sanctions Coordinator does not lead on visa restriction authorities, if confirmed I will work with relevant stakeholders to consider appropriate tools to address corruption in Latin America and elsewhere.

Question. Why has the State Department focused on Section 7301(c) designations for officials from governments in Latin America and the Caribbean that have actively cooperated with the United States on strategic diplomatic and national security matters such as former Guatemala president Alejandro Giammattei? Please explain the process and criteria that it has used since January 2021 to designate individuals in Latin American and the Caribbean under Section 7031(c).

Answer. The Department uses a variety of accountability tools, including Section 7031(c), to advance U.S. foreign policy priorities articulated in the U.S. Strategy to Counter Corruption. I understand that the State Department considers credible information from a variety of sources that meets the Section 7031(c) threshold for designation. Regarding former Guatemalan president Alejandro Giammattei's January designation, I understand that the Department had credible information of Mr.

Giammattei's involvement in significant corruption, which triggered the Congressionally mandated obligation to designate him under Section 7031(c).

Question. How has the amendment to Executive Order 13851, signed by President Biden on October 24, 2022, which expanded sanctions and imposed visa restrictions on over 500 Nicaraguans and their family members affiliated with the Nicaraguan Government or supportive of actions undermining democratic institutions, influenced the Murillo regime's commitment to restoring democracy in Nicaragua?

Answer. The aim of these measures is to increase the pressure on the Ortega--Murillo regime and promote accountability. We have deployed targeted sanctions and imposed over 1,100 visa restrictions against those undermining democracy. These actions complement our diplomatic efforts to press for restoring full civil and political rights for all Nicaraguans. We cannot preview sanctions actions, but if confirmed, I will work within the Department and interagency to support the effective use of our sanctions tools in support of our objectives in Nicaragua.

Question. On a September 20, 2021 "telephonic press briefing on the Biden-Harris Administration actions in response to the ongoing crisis in Northern Ethiopia", you said the "situation in Ethiopia shocks the conscience the extent of the human rights and humanitarian crisis in Ethiopia is too great now not to use every tool at our disposal. This is why President Biden signed this executive order authorizing the use of financial sanctions against those contributing to or prolonging the crisis." In the time since Executive Order 14046 was signed by President Biden, no Ethiopians have been designated. What is your perspective on this??

Answer. The U.S. remains committed to supporting peace in Ethiopia, and we continuously assess how to employ our array of tools appropriate to the policy context. In addition to sanctions, we have utilized other tools, such as an Atrocities Determination and visa restrictions, to address concerns in the implementation of the Cessation of Hostilities Agreement and other areas. Moving forward, I will continue to monitor the situation and work with the stakeholders within the State Department and across the interagency to deploy our sanctions tools, as appropriate.

Question. Similarly, on May 4, 2023, President Biden signed Executive Order 14098 on "imposing sanctions on certain persons destabilizing Sudan and undermining the goal of a democratic transition." To date, 5 individuals have been designated under the EO, largely Bashir-era Islamists. With the exception of Hemedti's brother, we have yet to see designations target the individuals most responsible for the destruction of Sudan and related humanitarian disaster. How would you address this as sanctions coordinator?

Answer. In addition to the designation of five individuals, the United States has designated nine SAF and RSF-affiliated entities, including those located outside Sudan, that have financial or other connections to the warring entities. The U.S. also issued a notice in June 2023 declaring all gold from Sudan as conflict-affected and high risk. The U.S., in coordination with our allies, will continue to deploy sanctions to disrupt the SAF's and RSF's ability to prosecute the war, to support negotiations, and to undermine the ability of non-democratic spoilers from shaping Sudan's future.

Question. On March 4, 2024, the termination of the Zimbabwe Sanctions Program was announced by the Administration, along with the announcement of 14 Global Magnitsky designations. We have received assurances that these 14 designations are just the start of the rollout of Global Magnitsky sanctions on Zimbabweans responsible for acts of significant corruption and/or responsible for gross violations of internationally recognized human rights. As Sanctions Coordinator, how would you prioritize this and ensure that the Administration follows through on its commitments to Congress?

Answer. I remain deeply concerned about human rights abuses and widespread corruption in Zimbabwe, which continue to undermine democratic processes in the country. Moving forward, I will continue to advocate for the use of all available tools, including Global Magnitsky sanctions and visa restrictions, as appropriate, to promote accountability for those actors who engage in human rights abuses and corruption.

Question. The old Zimbabwe sanctions regime included authorities to designate individuals for undermining democratic governance. Please clarify in writing the Department's view regarding whether the Global Magnitsky Act and/or 7031(c) sanctions cover matters pertaining to undermining democratic governance.

Answer. Undermining democratic governance often has a nexus to human rights abuses and violations and corruption. If confirmed, I will continue to advocate for the use of all available tools to address malign actors in Zimbabwe.

Question. On December 4, 2023, Secretary Blinken announced new visa restriction policies for Uganda and Zimbabwe under Section 212(a)(3)(c) of the Immigration and Nationality Act for undermining democracy. On December 5, 2023, my staff requested a briefing on the updated policies, and have followed up on the request on multiple occasions in person and in writing. To date, the briefing has not been held. Please describe the updated visa policies for Uganda and Zimbabwe.

Answer. On December 4, 2023, Secretary Blinken announced an expansion of the visa restriction policy introduced after Uganda's flawed 2021 presidential elections. I understand that this expanded visa restriction policy includes current or former Ugandan officials or others who are believed to be responsible for, or complicit in, undermining the democratic process in Uganda or for policies or actions aimed at repressing members of marginalized or vulnerable populations.

The Secretary also announced a new visa restriction policy for undermining democracy in Zimbabwe. I understand that under this policy, individuals who undermine the democratic process in Zimbabwe—including in the lead-up to, during, and following Zimbabwe's August 2023 elections—may be found ineligible for U.S. visas.

I understand that a briefing to discuss these policies with SFRC staff is scheduled for March 14 at 1 p.m.

Question. Do you commit, as Sanctions Coordinator if confirmed, to responding to briefing requests from my office in a timely fashion?

Answer. Yes.

Question. What has the United States achieved in our Myanmar policy through the use of sanctions? Please be specific.

Answer. Sanctions on 91 individuals and 50 entities since the 2021 coup have proved impactful in disrupting the junta's financial and economic activities, and we will continue to pursue such efforts. We have disrupted the supply chain of aviation fuel; restricted revenue from reaching military leaders, arms traders, state-owned entities, and cronies and other businesspeople affiliated with and enabling the military regime; and disrupted the regime's use of foreign currency to purchase weapons through sanctions on two state-owned banks and the largest state-owned energy company.

Question. What is the role that Chinese state-owned and commercial entities play in funding and supplying the Burma military government? How can we use sanctions policy to address the role these entities have played in Burma to date?

Answer. Since the military coup in Burma, the PRC maintains high-level engagement with the military regime, including through trade and investment ties. We continue to urge all members of the international community, including the PRC, to press the regime to cease the violence, release all those unjustly detained, and support the people of Burma's aspirations to live in peace and in an inclusive, representative democracy.

We do not preview potential sanctions actions, but the U.S. Government will use all tools available, if appropriate, to address concerns.

Question. Why has the U.S. Government not used authorities under the Global Magnitsky Act or the Hong Kong Human Rights and Democracy Act since 2021 to sanction PRC officials (including HKSAR officials) who continue to undermine the internationally recognized human rights and basic freedoms of Hong Kong citizens?

Answer. The Department continuously evaluates the best approach and response to the ongoing dismantling of Hong Kong's autonomy and rule of law. If confirmed, I would welcome consultations with you and your staff regarding potential actions as we consider options to promote accountability for those involved in human rights abuses, transnational repression, and the erosion of Hong Kong's autonomy.

Question. Is it true that the Foundation for Climate and Environmental Protection M.V. was funded by the Russian state-owned energy company Gazprom? (Please note that I've entered into the hearing record the bylaws for the foundation, which provides details on its funding.)

Answer. In November 2021, the Department reported a vessel for engaging in activity covered by PEESA, as amended. The owner of the vessel was a German foundation, and the Department was aware of certain reports regarding Nord Stream 2 AG planning to provide funding to the foundation. The Department determined that the foundation fell within the exception in section 7503(e)(6)(c) of PEESA, as

amended. Accordingly, the Department did not report or sanction the foundation. This determination was based on all of the relevant facts available at that time.

FOLLOW-UP QUESTION

Question. Is it true that the Foundation for Climate and Environmental Protection M.V. was funded by the Russian state-owned energy company Gazprom? (Please note that I've entered into the hearing record the bylaws for the foundation, which provides details on its funding.) Please provide a yes or no answer, and explain why.

Answer. The website for the Foundation for Climate and Environmental Protection M.V. currently acknowledges receiving funding from Nord Stream 2 AG. The Department was aware of certain reports regarding Nord Stream 2 AG planning to provide funding to the foundation at the time of the determination. The Department reviewed the statute of the foundation at the time, which the Department understands to be the document entered into the record. It did not specify details on its funding sources beyond noting the initial €200,000 provided by the state government to establish the foundation.

Question. Per your own PEESA report submission in November 2021, the pipe-laying support ship ("Blue Ship") was engaged in pipe-laying activities. Is it true that "Blue Ship" was owned by the Foundation for Climate and Environmental Protection M.V.? (Please note that I've entered into the hearing record the ownership registration of this vessel.)

Answer. Yes, at the time of the Department's November 2021 report, the "Blue Ship" was owned by the Foundation for Climate and Environmental Protection M.V.

FOLLOW-UP QUESTION

Question. Per your own PEESA report submission in November 2021, the pipe-laying support ship ("Blue Ship") was engaged in pipe-laying activities. Is it true that "Blue Ship" was owned by the Foundation for Climate and Environmental Protection M.V.? (Please note that I've entered into the hearing record the ownership registration of this vessel.) Please provide a yes or no answer, and explain why.

Answer. Yes, at the time of the Department's November 2021 report, the "Blue Ship" was owned by the Foundation for Climate and Environmental Protection M.V.

Question. Is it true that the bylaws of this foundation stated that the organization may operate as a business? (Please note again that I have entered into the hearing record a copy of this organization's bylaws.)

Answer. The Department looked at documents related to the foundation to review the purposes of the foundation. The Department considered those documents and a number of facts available at the time and determined that the foundation fell within the exception in section 7503(e)(6)(c) of PEESA, as amended. I am aware that there are other views on the interpretation of this statutory exception. If confirmed, I would seek to engage with the committee on questions of interpretation like this in the future.

FOLLOW-UP QUESTION

Question. Is it true that the bylaws of this foundation stated that the organization may operate as a business? (Please note again that I have entered into the hearing record a copy of this organization's bylaws.) Please provide a yes or no answer, and explain why.

Answer. The Department reviewed the statute establishing the foundation and other documents at the time of the determination. The Department understands this question to refer to the founding statute of the foundation, which is the document entered into the record. Consistent with the documents entered into the hearing record, the Department was aware that the foundation could establish and maintain a commercial business, which does not mean the foundation itself was operating as a business. Any profits earned by the foundation were to be retained for the purposes of the foundation. The Department considered those documents and a number of facts available at the time and determined that the foundation fell within the exception in section 7503(e)(6)(c) of PEESA, as amended.

Question. Is it true that PEESCA explicitly requires sanctions on vessels engaged in pipe-laying activities and the entities that own them, even government entities, if they are operating as a business enterprise? (For reference, see Sec. 7503 (e)(6)(B) of FY 2020 NDAA, as amended by FY 2021 NDAA Sec. 1242 (22 USC 9526 note.)

Answer. Section 7503 (e)(6) of PEESA, as amended, provides that sanctions “shall not apply with respect to-- (A) the European Union; (B) the Government of Norway, Switzerland, the United Kingdom, or any member country of the European Union; or (C) any entity of the European Union or a government described in subparagraph (B) that is not operating as a business enterprise.” The Department determined that the foundation fell within this exception, based on all of the relevant facts available at the time.

FOLLOW-UP QUESTION

Question. Is it true that PEESCA explicitly requires sanctions on vessels engaged in pipe-laying activities and the entities that own them, even government entities, if they are operating as a business enterprise? (For reference, see Sec. 7503 (e)(6)(B) of FY 2020 NDAA, as amended by FY 2021 NDAA Sec. 1242 (22 USC 9526 note.) Please provide a yes or no answer, and explain why.

Answer. Section 7503(a)(1)(B)(i) of PEESA, as amended, requires the Secretary of State, in consultation with the Secretary of the Treasury, to report to Congress any foreign persons determined to have knowingly, sold, leased, or provided, or facilitated selling, leasing, or providing, any vessels that engaged in pipe-laying or pipe-laying activities at depths of 100 feet or more below sea level for the construction of the Nord Stream 2 pipeline project, the Turkstream pipeline project, or any project that is a successor to either such project. Section 7503(c) of PEESA, as amended, requires the imposition of sanctions on any person identified under subsection (a)(1)(B). Separately, Section 7503 (e)(6) of PEESA, as amended, provides that sanctions “shall not apply with respect to: (A) the European Union; (B) the Government of Norway, Switzerland, the United Kingdom, or any member country of the European Union; or (C) any entity of the European Union or a government described in subparagraph (B) that is not operating as a business enterprise.” The Department determined that the foundation fell within this exception, based on all of the relevant facts available at the time.

Question. Is it true that this organization listed pipelaying activities in relations to completing Nord Stream 2 as a primary purpose on its website? Yes or no? (See <https://web.archive.org/web/20210819155945/https://klimastiftung-mv.de/wp-content/uploads/2021/04/Satzung-Kopie.pdf>)

Answer. The Department was aware of reports that the foundation intended to support Nord Stream 2, that the Blue Ship engaged in pipelaying activities, and that the foundation was the registered owner of the Blue Ship. The Department considered a number of facts available at the time about the foundation and determined that the foundation fell within the exception in section 7503(e)(6)(c) of PEESA, as amended.

FOLLOW-UP QUESTION

Question. Is it true that this organization listed pipelaying activities in relations to completing Nord Stream 2 as a primary purpose on its website? Yes or no? (See <https://web.archive.org/web/20210819155945/https://klimastiftung-mv.de/wp-content/uploads/2021/04/Satzung-Kopie.pdf>). Please provide a yes or no answer, and explain why.

Answer. In its November 2021 report, the Department determined that the “Blue Ship” did engage in pipelaying or pipelaying activities at depths of 100 feet or more below sea level for the construction of the Nord Stream 2 pipeline project. The “Blue Ship” was owned by the Foundation for Climate and Environmental Protection M.V. at the time of the Department’s November 2021 report. The document linked in this question is not the foundation’s website but rather its founding statute which does not make specific reference to pipe-laying activities.

Question. If this organization was backed by Russian state funding and employed vessels for the purpose of assisting with the completion of the Nord Stream 2 pipeline, why wasn’t didn’t you designate this organization as required by the Protecting Europe’s Energy Security Act (PEESA), as amended by the Protecting Europe’s Energy Security Clarification Act PEESCA)?

Answer. The Department considered a number of facts available at the time and determined that the foundation fell within the exception in section 7503(e)(6)(c) of PEESA, as amended. Accordingly, the Department did not report or sanction the foundation.

FOLLOW-UP QUESTION

Question. If this organization was backed by Russian state funding and employed vessels for the purpose of assisting with the completion of the Nord Stream 2 pipeline, why did you not designate this organization as required by the Protecting Europe's Energy Security Act (PEESA), as amended by the Protecting Europe's Energy Security Clarification Act (PEESCA)? Please provide a fulsome response.

Answer. The Department considered a number of facts available at the time and determined that the foundation fell within the exception in section 7503(e)(6)(C) of PEESA, as amended. The Department's determination at the time reflected a number of facts about the foundation, including the following. The foundation's establishment was proposed and approved by the Government of the German state of Mecklenberg-West Pomerania. The Prime Minister of the state government appointed, and could remove, the board of directors of the foundation, and also appointed the foundation's board of trustees. The board of directors was responsible for management of the foundation. The foundation's statute also noted that any profits earned by the foundation were to be retained for the purposes of the foundation. Based on these and other facts available at the time, the Department determined that the foundation fell within the exception in section 7503(e)(6)(C) of PEESA, as amended. Accordingly, the Department did not report or sanction the foundation and assessed that no waiver was required.

Question. PEESA and PEESCA provided a waiver for national security reasons. Why didn't the administration just request a waiver for this organization?

Answer. The Department considered a number of facts and determined that the foundation fell within the exception in section 7503(e)(6)(c) of PEESA, as amended. Accordingly, the Department did not report or sanction the foundation and assessed that no waiver was required.

FOLLOW-UP QUESTION

Question. Please describe the specific facts considered by the Department and the reasoning as to why the foundation fell within the exception in section 7503(e)(6)(c) of PEESA, as amended.

Answer. The Department's determination at the time reflected a number of facts about the foundation, including the following. The foundation's establishment was proposed and approved by the Government of the German state of Mecklenberg-West Pomerania. The Prime Minister of the state government appointed, and could remove, the board of directors of the foundation, and also appointed the foundation's board of trustees. The board of directors was responsible for management of the foundation. The foundation's statute also noted that any profits earned by the foundation were to be retained for the purposes of the foundation. Based on these and other facts available at the time, the Department determined that the foundation fell within the exception in section 7503(e)(6)(C) of PEESA, as amended. Accordingly, the Department did not report or sanction the foundation and assessed that no waiver was required.

Question. Looking back, would you have pushed for sanctions on the Foundation for Climate and Environmental Protection M.V. and "Blue Ship"?

Answer. In November 2021, the Department reported the "Blue Ship" for engaging in activity covered by PEESA, as amended. The owner of the vessel was the Foundation for Climate and Environmental Protection M.V. The Department considered a number of facts about the foundation and determined that the exception in section 7503(e)(6)(c) of PEESA, as amended, applied. The determination was consistent with the exception that Congress itself provided in PEESA, as amended, and it was also consistent with the Administration's policy at the time.

FOLLOW-UP QUESTION

Question. Looking back, would you have pushed for sanctions on the Foundation for Climate and Environmental Protection M.V. and “Blue Ship”? Please answer a yes or no and explain why.

Answer. The Department considered a number of facts about the foundation at the time and determined that the exception in section 7503(e)(6)(C) of PEESA, as amended, applied. The determination was consistent with the exception that Congress itself provided in PEESA, as amended, and it was also consistent with the Administration’s policy at the time. I am aware that there are other views on the interpretation of this statutory exception. If confirmed, I would seek to engage with the committee on questions of interpretation like this in the future.

FOLLOW-UP QUESTION

Question. You note in your responses that the organization was engaging in activities related to the completion of Nord Stream 2. The foundation’s bylaws also confirm this. This was a front organization in Germany that:

- had no connection to the federal Government of Germany,
- was funded and controlled by a Russian state-owned energy firm, and
- was engaged in business operations related to the completion of Nord Stream 2.

Given the facts above, how could this organization possibly qualify for an exception specifically reserved for Allied Government entities that do NOT operate as business enterprises related to Nord Stream 2 pipelaying activities.

Answer. The Department’s determination at the time reflected a number of facts about the foundation, including the following: The foundation’s establishment was proposed and approved by the Government of the German state of Mecklenberg-West Pomerania. The Prime Minister of the state government appointed, and could remove, the board of directors of the foundation, and also appointed the foundation’s board of trustees. The board of directors was responsible for management of the foundation. The foundation’s statute also noted that any profits earned by the foundation were to be retained for the purposes of the foundation. Based on these and other facts available at the time, the Department determined that the foundation fell within the exception in section 7503(e)(6)(C) of PEESA, as amended. Accordingly, the Department did not report or sanction the foundation and assessed that no waiver was required.

The exception in section 7503(e)(6)(C) of PEESA, as amended, states that sanctions “shall not apply any entity of the European Union or a government described in subparagraph (B) . . .” The statute does not define government entity, and this provision is not restricted to federal governments or federal government entities.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO ERIK JOHN WOODHOUSE BY SENATOR MARCO RUBIO

Question. In May 2022, Secretary Blinken said that the People’s Republic of China is the “only country with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do it.” The Chinese Communist Party (CCP) clearly holds the reins of power in the People’s Republic of China (PRC) and has used this power to commit genocide in Xinjiang, flood our communities with fentanyl, and emit, by far the largest quantity of greenhouse gases in the world today. With their absolute control of Chinese society and industry, the CCP could stop all of these destructive actions tomorrow if they so choose. Is the CCP a threat to the United States?

Answer. Last year, the Director of National Intelligence testified that “the CCP represents both the leading and most consequential threat to U.S. national security and leadership globally.” As Secretary Blinken has said, under President Xi, the CCP has become more repressive at home and more aggressive abroad. If confirmed, I will work to advance U.S. national security interests and support the U.S. Government’s work to counter harmful activities by the People’s Republic of China.

Question. Does the CCP undertake any activities that are beneficial to U.S. interests? If so, please explain.

Answer. As Secretary Blinken has said, the CCP has become more repressive at home and more aggressive abroad. According to the Office of the Director of National Intelligence's 2023 Annual Threat Assessment, the CCP is seeking to "undercut U.S. influence, drive wedges between Washington and its partners, and foster some norms that favor its authoritarian system."

Question. Do you believe that there are any areas within which the CCP that would constructively work with the United States in good faith, knowing that at any moment Chinese interlocutors with U.S. representatives could be disappeared at a moment's notice? If so, please explain.

Answer. The United States will work with the People's Republic of China (PRC) to address global and transnational challenges, such as climate change, when it is in the U.S. interest to do so. If confirmed, I will work with my colleagues across the U.S. interagency and Congress to advance U.S. objectives and counter harmful behavior by the PRC.

Question. If confirmed, will you approve any joint activity with organizations or representatives from the PRC in the countries or areas in which you will work?

Answer. If confirmed, my priority will be advancing U.S. national security interests and countering efforts by our competitors, including the People's Republic of China (PRC), to undermine those interests. The Administration has been clear that the PRC is the most consequential geopolitical challenge facing the United States, and that the United States is committed to supporting our partners in the face of this challenge. If confirmed, I will work closely with Department of State and interagency colleagues and Congress to address the PRC's harmful activities.

Question. As you may be aware, a group of federal employees penned an open letter to President Biden criticizing U.S. support for Israel in the aftermath of Hamas' brutal terrorist attack on October 7, 2023. In addition, on January 16, 2024, employees from nearly two dozen agencies staged a walkout in protest of the administration's Israel policy. Efforts like these directly undermine the duty of our diplomats to advance the policies of the President of the United States. Yes or no, did you sign the letter to the President expressing opposition to the President's Israel policy?

Answer. No.

Question. Yes or no, did you participate in the January 16, 2024 walkout?

Answer. No.

Question. If confirmed, would you define one of the employees or contractors operating under your supervision signing an open letter criticizing you, or policies you undertake at the instruction of the President, as insubordination as defined by the Government Accountability Office?

Answer. If confirmed, I would seek to address employee concerns personally by creating an open, trusting, and harassment-free work environment. I am mindful of and value Department employees' right to free speech under the First Amendment. Moreover, I understand the expression of disagreement does not in and of itself constitute insubordination. If confirmed, I would work with the Department's Office of the Legal Adviser to determine the proper course of action should such a matter arise.

Question. In your view, are the actions these federal employees took, by anonymously signing a letter to the President of the United States, covered as "whistleblowing"?

Answer. I believe these employees were expressing a dissenting view to their leadership. I would hope that employees would feel confident to directly raise their concerns with their supervisors and management rather than signing an anonymous letter. "Whistleblowing" is a term and activity covered by legislation and regulations; I defer to the Department's Office of the Legal Adviser to determine whether the referenced actions are considered protected whistleblowing activity.

Question. If confirmed, how will you address discipline issues, such as insubordination, that do not take established dissent channels?

Answer. If confirmed, I will make sure that employees in the Office of Sanctions Coordination know that there are several avenues available to express policy disagreements. I would encourage employees to use established channels to express their views.

According to Department regulations, insubordination is a disciplinary matter related to conduct on the job and may result in counseling and a penalty commensurate with the scale of the offense. If confirmed, I would address discipline issues, including insubordination, in consultation with the Department's human resources and legal professionals.

Question. Have you ever expressed support for an Israeli ceasefire in Gaza?

Answer. No.

Question. Do you agree that Hamas is an antisemitic entity?

Answer. Yes, Hamas is a terrorist group and antisemitic entity. This foreign terrorist organization seeks to eliminate the State of Israel, and its founding charter calls for the killing of Jewish people.

Question. Would a ceasefire allow these groups to reconstitute and attack Israel, and Americans, in the future?

Answer. It is my understanding that the Administration supports humanitarian pauses to allow for an influx of aid into Gaza and the safe exit of hostages and other vulnerable people.

Question. Do you agree that calling for a ceasefire in Gaza means calling for Israel to stop its pursuit of Hamas, a designated foreign terrorist organization, that orchestrated the October 7 attacks and still refuses to release all Israeli and American hostages?

Answer. It is my understanding that the Administration's stated policy is to support temporary humanitarian pauses to enable a sustained flow of aid and to allow the voluntary movement of civilians seeking safer locations. Working with partners, the U.S. Government is attempting to secure the release of all hostages held by Hamas. The U.S. Government supports Israel's right to protect itself from Hamas' terrorism, consistent with international law.

Question. Do you believe that Israel, in its operation against Hamas, which is known to use civilians as human shields, is taking all necessary steps to minimize civilian casualties?

Answer. I understand that the U.S. Government supports Israel's right to protect itself, consistent with international law, and that the Administration has urged Israel to differentiate between civilians and Hamas terrorists and to avoid civilian casualties. Hamas's use of civilians as human shields, a blatant violation of international law, does not lessen Israel's obligations under international humanitarian law.

Question. The Protecting European Energy Security Act (PEESA) required the Department to submit a list to Congress and then sanction all vessels and other entities involved in pipelaying activities related to Nord Stream 2. Under your capacity in the Economic Bureau, the Department chose to look the other way as a Russian front organization, continued pipelaying projects, and this Russian entity was exempt from sanctions. Did anyone inform you there were organizations operating as Russian front entities?

Answer. In November 2021, the Department reported a vessel for engaging in activity covered by PEESA, as amended. The owner of the vessel was a German foundation. The Department determined that the foundation fell within a PEESA exception that provides that sanctions "shall not apply" to a "any entity of [a member state of the European Union] not operating as a business enterprise." Accordingly, the Department did not report or sanction the foundation. This determination was based on all of the relevant facts available at that time.

Question. Did you advocate for sanctions on these Russian front groups? If not, why?

Answer. The Administration was clear in its opposition to Nord Stream 2 as a bad deal for Ukraine and Europe and a Kremlin geopolitical project. Consistent with PEESA, as amended, the Administration sanctioned a number of persons related to Nord Stream 2's construction, including several Russia-linked entities.

Question. Iran obtains substantial funding from its illegal petroleum shipments abroad. The Biden administration has failed to fully enforce sanctions on these ships, which has enabled Tehran to fund its international terrorist operations and support its proxies who are destabilizing the region and targeting U.S. uniformed service members. Do you believe Iran should benefit from the administration's lack of sanctions enforcement, while the proxies it arms and bankrolls kill American servicemembers and target our allies?

Answer. We continue to enforce our sanctions on Iran, including actions targeting petroleum and petrochemical shipments, and have not lifted a single sanction on Iran. Since January 2021, we have designated over 180 entities and individuals across multiple jurisdictions, including in the People’s Republic of China, United Arab Emirates, and Southeast Asia, that have played a critical role in the production, sale, and shipment of hundreds of millions of dollars’ worth of Iranian petrochemicals and petroleum products. We have also identified nearly 40 vessels as blocked property involved in this trade.

Question. I have serious concerns regarding the administration’s waiver that allowed approximately \$10 billion in Iranian funds to be transferred to foreign banks and do not have any direct oversight by the U.S. on uses. What is the exact amount that has been transferred from Iraq to Oman under the waiver?

Answer. I understand that since August 2023, 505 million euros have been transferred from Iraq to Oman. The Iranian regime does not have direct access to the transferred funds. These funds are contained in restricted accounts and can only be used for humanitarian and other non-sanctionable purposes.

Question. How many transactions have taken place and which entities were involved?

Answer. I understand that there have been two transactions that have occurred, both for approved humanitarian goods. The Administration has established rigorous oversight mechanisms to ensure these restricted funds can only be used for humanitarian trade—food, medicine, medical devices, and agricultural items from third-party vendors—as well as for other non-sanctionable purposes with authorization by the U.S. Government. None of these funds will ever enter Iran.

Question. What specific U.S. oversight mechanisms are in place to prevent diversion or abuse or is the administration assuming partners to voluntarily share this information?

Answer. The Administration has established rigorous oversight mechanisms to ensure these restricted funds can only be used for humanitarian trade—food, medicine, medical devices, and agricultural items from third-party vendors—as well as for other non-sanctionable purposes with authorization by the U.S. Government. Further detail can be provided by the Departments of State and the Treasury in a different setting.

Question. Have there been any disbursements of these accounts?

Answer. I understand that there have been two transactions that have occurred, both for approved humanitarian goods. The Administration has established rigorous oversight mechanisms to ensure these restricted funds can only be used for humanitarian trade—food, medicine, medical devices, and agricultural items from third-party vendors—as well as for other non-sanctionable purposes with authorization by the U.S. Government. None of these funds will ever enter Iran.

Question. The waiver that permitted the transfer of these funds is up for review in a few days. Would you recommend the renewal of this waiver?

Answer. The Administration fully supports this waiver, which was designed to incentivize change in Iraq’s energy sector while reducing Iraqi dependence on Iranian energy. This waiver has been renewed 21 times since 2018, and our strategy is working. Over the past year, the Iraqi Government made progress to increase electricity imports from its Arab neighbors and signed a landmark \$27 billion deal with TotalEnergies that will help Iraq significantly reduce its dependency on Iranian energy imports. Iraq is also investing in gas capture, developing natural gas fields, and upgrading its power grid.

Question. Do you support my SHIP Act, which would require the imposition of sanctions upon those engaged in the import of illicit petroleum from Iran?

Answer. The Administration continues to enforce our sanctions on Iran, including actions targeting petroleum and petrochemical shipments, and have not lifted a single sanction on Iran. However, we have concerns that the sanctions in the proposed SHIP Act would overlap with existing energy sector sanctions with respect to Iran, such as the Iran Sanctions Act and the Iran Freedom and Counterproliferation Act. The current language is also broad, which could make enforcement difficult and jeopardize the willingness of other countries to assist with U.S. sanctions enforcement efforts. These provisions could be perceived as imposing far-reaching additional “secondary” sanctions across the globe, penalizing a wide range of foreign port owners, which could cause retaliatory trade sanctions.

Question. The administration decided not to snap back sanctions upon the Maduro regime after they violated the Barbados agreement by not allowing opposition candidate Maria Corina Machado to run in free and fair presidential elections. Does the administration intend to reimpose any or all sanctions on Venezuela this month if there is no significant change in the conduct by the Maduro regime?

Answer. In response to Maduro and his representatives' decision to uphold the bar on Maria Corina Machado, we revoked General License 43, which authorized transactions involving Minerven, Venezuela's state-owned gold mining company. The State Department press spokesperson has made clear that unless Maduro and his representatives show progress in creating conditions for competitive elections, we will not renew General License 44 (relief to Venezuela's oil and gas sector) when it expires on April 18, 2024.

Question. Will the Administration take additional measures to make these sanctions more effective, particularly with respect to prohibition on the purchase of Venezuelan bonds?

Answer. The Administration makes every effort to ensure that sanctions are effective across all programs, and our sanctions on Venezuela remain in effect. U.S. persons remain prohibited from trading in the primary Venezuelan bond market.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO ERIK JOHN WOODHOUSE BY SENATOR PETE RICKETTS

Enforcement of Sanctions on Iranian Oil

Question. In response to Senator Menendez, you said, "The Biden administration has not lifted any sanctions on Iran, and we have continued to implement and enforce those sanctions. This includes actions involving Iranian oil exports, its support for terrorism, and its proxies in the region." How many barrels of oil do you estimate Iran has exported since the start of the Biden administration?

Answer. A commercial source estimates that between January 20, 2021, and March 8, 2024, Iran exported approximately 1.53 billion barrels of crude oil, condensate, and refined liquid petroleum products.

Question. How many dollars-worth of oil do you estimate Iran has exported since the start of the Biden administration?

Answer. Our sanctions have caused Iran to rely heavily on a ghost fleet that sells mostly to teapot refineries in the PRC. This arrangement imposes heavy operational and economic costs on Iran. While the Iranian regime strives to evade U.S. sanctions, such evasion is very costly. We assess that the regime receives substantially less profit than the market price would indicate for the oil that it can sell. Because Iran is engaged almost exclusively in black market oil sales the actual profits it receives cannot be estimated with accuracy. EIA estimates, assuming the exports were sold at prevailing spot prices, Iranian crude oil, condensate, and refined liquid petroleum products revenues at approximately \$37 billion in 2021, \$54 billion in 2022, and \$46 billion in 2023. The 2023 estimate was made in June 2023 for the full year. No EIA estimate is available for 2024. EIA's total estimate for 2021, 2022, and 2023 is \$137 billion, but includes early January 2021 and does not include 2024.

Question. How many barrels of oil do you estimate Iran exported in 2023?

Answer. A commercial source estimates that Iran exported approximately 475 million barrels of crude oil, condensate, and refined liquid petroleum products in 2023.

Question. How many dollars-worth of oil do you estimate Iran exported in 2023?

Answer. The Energy Information Agency's (EIA) June 2023 Short-Term Energy Outlook estimated Iran's 2023 oil, condensate, and refined liquid petroleum products revenue would be \$46 billion. Our sanctions have caused Iran to rely heavily on a ghost fleet that sells mostly to teapot refineries in the PRC. This arrangement imposes heavy operational and economic costs on Iran. While the Iranian regime strives to evade U.S. sanctions, such evasion is very costly. We assess that the regime receives substantially less profit than the market price would indicate for the oil that it can sell.

Question. How do these figures compare with 2022, 2021, and 2020?

Answer. A commercial source estimates Iran's oil, condensate, and refined liquid petroleum products exports were approximately 273 million barrels in 2020, 421 million barrels in 2021, and 423 million barrels in 2022. EIA estimates, assuming

the exports were sold at prevailing spot prices, Iranian oil, condensate, and refined liquid petroleum products revenues at approximately \$15 billion in 2020, \$37 billion in 2021, \$54 billion in 2022, and \$46 billion in 2023. The 2023 estimate was made in June 2023 for the full year.

Question. If Iranian oil revenue increased from 2022 to 2023, how do you explain this increase given your statement that the Biden administration has continued to enforce oil sanctions?

Answer. The most recent EIA estimate showed Iranian oil, condensate, and refined liquid petroleum products revenue decreasing from 2022 to 2023. Iranian oil revenue is affected by global crude oil prices that were depressed due to Covid in 2020 into 2021, driven higher by Russia's invasion of Ukraine in 2022, and moderated in 2023.

Question. The Sanctioning the Use of Civilians as Defenseless Shields Act (PL 115-348), which was signed into law on December 21, 2018, requires the President to annually submit to Congress a list of, and to impose sanctions on, individuals involved with the use of human shields by Hamas and Hizballah, as well as foreign persons, agencies or instrumentalities that knowingly and materially support or direct the use of human shields by these groups. In October 2023, President Biden said, "the humanitarian crisis in Gaza—innocent Palestinian families—and the vast majority have nothing to do with Hamas. They're being used as human shields." The sanctions authority under this act expired on December 31, 2023. Did Hamas use innocent civilians as human shields before December 31, 2023?

Answer. Hamas has repeatedly violated its obligations under international humanitarian law, including through actions such as using civilians as human shields and taking hostages.

Question. If so, did the Administration sanction anyone from Hamas for its use of human shields as was required under the Sanctioning the Use of Civilians as Defenseless Shields Act?

Answer. Hamas has been a designated terrorist group for more than 20 years and was heavily sanctioned long before October 7. Using its counterterrorism sanctions authorities, the U.S. Government has sanctioned Hamas for its terrorist activity, as well as its leaders and the supporters who enable that terrorist activity. We remain steadfastly committed to countering Hamas and the financial network underpinning it, as demonstrated by the five tranches we rolled out sanctioning 35 Hamas-related targets since October.

Question. If the Administration had evidence that Hamas was using innocent civilians as human shields and did not impose sanctions as a result, what is the explanation for this course of action?

Answer. Hamas has been a designated terrorist group for more than 20 years and was heavily sanctioned long before October 7. Using its counterterrorism authorities, the U.S. Government has sanctioned Hamas for its terrorist activity, as well as its leaders and the supporters who enable that terrorist activity. We remain steadfastly committed to countering Hamas and the financial network underpinning it, as demonstrated by the five tranches we rolled out sanctioning 35 Hamas-related targets since October.

Question. Do you support legislation, such as the Strengthening Tools to Counter the Use of Human Shields Act, which would renew this sanctioning authority through 2030?

Answer. The Administration whole-heartedly believes that civilians should not suffer the consequences of the inhumanity and brutality of Hamas or any other terrorist group. The Executive Branch has sanctions authority enabling it to respond to the activity of terrorist groups and their supporters. And, if confirmed, I would continue to support the use of the most appropriate tools at our disposal to target Hamas, its financiers, and its financial transfer mechanisms that funnel funds in support of Hamas's terrorist activities.

Question. So far, the Biden administration has used the EO to only target four Israeli settlers in the West Bank. Does the Biden administration plan to use the EO to target the Palestinian Authority, given that its pay-for-slay program incentivizes terrorism, and, therefore, threatens the peace, security, and stability of the West Bank?

Answer. Sanctions under Executive Order 14115 target those responsible or complicit in or who have directly or indirectly engaged or attempted to engage in actions or policies that threaten peace, security, or stability of the West Bank, re-

ardless of religion, ethnicity, or location. We have a long track record of targeting Palestinian terrorist groups such as Hamas and the Palestinian Islamic Jihad. We have imposed five rounds of sanctions against Hamas since October 7.

Question. What is the exact amount that has been transferred from Iraq to Oman under the waiver?

Answer. Since August 2023, 505 million euros have been transferred from Iraq to Oman. The Iranian regime does not have direct access to the transferred funds. These funds are contained in restricted accounts and can only be used for humanitarian and other non-sanctionable purposes.

Question. In what currencies have the funds been transferred?

Answer. The funds were transferred in euros.

Question. Can you confirm the number of transactions and the nature of the transactions that have taken place?

Answer. The Administration has established rigorous oversight mechanisms to ensure these restricted funds can only be used for humanitarian trade—food, medicine, medical devices, and agricultural items from third-party vendors—as well as for other non-sanctionable purposes with authorization by the U.S. Government. Two transactions have occurred, both for approved humanitarian goods.

Question. Can you describe which entities were involved and what the funds were used to purchase?

Answer. The Administration has established rigorous oversight mechanisms to ensure these restricted funds can only be used for humanitarian trade—food, medicine, medical devices, and agricultural items from third-party vendors—as well as for other non-sanctionable purposes with authorization by the U.S. Government. Further detail can be provided by the Departments of State and the Treasury in a different setting.

Question. What specific oversight mechanisms are in place to prevent diversion or abuse?

Answer. The Administration has established rigorous oversight mechanisms to ensure these restricted funds can only be used for humanitarian trade—food, medicine, medical devices, and agricultural items from third-party vendors—as well as for other non-sanctionable purposes with authorization by the U.S. Government. Treasury maintains robust scrutiny over funds linked to Iran, including those overseas. Further detail can be provided by the Departments of State and the Treasury in a different setting.

Question. Do you believe that the Administration should renew the waiver as is or limit its authority to restrict the transfer of funds to third countries?

Answer. The Administration fully supports this waiver, which was designed to incentivize change in Iraq's energy sector while reducing Iraqi dependence on Iranian energy. This waiver has been renewed 21 times since 2018, and our strategy is working. Over the past year, the Iraqi Government made progress to increase electricity imports from its Arab neighbors and signed a landmark \$27 billion deal with TotalEnergies that will help Iraq significantly reduce its dependency on Iranian energy imports. Iraq is also investing in gas capture, developing natural gas fields, and upgrading its power grid.

Question. Do you believe that renewal poses risks given the fungibility of money?

Answer. The Iranian Government, at the expense of its own people's needs, has consistently prioritized supporting destabilizing activities in the region. Across administrations, including this and the prior one, it has remained a longstanding U.S. policy to ensure our sanctions do not prevent food, medicine, and other humanitarian goods and services from flowing to ordinary people, no matter how objectionable their governments. The availability of these funds in Iraq and Oman is consistent with that policy.

Question. Nearly two years after Russia's illegal invasion of Ukraine, Rosatom raked in \$14 billion dollars in annual revenue in 2023. U.S. and European purchases of Russian nuclear commodities likely amounted to over \$2 billion of this total. Last year, finally, the Administration began to target the company by sanctioning Russian nuclear and Rosatom-linked individuals and entities. However, the Administration can and should go further. Do you believe the Administration should sanction Rosatom's senior leadership, including its supervisory and management boards, under Executive Order 14024 while also applying OFAC sanctions?

Answer. Since 2022, the Departments of State and the Treasury have imposed sanctions on over 30 Rosatom-related entities and individuals pursuant to E.O. 14024—including Rosatom subsidiaries involved in nuclear weapons development, nuclear-applicable component manufacturing and quantum computing, and overseas corporate development. We do not preview sanctions designations. If confirmed, I will continue to use all available tools to continue to constrain Rosatom’s harmful activities, as appropriate.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO ROBERT WILLIAM FORDEN BY SENATOR BENJAMIN L. CARDIN

Question. Do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

Answer. Yes, if confirmed, I commit to appearing before the Senate Foreign Relations Committee when requested and responding to Congressional inquiries in a timely manner.

Question. Do you commit to keep this committee fully and currently informed about the activities under your purview?

Answer. Yes, if confirmed, I commit to keeping the Senate Foreign Relations Committee fully and currently informed about the activities under my purview.

Question. Do you commit to engaging in meaningful consultation while policies are being developed, not just providing notification after the fact?

Answer. Yes, if confirmed, I commit to engaging in meaningful consultation with the Senate Foreign Relations Committee while policies are being developed.

Question. Do you commit to promptly responding to requests for briefings and information requested by the committee and its designated staff?

Answer. Yes, if confirmed, I commit to promptly responding to requests for briefings and information requested by the committee and its designated staff.

Question. If confirmed, how will you engage with the Cambodian Government and civil society to address the long-standing backsliding in Cambodia’s democratic institutions, encourage greater pluralism in its political system, and advocate for human rights defenders and others that have been wrongfully imprisoned?

Answer. If confirmed, I will underscore that Cambodia’s new Government has an opportunity to improve the country’s international standing and relationship with the United States, including by restoring genuine multi-party democracy, ending politically motivated trials, and allowing independent media outlets to reopen and function without interference. I will continue to urge the Cambodian Government for the release of all individuals who have been unjustly detained. I also commit to maintaining the U.S. policy of meeting and partnering with civil society organizations to address democracy and human rights issues in Cambodia.

Question. If confirmed, what strategies will you employ to counter PRC encroachment in Cambodia, particularly with regards to its seemingly growing influence over Cambodia’s civilian and military infrastructure?

Answer. I have serious concerns over Cambodia’s growing dependency on the PRC and the expanding PLA military presence in the country, including at Ream Naval Base. If confirmed, I will urge the Cambodian Government to closely examine the agreements its defense officials have made with the PRC to ensure the PRC will not be allowed a military presence at Ream or to install sensitive technology at the base that undermines Cambodia’s sovereignty, contravenes its constitution, or threatens regional stability. If confirmed, I will engage with the Cambodian Government as well as with our likeminded and regional partners to increase understanding that Cambodia’s autonomy and regional security are at stake.

Question. What messages do you think will resonate with the Cambodian Government regarding the value of engaging with the U.S. and our allies on economic development and other goals, compared to other actors in the region?

Answer. Cambodia’s new Government has expressed its desire to improve bilateral ties, prioritizing the economic and investment aspects of the bilateral relationship with the United States. As the United States and Cambodia explore areas for potential expanded economic cooperation, involvement by U.S. public and private sector actors that are highly regarded in Cambodia for high standards, trans-

parency, and respect for rule of law present a viable alternative to engagement with other countries in the region, including the People's Republic of China (PRC).

Question. If confirmed, how would you revitalize engagement with Cambodian authorities and anti-trafficking civil society organizations to make tangible and sustained progress on this challenge?

Answer. The Cambodian Government's insufficient efforts to address human trafficking, including forced criminality in online scam operations, led to its downgrade to Tier 3 in the 2022 TIP Report. If confirmed, I will work in collaboration with civil society organizations to encourage Cambodian authorities to identify and prosecute traffickers and enablers at all levels and identify and refer trafficking victims to appropriate services.

Embassy Beijing

Question. Mr. Forden, did you develop any policy to send U.S. personnel to Chinese hospitals while at Embassy Beijing?

Answer. No. However, we were aware that there was a possibility that a U.S. Direct Hire (USDH) staff member or Eligible Family Member (EFM) may need to enter a Chinese hospital during the COVID pandemic were they to fall ill, and we discussed contingency plans in such an event. The plan was that should a USDH member of our staff or EFM fall seriously ill with COVID and in the opinion of Mission China medical staff, require immediate and life-saving medical treatment, we might have needed to allow admission to a Chinese hospital, including possibly a "fever hospital" for isolating and treating COVID patients. We were also aware of the possibility that a USDH staff member or EFM could arrive at a Chinese port of entry on a commercial flight and be confirmed positive for COVID. In this case, we were prepared to medically evacuate anyone (within 48 hours) who tested positive and faced forced admission to a Chinese "fever hospital" for isolating and treating COVID patients. Fortunately, we never had to activate the contingency plan as no USDH staff member or EFM was forced into a Chinese "fever hospital" during my tenure at post.

Question. Were you present at Embassy Beijing in early 2020? What dates were you at Embassy Beijing?

Answer. I was away from post and was not involved in Mission China policy or management affairs from January 1, 2020, through July 3, 2020, during which time I was in the United States for medical treatment (non-COVID related) and from mid-June through July 3 traveling back to Beijing and completing quarantine. During that time, other senior officers at Embassy Beijing were selected by Ambassador Branstad to serve as Acting DCM. I reassumed my duties as DCM on July 4, 2020, and remained at post through the remainder of 2020 and first half of 2021.

Question. Were any U.S. personnel (direct hires or family members) sent to Chinese fever hospital due to COVID during your tenure?

Answer. No. None of the widely publicized cases of our diplomats being subjected to confinement to PRC "fever hospitals" and being exposed to unsafe and unacceptable conditions happened during my time in China. I cannot speak to events or decisions made after I completed my assignment and left China on July 15, 2021. After that date and to the present, I have had no involvement in China policy or management issues related to Mission China. Throughout Ambassador Branstad's and my tenure, we maintained a strict policy of removing any staff or family member back to the United States—by medical evacuation if necessary—in the event they faced forced confinement to a "fever hospital" or exposure to unsafe conditions as a result of testing positive for COVID. During my tenure, every member of our staff or family member who requested medevac because of a positive COVID test was medically evacuated back to the United States. Neither Ambassador Branstad nor I allowed USDH staff or family members to be involuntarily confined to a Chinese "fever hospital."

There was a case during my tenure that may have caused some confusion. While completing her quarantine period in a hotel in Shanghai in April 2021, the spouse of a Foreign Service Officer tested "weakly positive" for COVID. PRC health officials requested that she go to an "interim testing clinic" for additional tests to determine whether she was truly positive for COVID or not. The Embassy and Consulate Shanghai offered to request a medevac for her with or without her husband and children back to the United States immediately, but she declined and volunteered to take the tests. She requested and, after Mission China staff intervened forcefully, was allowed to bring her nursing infant with her to the "interim testing clinic."

Because her tests provided mixed results over several days, she and her infant ended up spending six nights in the clinic before she was permitted by PRC health authorities to return to the hotel to complete her quarantine period. During her time in the clinic, in response to her repeated inconclusive tests, including one after she had already been returned to the quarantine hotel, PRC health authorities requested that she be transferred to the COVID isolation ward of a PRC “fever hospital” but she refused, and Mission China staff intervened with PRC officials to ensure she was not forced to do so.

Throughout her time in the “interim testing clinic,” we repeatedly offered, and she declined to be medevac’d to the United States. During the six nights she spent in the clinic, in phone calls with Mission China staff and in a later extended conversation she had with me personally, she described the conditions in the “interim testing clinic” as “spartan, but clean and acceptable, and that the bed and food were fine.” She and her infant had a private room and bathroom, could access wi-fi at any time, had constant communication with her spouse and family as well as Mission China management and medical staff, and could order food and supplies, such as diapers, delivered to her room. She confirmed that she was able to accept or decline any tests but voluntarily underwent multiple tests to confirm her negative status for COVID. She also voluntarily allowed her infant to undergo tests.

After returning to the hotel, she and her infant completed the quarantine requirement, and she went on to join her husband and other child at their post of assignment. They completed one full assignment, successfully traveling in and out of China several times since then and accepted a second consecutive assignment in Mission China where the family continues to serve today.

Question. Given the concerns raised about your time at Embassy Beijing and the documents cited by the minority at your hearing (which had not been previously provided to you or the majority), is there anything else you would like to provide for the record?

Answer. Nothing was a higher priority for Ambassador Branstad and me than the health, safety, and security of the almost 2,700 employees of Mission China, including nearly 2000 U.S. Direct Hire staff and family members. Many of them were my lifelong colleagues and friends with whom I have served in China multiple times. Ambassador Branstad, myself, and many members of my team in Beijing and at the Consulates worked tirelessly to push back on the PRC’s unscientific and unacceptable COVID control protocols throughout my time in China. Ambassador Branstad, I, and my political, medical, and management staff, engaged senior PRC officials often and forcefully to urge China to back off unacceptable requirements for diplomats, noting in virtually every diplomatic note that these were unnecessary, unscientific, and contrary to China’s obligations under the Vienna Convention on Diplomatic Relations and other applicable bilateral agreements on immunities between China and the United States.

Ambassador Branstad, I, and our staff also regularly engaged like-minded foreign mission counterparts in efforts to build consensus to confront the PRC on these measures and we succeeded in coordinating joint protests to the PRC Foreign Ministry on many issues, including on getting PRC officials to concede that they would not separate a positive child from his or her parents and vice versa.

I was not the architect of the policy of waiving diplomatic privileges and immunities. I was not at post when the policy decision was made in Washington in May 2020. On June 1, 2020, Mission China brought back the first 100 staff on a charter flight to Tianjin, China, providing limited waivers of personal inviolability for one or more nasal/throat COVID swab tests. My understanding (though again I was away from post for medical treatment) was that the only way the PRC was willing to allow our diplomats to enter the PRC, was if the United States allowed testing on arrival. Hence, the United States could choose to keep our personnel away from post or bring them back, which required a limited waiver of their personal inviolability for the purpose of one or more nasal/throat COVID swab tests. I understand that the Department chose the latter given the importance of having U.S. diplomats on the ground in China. When I returned to my duties more than a month after the arrival of the first charters, I followed Ambassador Branstad’s orders to lead efforts to bring back the rest of our staff following the same protocol dictated to us by Secretary Pompeo. I followed that protocol strictly the rest of my tenure as DCM and Chargé d’Affaires, successfully returning more than 1,400 staff and family members to restaff mission China.

Ambassador Branstad and I did support Secretary Pompeo’s policy of waiving privileges and immunities for COVID tests to allow our staff to return to China as it allowed us to safely bring back staff and family members to restaff Mission China at a time when our staffing was so depleted, and staff beleaguered that we could

not safely fulfill our mission. Ambassador Branstad felt strongly that we needed to be able to: provide services to the many tens of thousands of American citizens trapped in China during a dangerous epidemic; ensure that the PRC did not cut off the supply of PPE, medical equipment, and pharmaceuticals to the United States at a time we were struggling to address the rapidly rising death toll from COVID in the United States; ensure monitoring and enforcement of President Trump's phase one trade agreement and efforts to stem the flow of fentanyl to the U.S. from China; and monitor the spread of COVID in China as the PRC sought to hide its complicity in the origins of the pandemic and the realities of COVID spread in its own cities.

I am proud of the work our Mission-wide "Homecoming Task Force" and our management team did to respond 24/7 to each and every complaint about dirty hotel rooms, poor food, and poorly trained PRC medical personnel whose COVID swab tests were sometimes clumsily administered. For the small number of the 1,400 staff and family members who traveled to China during my tenure and faced sometimes difficult and trying conditions with Chinese swab tests and hotels, we did everything in our power to protest, push back against unacceptable conditions, and address complaints such as by successfully moving some families to Mission residences for quarantine and for those in hotels, for example by providing vacuum cleaners and clean linens/towels, addressing wi-fi issues, and helping to arrange food deliveries from outside vendors for families in quarantine.

In addition, our Mission management staff and Homecoming Task Force worked tirelessly to create and rapidly update briefings and materials for all staff and family members who were considering and preparing to travel to China. These materials were briefed in multiple conference calls, townhalls, and phone calls to all travelers and/or their agency representatives before they traveled to China. I myself participated in numerous conference calls with those planning/preparing to travel to China, those already in quarantine, and to the Mission community at large to try to address concerns and provide our personal commitment to not allow, for example, the separation of children from parents in the event of a positive COVID test.

Serving as a diplomat in the PRC has never been an easy assignment (I know as well as anyone, given my ten years myself in three separate assignments to China) but adding an extraordinary pandemic, rapidly changing PRC COVID control regulations, staffing shortages, and long separations from family in the U.S., made these assignments even more stressful. Ambassador Branstad and I lobbied and succeeded in getting the State Department to extend financial support for families while they remained in the U.S. and raising the hardship differential to 25 percent of staff salaries for serving in China. For those who decided to curtail because they did not feel comfortable having their families return to China in the midst of the pandemic and with the testing and quarantine protocols in place, Ambassador Branstad and I were very supportive and the Department of State readily approved "no-fault" curtailments and cancellations of assignments, and as far as I am aware, officers who did curtail or cancel their assignments were able to be reassigned without prejudice to positions of equal or greater responsibilities.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO ROBERT WILLIAM FORDEN BY SENATOR JAMES E. RISCH

Chief of Mission Responsibilities

Question. What responsibilities do Chiefs of Mission have to safeguard the privileges and immunities of their diplomats and other personnel?

Answer. There is no higher priority than the health, safety, and security of the members of the Mission, especially U.S. Direct Hire (USDH) staff and family members. It is the responsibility of the Chiefs of Mission to ensure that the personnel under their authority act in accordance with Department policies. Per Department policy, as reflected in the Foreign Affairs Manual (2 FAM 220), any waiver of privileges and immunities of mission personnel must be authorized by the Department in Washington. If confirmed, protecting employees and their families would remain my highest priority.

FOLLOW-UP QUESTION

Question. Please specifically answer the question as to whether you believe that the Chief of Mission is responsible for safeguarding the privileges

and immunities of personnel at post, and how specifically Chiefs of Mission should carry out those responsibilities.

Answer. I believe it is the responsibility of all Chiefs of Mission to ensure that personnel under their authority act in accordance with Department policies. The Department has a FAM section on diplomatic immunity. See 2 FAM 220. Per Department policy, any waiver of privileges and immunities of mission personnel must be authorized by the Department from Washington. Likewise, any demarches and protests invoking the Vienna Conventions or diplomatic law must go through Washington. As such, Chiefs of Mission rely heavily on the Department's policymakers and legal experts in Washington when it comes to matters of privileges and immunities. Having said this, I believe all Chiefs of Mission are responsible to ensure that the policymakers and legal experts in Washington learn of any incidents (e.g., an unlawful search of a diplomat's residence) or policies adopted by the receiving state that violate or implicate privileges and immunities of mission personnel so that guidance can be formulated regarding any appropriate protests notes or other reciprocal measures that may be necessary. I believe Chiefs of Mission must also ensure that any requests for waiver of immunity are communicated to Washington for guidance in a prompt manner.

Question. What are the key management lessons you have learned from your stewardship over Embassy Beijing during your tenure?

Answer. The early days of the COVID virus were uncharted territory for all of us. Ambassador Branstad and I, along with all Mission China leadership, did our best to ensure that all members of Mission China—USDHs, Eligible Family Members (EFMs), and Locally Employed Staff (LES)—remained healthy, safe, and secure. If confirmed, I will also work closely with staff and Washington to ensure the same in Mission Cambodia.

FOLLOW-UP QUESTION

Question. Please answer the question as to whether you learned anything from your time leading Embassy Beijing.

Answer. I have learned many lessons from each position in which I have served in my years as a Foreign Service Officer. Some management lessons from my time in China include the importance of close and frequent communication with the Department, other agencies at post, and all posts within the Mission. Leading a mission as large with so many different agencies in China, spread across six cities, has also taught me much about the importance of ensuring that messaging on policy and procedures is effectively communicated throughout the organization.

Question. Do you take any personal responsibility for the members of the Mission China community who suffered greatly during your tenure due to policies that you championed and/or implemented?

Answer. In my capacities as Deputy Chief of Mission and Chargé d'Affaires, I do take responsibility for members of the Mission. Nothing was a higher priority for Ambassador Branstad and me than the health, safety, and security of the almost 2,700 employees of Mission China, including nearly 2,000 USDH staff and family members. Many of them were my lifelong colleagues and friends with whom I have served in China multiple times. Ambassador Branstad, myself, and many members of my team in Beijing and at the Consulates worked tirelessly to push back on the PRC's unscientific and unacceptable COVID control protocols throughout my time in China. If confirmed, protecting employees and their families would remain my highest priority.

FOLLOW-UP QUESTION

Question. Please answer the questions as to whether you specifically take responsibility for the suffering that was caused by decisions you made or implemented as DCM and CdA of Embassy Beijing.

Answer. I do take responsibility for the range of experiences, good and bad, that Mission China personnel may have had during my time in Beijing. It was an extraordinary time and I and my team faced unprecedented challenges. Ambassador Branstad, myself, and our team in Beijing and at the Consulates worked tirelessly to push back on the PRC's unscientific and unacceptable COVID control protocols, while also working hard to advance

U.S. foreign policy priorities. If confirmed, I will do everything in my power to ensure that our employees and their families will be safe and secure.

Question. Is Mission China now a less desirable post for Foreign Service personnel?

Answer. As with serving at any of our many diplomatic posts abroad, there are a variety of benefits and challenges to serving in Mission China and those vary for each individual based on their background, academic and professional interests, family situation and other factors. Given our relationship with the PRC, we face many unique challenges in Mission China. It is not possible to attribute changes in number of bidders to any single factor.

FOLLOW-UP QUESTION

Question. Please answer the question, citing supporting evidence for your position.

Answer. I do not believe Mission China is now a less desirable post. During the last bidding cycle, all posts in Mission China were over 90 percent filled, and currently the Mission has less than five positions remaining open. During the pandemic, the Department went to great lengths to provide incentives to counter the PRC's COVID response. These incentives worked, as the statistics this cycle show. Regardless of the incentives, China has many other aspects that Foreign Service Officers and Specialists appreciate. The international schools in China remain highly attractive to bidders, who also often appreciate the extremely tight-knit Foreign Service community in China.

Question. Do you feel in any way responsible for Mission China now being a less desirable post (fewer bidders, now a 2-year tour)?

Answer. The PRC and zero-COVID policies impacted the morale of Mission China employees and families and made living in China difficult. However, Mission China and the Department used recruiting and retention tools such as Service Needs Differential to retain and recruit talent to Mission China.

FOLLOW-UP QUESTION

Question. Do you feel in any way responsible for Mission China now being a less desirable post (fewer bidders, now a 2-year tour)?

Answer. I do not believe that Mission China is now a less desirable post. See above.

Question. Please answer the question, using the current situation (zero COVID is over).

Answer. I do not believe that Mission China is now a less desirable post. During the last bidding cycle, all posts in Mission China were over 90 percent filled, and currently the Mission has less than five positions remaining open. During the pandemic, the Department went to great lengths to provide incentives to counter the PRC's COVID response. These incentives worked, as the statistics this cycle show. Regardless of the incentives, China has many other aspects which Foreign Service Officers and Specialists appreciate. The international schools in China remain highly attractive to bidders, who also often appreciate the extremely tight-knit Foreign Service community.

Question. Do you think Mission China being a less desirable post hurts U.S. national security?

Answer. Annually, in the Foreign Service bid cycle we face different challenges in filling all open positions with the right people. We have several tools that can be used to entice bidders to take assignments in challenging environments, and the Department has used those tools extensively to ensure Mission China is attractive to our diplomats. Although the Department faced certain challenges in previous years in recruiting talent to Mission China, there was a significant increase in bidders the last bidding year, and nearly all positions were filled.

FOLLOW-UP QUESTION

Question. Please answer the question as to whether Embassy Beijing being a more difficult post to staff (as evidenced in your response) hurts U.S. national security.

Answer. I do not believe that Mission China is now a less desirable post. China remains an exciting assignment that provides employees the opportunity to make a significant contribution to U.S. foreign policy objectives. Our Mission Team is strong, and their efforts make a real difference in the bilateral relationship and in strengthening our national security. I will continue to advocate, as I have throughout my career, for Foreign Service Officers to bid on jobs in Mission China. I consider service there to be critically important to U.S. national security.

Blood Tests on U.S. Soil

Question. Does this mean that after you became aware that China would require blood tests, you continued to recommend that Post bring people in on commercial flights?

Answer. In late Fall 2020, the PRC initiated a requirement for all travelers to China to obtain a COVID antigen test and submit the test result to the PRC Embassy or Consulate before they would be allowed to board a flight to China. This additional antigen test required by China for travelers was notified to the Department of State in Washington by the PRC Embassy (I was in Beijing at the time, not in Washington). The Department of State reviews and facilitates the application for visas and other travel requirements for U.S. diplomats out of Washington. The PRC Embassy provided a list of U.S. testing facilities from which they would accept these test results. These were testing facilities located in U.S. cities and subject to U.S. health privacy laws. They took blood samples and provided the traveler with a test result document that the traveler could upload and email to the PRC Embassy or nearest consulate to obtain a permit to travel to China that could be provided to the airline at the time of checking in for the flight. All that was shared with the PRC Embassy or consulate was the document with the outcome of the test. It would have been a violation of U.S. law if these testing facilities transferred blood samples or DNA of travelers to PRC authorities. I am not aware of any information that this ever took place.

I don't recall if I conveyed a recommendation specifically to the Department about COVID antigen tests in the United States, which was something required by China as a condition for all travelers worldwide before they would be allowed to board a flight to China. However, I did continue to believe that it was safe for staff and family members to return to China or arrive in China to begin a new assignment either via charter flights which we continued throughout my tenure, as well as commercial flights when those were more convenient and more cost-efficient for the traveler. I myself returned to China during this period via a commercial flight, following all of the protocols the PRC had in effect at that time that applied to all travelers.

FOLLOW-UP QUESTIONS

In your answers to previous questions, you wrote that: "This additional antigen test required by China for travelers was notified to the Department of State in Washington by the PRC Embassy," and that: "I don't recall if I conveyed a recommendation specifically to the Department about COVID antigen tests in the United States." Whistleblowers attest to SFRC that all decisions made by the Department in Washington with respect to Mission China were done so in conjunction with Mission China and its leadership.

Question. Did the Department of State in Washington never consult with Mission China about this new requirement and ask for your opinion or that of anyone on your senior leadership team?

Answer. They may have asked for input from our management team, but I do not recall ever being asked specifically about the new requirement. In any event, it was a Washington decision whether to allow our diplomatic staff and family members to comply with the PRC's request that all travelers provide results of an antigen test to board a flight to China. I do not recall ever having a specific discussion in our EAC or Country Team about these tests, I believe because Washington had already approved to have our staff travel to China and fulfill the Chinese Embassy's requirements for antigen test results, like all travelers of all nationalities traveling to China at that time.

Question. Do you recall the EAC meeting where the Mission's CDC representative told you about the new blood testing requirements? Did you express any concerns about the requirements at that time, either within the Mission or to Washington?

Answer. Not specifically, but I do recall talking to our CDC and MED officials about how useful antigen tests were and having the impression that they, like many medical professionals at that time, were not sure how reliable they were for determining active COVID infection.

Question. My understanding is that the Embassy did submit a Diplomatic Note protesting the blood testing requirement. However, guidance documents obtained by the committee from your tenure instructs employees to comply with the blood tests. Other than sending a Diplomatic Note and raising the issue with your Chinese counterparts, did you do anything to prevent U.S. Government employees from having to submit to blood tests at labs in the U.S. chosen by the Chinese Embassy?

Answer. These were tests conducted in the United States by U.S.-based labs, subject to U.S. laws. All that was communicated to the PRC Embassy or consulate was the outcome of the test. This additional antigen test required by China for travelers was notified to the Department of State in Washington by the PRC Embassy (I was in Beijing at the time, not in Washington). The Department of State reviews and facilitates the application for visas and other travel requirements for U.S. diplomats out of Washington. Since compliance by U.S. Government employees to the requirement to submit to a COVID antigen test in the United States in order to board a flight to China was approved in Washington, I did not try to prevent our staff from complying with this requirement. In fact, I submitted to an antigen test when I returned from a business trip in the United States in April 2021. We did, however, protest repeatedly and vigorously to PRC authorities all of the PRC's testing and quarantine regulations which were unscientific and unnecessary for the purposes of controlling the outbreak of COVID. We restated this in almost every diplomatic note we sent to the PRC Ministry of Foreign Affairs during my tenure, but it is also something we reiterated in most of our engagements with PRC officials by Ambassador Branstad, myself, and my senior staff.

FOLLOW-UP QUESTIONS

A previous question asked whether you did anything to push back on the blood tests other than sending a Diplomatic Note and raising the issue with your Chinese counterparts. Your response only mentions diplomatic notes and raising concerns in meetings.

Question. Did you do anything beyond that, or even consider other policy options? Repeating that you "repeatedly and vigorously protested" the Chinese Government's COVID does not provide us with a sense of what you actually did.

Answer. We raised every new PRC COVID quarantine and testing requirement, as well as some rumored to be coming, with our counterparts at the PRC Foreign Ministry and in some cases by our CDC and MED staff with their counterparts. These discussions came in most of our engagements, whether over the phone during calls to deliver demarches on other subjects, in person meetings or, for example, when I hosted PRC Foreign Ministry officials, or they hosted me to working meals. We also protested in many written communications, including most of our diplomatic notes regarding COVID or return of our staff to China, as well as emails sent by various sections of the Embassy. Our five consulates likewise raised these issues with their local counterparts regularly, especially in meetings to discuss protocols for incoming flights with our staff.

Question. Is it correct to assume that the Chinese Government declined to change its policy in response to diplomatic notes?

Answer. For the most part, yes, though with the Department's support we pushed back on a number of the most unreasonable of the Covid-zero policies. And we reported back regularly this situation to Washington via email, phone calls, conference calls, and cables.

We did have some success in protesting some discrete issues that were rumored or announced for all travelers without exception for diplomats, including: the separation of children who test positive from their parents—China backed down and exempted diplomats after our protest; the use of anal swab testing—after our protest China publicly confirmed that diplomats were exempt; and, requirement for full quarantine in a hotel—early on, under pressure from us, China backed down and allowed diplomats to quarantine in residences in many cases, though revoked this later when they reportedly decided that some third-country diplomats were not following the quarantine rules appropriately.

We also had success in pushing back on the Foreign Ministry when we had specific cases in which families experienced extreme difficulties in quarantine hotels, for example, a case in which a child had severe allergies in a hotel—China allowed us to move the family to their residence for quarantine.

Question. Did you protest diplomats being subjected to blood tests, and what was China's response? The Diplomatic Note we have on blood tests dates from November 2020.

Answer. I do not recall specifically protesting to PRC officials the requirement for antigen tests for travelers to board flights to China from the United States. As this would have been an issue for travelers departing the United States coming to China, concerns would have been raised in, or protested from, Washington rather than Beijing. I and key members of my senior staff, however, did regularly protest all of China's COVID control measures in our engagements with our PRC counterparts.

Question. Did you and the Mission consider blood tests to be scientifically unnecessary? Or did you agree that they were necessary for public health reasons?

Answer. I never had an opinion on the issue as I am not a medical expert, and the question was not posed to me, but to our medical experts in Washington.

The Diplomatic Note we have on blood tests dates from November 2020, before the PRC designated individual labs in the United States where diplomats had to go for COVID testing.

Question. Did you ever protest against the Chinese Government requiring U.S. Government personnel to go to certain labs?

Answer. I do not recall doing so. In general, protesting such a requirement would not be something Mission China would initiate. Rather, we would ordinarily protest at Washington's instruction following a cable or other official message instructing and providing language for us to do so. I do not recall the diplomatic note you reference.

Question. Did you ever question why the Chinese Government would require testing at such a small number of labs?

Answer. No, I was not generally aware of the details regarding antigen testing in the United States as this was an issue that was handled in Washington. I do recall that when I had to locate a lab in the United States to get an antigen test before returning to China, there were at least 3-4 labs in the Los Angeles area listed from which I could choose. Also, it is fairly routine for countries to require lab tests for immigration purposes be conducted from certain labs that they have certified will provide the right format test results. The United States does this, for example, for immigrant visas overseas, identifying only a few local labs—called panel physicians—from which applicants must pass medical examination required by CDC regulations for entry into the United States on an immigrant visa.

Question. Did you ever raise any concerns about blood testing with Department leadership back in Washington?

Answer. I do not recall specifically doing so.

Question. Our understanding is that the Chinese Government originally allowed blood tests to be done either by finger prick or venous blood draw. However, in December 2020, that changed, and finger prick tests were no longer allowed. Did you ever raise concerns with the Department in Washington about this change?

Answer. I do not recall them allowing a finger prick, but since this was part of the process in the United States for travelers to obtain travel documents to board flights to China, it was Washington offices that were focused on what was required to obtain antigen tests.

Question. Did you ever question why the Chinese Government would make this change?

Answer. I was not aware of the change.

Question. Why would the U.S. Government allow a foreign adversary that is a counterintelligence threat to collect U.S. Government employee DNA on our own soil?

Answer. I have no personal knowledge behind the U.S. Government's decision to allow U.S. Government employees to comply with China's requirement for a COVID antigen test to board flights to China.

Question. Why did the Embassy tell employees to submit to these blood tests? Were national security concerns about biometric data collection on U.S. Government employees a factor in that decision?

Answer. I have no personal knowledge behind the U.S. Government's decision to allow U.S. Government employees to comply with China's requirement for a COVID antigen test to board flights to China. I do not recall any Mission China instruction to employees to submit to COVID antigen tests in the United States, but the requirement was included in the Department's guidance to staff who were planning to travel to China along with information about obtaining visas, nasal/throat swab COVID tests, self-isolating in advance of flights, and other requirements necessary prior to boarding either charter or commercial flights to China. These were tests conducted in the United States by U.S.-based labs, subject to U.S. laws. All that was communicated to the PRC Embassy or consulates to allow airlines to allow a passenger to board was a document certifying a negative COVID antigen test. I am unaware of any report that biological material or other private information was shared with PRC authorities by these U.S.-based labs and, my understanding is that if a U.S.-based lab had done so, it would have violated U.S. laws and subjected the lab to prosecution.

FOLLOW-UP QUESTIONS

Question. In the earlier batch of questions, you discussed your engagement on throat/nasal swabs, and that you consulted only informally with several relevant agency representatives. However, you do not mention at any time consulting with the intelligence community and agencies represented at Post responsible for security on the blood tests.

Answer. I recall having conversations with some relevant agency section chiefs regarding the throat/nasal swabs but do not recall specifically discussing the blood tests, nor do I recall any of these agency section chiefs raising the blood tests with me.

Question. At the time, was it Mission China's view that if a private business is requiring testing to comply with national and local government policy, that our diplomats are not protected under VCDR?

Answer. See my answer above. Mission China did not take an independent view. We relied on the Department's guidance for such determinations. I assume that policymakers at the Department in turn consulted with the Office of the Legal Adviser on issues raising legal questions.

Question. Was that view based on the view of the Department of State in Washington?

Answer. See my answer above.

Question. According to whistleblower testimony and Department of State documents, during your tenure, all U.S. personnel (including children) had a downloaded "Health Kit" with a strict green pass/red pass system that determine movement. It was a centralized system, rather than being determined by individual restaurants, grocery stores, barber shops, or other private entities. Can you confirm that this Health Kit was a requirement of the Chinese Government, not private entities?

Answer. I do recall the "Health Kit" that individuals who entered China needed to download to their phones to record negative COVID tests. It was not a centralized system, but one specific to localities. In fact, different localities often required different applications to be used. During my tenure, it was not required to travel within cities but was often required by restaurants, barber shops, and grocery and department stores to enter them. I recall the system was very unevenly used; often no one asked to see your app status. However, it was strictly enforced at airports and train stations; you could not travel between cities if your app did not confirm you were tested and certified free of COVID.

Question. Was it your and Mission China's view that subjecting U.S. diplomats to this health kit and associated contract tracing accorded with their diplomatic privileges and immunities?

Answer. Mission China did not take an independent view. We relied on the Department's policymakers in DC, who I assume consulted with the Office of the Legal Adviser when appropriate.

Question. Were the health kit requirements allowable under the September 2020 LWOI? Or is it your view that the LWOI did not apply? If not, why not?

Answer. They were in no way related to the LWOIs that we submitted to the Ministry of Foreign Affairs for each traveler as they entered China and completed a quarantine period. These LWOIs were one-time, narrow waivers for the testing upon entry into the country and testing during quarantine. They did not apply to anything other than those tests. As for the "health kit" requirements, again, Mission China did not take an independent view but relied on guidance from the Department.

Question. Were U.S. diplomats free to travel around China or within the Chinese city they lived in during your tenure? Please be specific in your response.

Answer. During my tenure, diplomats were free to travel around China as long as they had a "health kit" app on their phone that showed them to be tested as COVID-free. Many members of our staff traveled for both business and leisure during this period, myself included. There may have been temporary travel restrictions within some cities during periods of local COVID outbreaks, but I do not recall them happening in any of the cities in which our staff work. I am not aware of any restrictions on movement within the cities in which our staff worked and lived during my time in China. Although there was at least one time when there were rumors that travel in and out of two districts in Beijing may be restricted, I do not recall it ever materializing. There were a few neighborhoods in Beijing that were locked down for short periods of time because of minor COVID outbreaks but these were far away from where our USDH staff lived or worked.

Your responses do not directly mention the testing requirements in Shunyi District in Beijing during your tenure, which whistleblowers attest were required by municipal authorities (a government entity). Embassy guidance obtained by SFRC notes that the Ministry of Foreign Affairs made the Embassy aware of the testing requirements in Shunyi District. It further notes the involvement of local authorities in the testing requirements.

Question. Does your response to question 13 on week-long movement restrictions refer to this case, or is that another case? If it is another case, please describe it in greater detail.

Answer. My response to question 13 was a reference to this case, but I do not have a detailed recollection of it. I believe the issue was discussed frequently for about a week within the EAC and Country Team, that we protested to the PRC Foreign Ministry about it several times, but then it ceased to be a major issue as either staff and families complied with the testing or did not, but that there were no lasting issues for staff. I do not believe any of our staff or family members faced limitations on travel but do recall that if you did not test to keep your "health kit" showing that you tested negative, you could be blocked from entering some restaurants, schools, and some other public venues.

Question. Was the testing in Shunyi District required by any organ of the Chinese Government? Please explain in detail.

Answer. I do not recall specifically what entity issued the announcement. My management team was very active in responding to the reports and briefed it to the Country Team. My understanding is that there were some members of the community who lived in Shunyi that did submit to free testing by the local health authorities, while others obtained tests at Beijing United Hospital, the joint-venture hospital vetted by our Mission Medical Unit staff. I believe our approach was as reported in a cable we sent to the Department in December 2020 and conveyed to the Mission Community in management notices in which we detailed what was rumored to be coming and outlined that we would not require anyone to comply, and it was their own decision if they wished to do so. At the same time, we made clear to the PRC Foreign Ministry that we believed diplomats could not be compelled to comply with a request to test. I do not recall how many of our USDH staff and family members complied with the request to test or if any did not. I do not believe, however, that any of our Mission China staff or

family members were restricted from moving around the city whether they tested or not.

Question. Did this in-country testing exceed what the Department authorized in the September 2020 LWOI? If it did exceed that authorization, please explain why the Embassy encouraged compliance with the requirements. (We are only aware that the Department authorized a second LWOI in 2022, over a year after these in-country testing requirements took place.)

Answer. Again, the LWOIs we issued at the Department's instructions beginning in June 2020 were solely one-time waivers for the purposes of testing upon arrival at the airport and during quarantine and nothing else. The cable sent by the Department on September 18, 2020, merely restated that we should continue to send diplomatic notes for USDH staff and family members traveling to China, like those it instructed us to send for the more than 900 staff and family members who had already returned to China on charter flights prior to that.

Question. Once in-country testing began in violation of the September 2020 LWOI, why did you not request a 2nd waiver to cover in-country testing as your successor eventually did?

Answer. As I mentioned above, the premise of this question is incorrect. The Department did not believe that the in-country testing undertaken voluntarily by our personnel violated diplomatic law. The Department in Washington was aware of the practice and was consulting with the Office of the Legal Adviser where appropriate.

Question. Please answer the question asked, which is about your consultations with respect to blood tests. Did you consult with anyone, including any responsibilities related to national security (RSO, RSO/CI, FBI, the intelligence community, etc.) on the blood tests?

Answer. I do not recall initiating such a conversation nor anyone initiating such a conversation with me specifically about blood tests. Had they done so, I would have recommended they convey their concerns through their agency headquarters to the State Department, which is where the decisions were made on this issue.

Question. On throat/nasal swabs, in saying your consultations were informal, does that mean that the potential risks of DNA collection by permitting throat/nasal swab in China were never discussed in an official EAC or other senior staff setting wherein a consensus decision was reached?

Answer. I was not in China in spring 2020 when these issues were presumably initially discussed in the Beijing EAC or Country Team with Ambassador Branstad. Throughout my time in China, however, we did regularly discuss at EAC and Country Team meetings the processes and issues involved in bringing staff back to China, and it would have been impossible for any agency to not be aware of the details of testing and quarantining as they were all represented at Country Team meetings. As for specific conversations about the risks of DNA collection, I only recall the several discussions I had one-on-one with several relevant agency chiefs in which they expressed doubt that nasal/throat swabs provided China access to DNA samples from our staff that China could not readily access as easily through other avenues.

Question. On throat/nasal swabs, with whom did you consult? Did you consult with the RSO, RSO/CI, the FBI, the intelligence community, or anyone else with responsibilities related to national security?

Answer. I consulted with several of those entities.

Question. Did any Embassy employees raise concerns with you or your senior staff about the blood tests? If yes, what did you do about those concerns?

Answer. I do not recall any employee raising concerns with me directly about blood tests. I cannot speak to what my senior staff's conversations may have been with others, but none of my senior staff brought any such concern to my attention. In any event, this would have been an issue for travelers departing the United States coming to China and, for that reason, concerns would have been mostly likely to have been raised in Washington rather than Beijing.

Question. Which U.S. Government agencies at Post did you consult on this issue? What kind of consultations were done with the intelligence community and offices at Post responsible for security?

Answer. While I have no personal knowledge behind the U.S. Government's decision to allow U.S. Government employees to comply with China's requirement for a COVID antigen test to board flights to China, I did have concerns about whether COVID throat/nasal swabs at the Chinese port of entry and in quarantine would provide DNA or other biometric data to China that it did not already have ready means to access through other avenues. I discussed this informally with several relevant agency representatives at post who assured me that this was not the case. More importantly, I was also aware that in Washington all of the proposed measures to comply with PRC COVID protocols, including nasal/throat swabs upon arrival and in quarantine were discussed interagency, including with relevant agencies, and was told that no objections were raised. As for blood tests, we did not instruct any staff or family members to comply with blood tests or any other types of tests in China beyond the nasal/throat swabs required for entry into the country and during quarantine.

Question. You said to Senator Hagerty in your hearing that the "reports of anal swabs of U.S. diplomats are completely false," but then highlighted the example of someone who did "incorrectly" and "voluntarily" comply. State Department press guidance and other documents obtained by the committee indicate that "several" U.S. Government employees complied with the test. When you said that "reports of anal swabs of U.S. diplomats are completely false," to what were you referring? What were the false reports?

Answer. I am aware of only one U.S. diplomat in China during my tenure who, during his period in home quarantine and despite instructions to the contrary, complied with a request from a PRC local health official in February 2021 for a self-administered "anal swab" for COVID testing. As soon as it came to our attention, I believe the same day, we immediately protested to the PRC Ministry of Foreign Affairs, which apologized and confirmed that foreign diplomats are not required to comply with such tests and should not be asked. We immediately reminded all Mission personnel that they should not comply with any request in quarantine for any test beyond a throat/nasal swab COVID test and if they were requested to do anything beyond what the Department authorized as part of the "on arrival" screening and quarantine, to refuse and contact the Embassy immediately.

Changing Conditions in China

Multiple U.S. Government officials have told SFRC that everything that Embassy employees submitted to was "voluntary" and that submitting to China's testing in-country was a "personal decision." However, over half a dozen whistleblowers told the committee that this masks what was actually occurring:

- that the Embassy generally fostered a culture of compliance with PRC demands;*
- that non-State officials under COM authority were never told they did not have to take COVID tests until they challenged the need to submit to China's COVID testing regime;*
- that non-State officials were not told about the 2020 LWOI; and*
- that State in Washington DC was being told everyone was taking expanded COVID tests voluntarily, but that "no one [at Mission China] saw it that way—it was required to get back into our homes and go to school."*

Question. Is something voluntary if you have to submit to it or not be able to engage in your daily life?

Answer. As part of China's "zero covid" policy, private entities and businesses, who are not parties to the Vienna Conventions, became the indirect enforcers of China's strict measures. As an example, private schools attended by children of our mission required contact tracing and testing to gain entry. If a USDH staff or family member declined to comply with school requirements for COVID tests, their child could have been denied entry into that school, which likely would have resulted in the child having to home school or the child and/or entire family having to curtail and return to the United States. Many families chose to comply with the school's testing requirements in lieu of curtailment even though post management would have absolutely supported a family's decision to curtail.

The compliance with China's requirements for entry into the country, including the COVID antigen test in the United States and the nasal/throat swab tests at the port of entry and in quarantine were required if any of our staff or family members wanted to travel to or return to China. They were fully apprised of the requirements in advance and could opt out of travel to China by arrangement with their agency or curtail their assignments. Ambassador Branstad and I always supported personnel decisions to curtail for these reasons.

As for testing beyond those required to enter China, we made clear in every communication with staff in management notices, cables, country team meetings, and town halls, that compliance with other requirements was a personal decision of the employee or family member. We explained that failure to comply could result in creating issues for children's ability to attend school, much like vaccine requirements for other diseases are a prerequisite for children to attend the international schools in China, and we always supported any decision to curtail for those who wished.

We also noted that there were reports that local PRC health authorities could restrict the ability to enter some public venues, like restaurants, only to those who could demonstrate a negative test result from a recent COVID test. We noted that should an employee or family member choose to comply, PRC local health officials may accept test results from a clinic of their choosing, including the joint-venture clinics and hospitals that our community commonly used. There were many rumors and much speculation regarding possible restrictions on movements within cities during my tenure, but most of them proved to be inaccurate and, in the only case I recall it did happen in an area in which some of our staff lived in Beijing, I believe it lasted only a week, only affected one's ability to enter restaurants or grocery stores in the area, and did not have a major impact on our staff or family members' ability to live their lives normally. However, the rumors themselves did often create anxieties among our Mission community. Of course, large-scale local shutdowns and movement restrictions did occur after I left China.

While we left it up entirely to USDH staff and family members to decide whether to comply or not, we did recommend to our community that they utilize COVID testing in the event of a local outbreak to support efforts to help ensure that they did not expose their colleagues to COVID by coming into the Embassy or consulates until they were sure they were not infected with COVID. COVID testing was readily available at the joint-venture hospitals and clinics our Mission community used regularly for healthcare, which were fully vetted by our Mission medical staff.

Notably, throughout my tenure our Mission medical and CDC experts advised me that they did not believe COVID to have spread very widely in the cities in which our Mission staff worked and resided during my tenure, with the exception of the original outbreak in Wuhan. To the best of my knowledge, no USDH staff or family member contracted COVID while in China during my tenure, which is remarkable given the degree to which COVID had spread worldwide.

FOLLOW-UP QUESTIONS

You wrote in response to several questions that in-country COVID testing requirements were required by private entities not subject to the Vienna Convention on Diplomatic Relations (VCDR), and that these entities "became the indirect enforcers of China's strict measures." You also wrote: "While I am not a lawyer, I understood from the State Department's Office of the Legal Adviser that COVID tests undertaken by USDH staff and their families for the purpose of accessing schools, restaurants, barber shops, etc., on an individual voluntary basis are not inconsistent with a host state's obligations under the VCDR to accord a sending state's personnel with certain immunities."

Question. In doing testing, were the private entities ensuring their own compliance with government requirements in pursuit of "zero COVID"?

Answer. Yes, I believe so.

Question. Whistleblowers with school-age children attest that schools told them they were required by the Government to do COVID testing on children. In other words, it was not a private directive. Were you aware of this? Was it your and the Embassy's view that such testing—at the direction of the Chinese Government but enforced by a school—was not covered under VCDR?

Answer. I was not aware of the specifics behind school requirements. Our management team worked to provide all the information it had about such requirements to the State Department and relied on the guidance from the Department with regard to its assessment of whether such requirements

posed safety/security issues or were problematic from a legal perspective. We were not advised that they did, and we are required to rely on the State Department to advise us on what is and is not consistent with diplomatic privileges and immunities. I will note as I did in my original answers, that foreign diplomats' children in the US are required to comply with vaccine regulations and during with testing protocols (during COVID) in order to attend US public schools.

Question. Is something voluntary if you do not have appropriate information to make an informed decision?

Answer. All of these issues were discussed regularly in our Country Team meetings at which all sections and agencies had representatives or otherwise participated and they were asked to ensure that all of their staff were informed. They were also discussed thoroughly during our Emergency Acting Committee (EAC) meetings, which had broad section and agency representation. These policies were communicated to all sections and agencies, and I relied on my senior staff to ensure their subordinates were fully briefed. In addition, Ambassador Branstad and I participated in numerous town halls to which all members of the community, including USDH staff and family members, were invited to participate in person or virtually, and we explained our policies and fielded all questions.

Question. Is something—like going into a fever hospital—voluntary if you are told that the only alternative is going back to the United States potentially for months and then possibly losing your job at Post due to extended absence or experiencing extended family separation?

Answer. Ambassador Branstad and I recognized that it clearly was not an easy decision for individuals and families to make. For that reason, we worked very hard to ensure that all staff and family members understood thoroughly the process involved during the COVID pandemic of entering China and the risks associated with that, including that it was our policy to avoid having anyone be forced into a fever hospital by having them medevac'd if tested positive. While we did return a small number of travelers to the United States when they tested positive upon arrival, none of our USDH staff or family members were forced into Chinese fever hospitals for treatment during my tenure. I cannot speak to events that occurred nor decisions taken after I completed my assignment and departed China in mid-July 2021, however.

Question. What was the rationale for you and other leadership at Mission China characterizing U.S. Government employee's compliance with China's COVID protocols as voluntary?

Answer. Ambassador Branstad and I endeavored to ensure that USDH staff and family members were fully briefed on the situation they would face in China if they chose to travel to post, including the COVID testing they would be required by China to undertake before travel, at the port of entry, and during quarantine. Those "upon-arrival" requirements were never characterized as voluntary, and Secretary Pompeo made the policy decision to waive the personal inviolability of diplomats and their EFMs after exhausting all other possibilities and arguments with the PRC to get our personnel into the country without testing and quarantine.

Once our personnel cleared the "upon-arrival" quarantine and testing, living in China during the "zero Covid" era posed other challenges to Mission personnel. This included the need sometimes to demonstrate a negative test for children to attend school, to travel between Chinese cities, and in some locales during local COVID outbreaks, to enter for example, some restaurants and barber shops. Many of our personnel chose to comply by obtaining a negative COVID test at the joint-venture hospitals and clinics that normally provided medical services to our community and were fully vetted by Mission medical staff, to access those services. Ambassador Branstad and I also supported any decision to curtail or cancel assignments should the USDH staff or family decide that they did not wish to voluntarily undertake that risk.

Question. In December 2020, you signed out an EAC cable encouraging U.S. Embassy employees to comply with China's COVID testing in-country but that it was a "personal decision." After stating it was a choice, the cable warns of restrictions of movement and the inability to come to the Embassy if individuals refused to test. This is repeated in several management notices that went out around that time. Were these additional tests authorized by the September 2020 LWOI?

Answer. The EAC cable was to inform Washington that we had discussed the possibility that this issue could arise and that the interagency EAC agreed that our management notice was appropriate. While I am not a lawyer, I understood from

the State Department's Office of the Legal Adviser that COVID tests undertaken by USDH staff and their families for the purpose of accessing schools, restaurants, barber shops, etc., on an individual voluntary basis are not inconsistent with a host state's obligations under the VCDR to accord a sending state's personnel with certain immunities. Indeed, foreign diplomats in the United States who wish to have their children attend school in the United States must get certain vaccinations to comply with local school attendance requirements. They do so without a waiver from their sending state, but rather by making the personal voluntary medical decision for their children in order to access a service they would otherwise be ineligible to partake in absence of the vaccinations.

Question. Was it your recommendation to Main State back in Washington that U.S. Government employees comply with these testing requirements?

Answer. Our EAC cable is clear: We reported to the State Department that, though it had not yet occurred, there was a possibility that USDH staff and family members could be asked to comply with local health authority or school requirements to test as a condition of attending school or entering public places and reported that the consensus of the interagency EAC was to issue the management notice described.

FOLLOW-UP QUESTION

Question. You do not answer the question. Please answer the question asked.

Answer. I believe I did answer the question. In our management notices during that time and the EAC cable sent to the Department in December 2020, we noted the possibility that our USDH staff and family members, in the event of a local outbreak, might be requested to test to prove they were not infected with COVID. We encouraged our staff and family members to test to be supportive of efforts to control COVID outbreaks and to help ensure their colleagues were not exposed to COVID in the workplace. However, we emphasized in every case that it was a personal decision whether to comply with requests from China's public health authorities for COVID tests, noting that it was possible that failure to do so could create obstacles to children being able to attend school or for staff and family members to be able to enter some restaurants or other public venues. We also noted that those who did wish to comply could get tested at the hospitals and clinics the Mission community used for regular medical care and were vetted by the Mission Medical Unit staff. If you believe they were, what is the justification for that?

Question. If you believe they were, what is the justification for that?

Answer. Our EAC cable is clear: We reported to the State Department that, though it had not yet occurred, there was a possibility that USDH staff and family members could be asked to comply with local health authority or school requirements to test as a condition of attending school or entering public places and reported that the consensus of the interagency EAC was to issue the management notice described.

FOLLOW-UP QUESTION

Question. Please answer the question asked—whether you believed the in-country testing requirements was allowable under what the Department authorized in the September 2020 LWOI, and if so, what your justification is for that view. The response should focus on the following situation, as it was notified to the Mission China community in December 2020: “if Chinese authorities ask members of Mission China to under COVID–19 testing as part of a response to a specific COVID–19 exposure or outbreak” (20 BEIJING 2480).

Answer. The language in the September 18, 2020, cable from the Department is not relevant as it merely restated the Department's instructions in effect since June 2020 that we send a diplomatic note to China each time a USDH traveler or family member is preparing to enter China to waive privileges and immunities for the purpose of one or more nasal/throat swab COVID tests upon entry and during quarantine. It does not apply to anything else.

Our guidance to Mission personnel, after consulting with the Department in Washington, was that the decision to test was an individual decision.

However, we encouraged testing to help in controlling local COVID outbreaks and to ensure COVID was not spread within the Mission community. We noted to staff and family members that they could obtain tests at the hospitals and clinics, like Beijing United Family Hospital, that were vetted and used by Mission community members for regular medical care.

Question. Did someone tell you that they were acceptable under the September 2020 LWOI? If so, who was that?

Answer. To be clear, they were not covered under the LWOIs we issued on a one-time basis for each individual when they entered the country. I understood from the State Department's Office of the Legal Advisor that COVID tests undertaken by USDH staff and their families for the purpose of accessing schools, restaurants, barber shops, etc., on an individual voluntary basis are not inconsistent with a host state's obligations under the VCDR (just as foreign diplomats in the United States who wish to have their children attend school in the United States must get certain vaccinations to comply with local school attendance requirements), so they did not require a limited waiver of immunities.

Question. You argued China never violated the September waiver and that conditions after September 2020 did not "fundamentally change." Please confirm that the following changed conditions in PRC mandates happened during your tenure: On January 29, 2021, an Embassy Management Notice detailed a quarantine policy for Beijing-bound U.S. Government travelers that expanded quarantine and monitoring to 28 days. This is beyond the 14 days authorized by State in September 2020, correct?

Answer. The waivers we conveyed to the PRC Ministry of Foreign Affairs via diplomatic notes from June 2020 through my departure in mid-July 2021 were one-time waivers for each individual for the purpose of allowing one or more nasal/throat COVID swab tests upon entry into China and during quarantine. This requirement of a nasal/throat swab upon arrival and one or more nasal/throat swab tests during a quarantine period never changed during my tenure. There were shifting, often temporary or applicable only to certain cities in which COVID outbreaks had occurred, changes in the number of tests administered during quarantine and the length of quarantine, as well as the sometimes additional requirement of seven days home monitoring after quarantine, all of which were immediately communicated back to the State Department via regular email, phone calls, and conference calls with relevant bureau staff.

FOLLOW-UP QUESTIONS

Question. In response to the question above, you wrote: "The waivers we conveyed to the PRC Ministry of Foreign Affairs via diplomatic notes from June 2020 through my departure in mid-July 2021 were one-time waivers for each individual for the purpose of allowing one or more nasal/throat COVID swab tests upon entry into China and during quarantine." In our questions, the September 2020 LWOI refers to that requested in 20 BEIJING 1690 by Amb. Branstad (a cable you also cleared on). This LWOI—according to our review of State Department documentation and interviews with more than half a dozen whistleblowers—was a broader LWOI that applied to any Mission personnel returning to China (as distinct from waivers requested for specific individuals in summer 2020). Is the September 2020 LWOI a single/general waiver that applied to any Mission personnel returning to Mission China?

Answer. The Department's instructions to us in its September 18, 2020, cable were to continue using the exact same diplomatic note language on waiving diplomatic privileges and immunities we had used for each of the nine charter flights to date, and use that in diplomatic notes for those arriving on commercial flights as well. Prior to September 2021, the Department had provided tailored language for each charter flight along with the manifest of passengers. Since it would be impractical for the Department to generate tailored diplomatic note language for the many individuals who would arrive on different commercial flights at different times, the Department in this cable authorized the Embassy to use the same standard language for each individual arriving on commercial air. In effect, this cable did not do anything other than to allow us to maintain the same process and use the same diplomatic note language as we moved to allow some staff to travel to China by commercial air. The diplomatic note language we used to provide the PRC notification that the United States waived inviolability for an

individual arriving on commercial air was no different than that which we provided for those who had arrived on charter flights.

Question. Was every U.S. direct hire and their families informed that the Department of State waived their privileges and immunities in the 2020 LWOI?

Answer. Certainly, all members of the Country Team were aware of the Department's instructions beginning in the period prior to my return to post. We discussed the waivers as well during many if not most of the EAC and Country Team meetings during the final year I was in China. In any event, every USDH traveler and family member was briefed prior to boarding a flight to China during that time that they would be required to take a nasal/throat swab COVID test upon arrival and additional such tests during the quarantine period, but nothing else. Our diplomatic notes to China during this time were primarily intended to notify China that we would allow these tests upon arrival and during quarantine but stake out a clear position that we were waiving no other rights under the VCDR.

Question. On March 24, 2021, the U.S. Consulate in Guangzhou sent an email to U.S. personnel that they would now be expected to do 4 COVID tests "upon landing"—up from 2 tests authorized in the waiver. Is this correct? Were you aware PRC health authorities required installation of a special camera and door alarm outside the front doors of U.S. Government personnel so the PRC Government could monitor their compliance with quarantine mandates? This was not authorized in the original 2020 waiver, correct?

Answer. I do not recollect such an email, but to clarify, the fundamental requirement of a nasal/throat swab upon arrival and one or more nasal/throat swab tests during a quarantine period never changed during my tenure. Cameras in China are ubiquitous and part of that authoritarian state's method of not only monitoring its citizens but foreign diplomats as well. Despite our protests, there are cameras that monitor the outside of all of our facilities, including residential compounds, throughout China. However, I do not recall being informed of any special "COVID cameras or door alarms" at our diplomats' residences during my time in China.

Question. What would you have considered a "fundamental change" in requirements that you believe would have required you to submit a front channel cable to the Department of State, or that would have changed your recommendation in 20 BEIJING 1690?

Answer. One example that could have required a request to the Department to reconsider the LWOI would have been a fundamental change in the nature of the nasal/throat swab COVID tests or an added requirement that USDH staff and family members be confined to Chinese Government facilities rather than commercial hotels. Such changes never took place during my tenure in China. The shifting modifications to the length and composition of quarantine periods (from one to three weeks) and addition of a home monitoring period of a week were reported back to Washington immediately in emails, phone calls, and weekly conference calls, as they were introduced in some cities for select periods, and sometimes removed or reduced at other times.

Fever Hospitals // Quarantine

Question. You attested in writing that "we did not allow any USDH Mission personnel nor EFMs to be admitted to a Chinese hospital for COVID-related treatment." You also stated that no one was forced into a fever hospital under your leadership, or a "similar institution."

Answer. That is correct. None of the widely publicized cases of our diplomats being subjected to confinement to PRC "fever hospitals" and being exposed to unsafe and unacceptable conditions happened during my time in China. I cannot speak to events or decisions made after I completed my assignment and departed China on July 15, 2021. After that date and to the present, I have not been involved in China policy or management issues related to Mission China. Throughout Ambassador Branstad's and my tenure, we maintained a strict policy of removing any staff or family member back to the United States—by medical evacuation if necessary—in the event any faced forced confinement to a "fever hospital" or exposure to unsafe conditions as a result of testing positive for COVID. During my tenure, every member of our staff or family member who requested medevac because of a positive COVID test was medevac'd back to the United States. Neither Ambassador Branstad nor I allowed any USDH staff or family members to be involuntarily confined to a Chinese "fever hospital."

FOLLOW-UP QUESTIONS

Question. What is an “interim testing clinic”?

Answer. My understanding from our then-Regional Medical Officer was that an “interim testing clinic” or “interim assessment clinic” was a testing center used to determine whether a suspected COVID positive individual was actually infected with COVID or not. Should they be confirmed positive, they would be transferred and admitted to a “fever hospital” for isolation and treatment. If confirmed negative for COVID, they would be discharged or, if they had just arrived in the country, returned to their residence or hotel to complete the required quarantine period.

Question. What is different about this facility from a “fever hospital” or “fever clinic,” which are the only two terms we’ve seen used in official State Department documents or whistleblower testimony to refer to COVID treatment facilities? Please differentiate in terms of living conditions, medical treatments provided, and whether U.S. diplomats could leave this facility if they wanted to do so.

Answer. My understanding from our then Regional Medical Officer was that the term “fever hospital” refers to the special COVID isolation and treatment wards China established, often in existing hospital complexes that continued to provide other care. The “fever hospital” referred to the ward that housed patients who were confirmed positive for COVID, whether symptomatic or not, and where they would be isolated and treated for COVID. “Fever clinics” was a term used more loosely and generally referred to clinics outside of hospitals that were established to screen and isolate COVID patients, but I have also seen it used interchangeably with “testing centers” at times. The “interim testing clinic” or “interim assessment center” to which I referred was a clinic in or outside of a hospital complex that was established to test possible COVID patients and determine whether they were truly positive for COVID or not. They did not treat COVID but rather worked only to determine whether someone should be transferred to the “fever hospital” or be discharged. I understand that patients who were referred to these testing clinics were usually suspected to possibly be positive for COVID and would not be allowed to leave until tests established that they were not (or in the case of our staff and family members, medically evacuated from China). Our Mission Medical Unit staff had toured some “assessment centers” in summer and fall 2020, including patient rooms, and found them to be clean and well maintained at that time. And, as I noted with respect to the spouse of a Foreign Service Officer that spent six nights in an “interim testing center” in April 2021, the conditions were basic, but acceptable. As for “fever hospitals,” I do not know what the conditions were during my tenure as our staff were not able to visit the inside of patient rooms in these facilities during the period I was in China and COVID was spreading globally.

Question. Since your written responses indicated that no one went into a fever hospital or “similar institution,” is it your contention that an “interim testing clinic” is not similar to a fever hospital? If so, please explain.

Answer. Yes, an “interim testing clinic” during my time in China was very different from a “fever hospital.” My understanding, based on conversations with our then-Regional Medical Officer was that the latter was a ward that housed and treated both fully symptomatic and asymptomatic patients who were confirmed positive for COVID, while an “interim testing clinic” was a clinic where patients were tested to determine if they were truly positive for COVID and, if so, needed to be admitted to a “fever hospital.” I cannot speak to what conditions were like in a “fever hospital” during my time in China because our medical staff were not able to tour the patient rooms in a “fever hospital.”

Question. Since you were Chief of Mission, what is your explanation for not being aware of diplomatic notes sent from U.S. Embassy Beijing and U.S. Consulate Shanghai about this case and that the Department referred to it as a “detention”?

Answer. It was not routine for me to review each of the hundreds of diplomatic notes that were sent by our consulates or management staff, and authorized by senior staff, unless they involved significant policy issues. In any event, at that time I was out of the country on a business trip and only returned to China at the beginning of April 2021 and then spent 22 days

in a combination of a quarantine hotel and an Embassy residence. During this time, I was briefed in general via emails and phone calls on the case of the spouse in the “interim testing clinic” but was not directly involved in drafting or clearing diplomatic notes.

Question. One of several challenges I have in accepting your version of events is that the first family we know of that was imprisoned for 60+ days in the Ditan facility went into that facility within 10 days of your departure from Post. It is difficult to believe that you ably protected our diplomats throughout your tenure, but within 10 days of your departure our people were placed in horrible facilities for weeks on end, subjected to appalling treatment, and unable to leave until they tested negative with no recourse. Based on my staff’s investigation, the Chinese Government seemed to be operating with impunity. How would you describe the conditions facing U.S. Government personnel in China with respect to COVID on the day of your departure from Post?

Answer. The conditions facing U.S. Government personnel in China during my final weeks at post were not significantly different than during the previous 12 months I was at post. However, I learned after I left that the Delta variant of COVID had just begun to spread globally, including in China and, as I understand it, had for the first time begun to create increasing numbers of asymptomatic COVID test results. As I understand it, later that summer was the first time we had ever seen asymptomatic positive COVID tests among staff after they had already tested negative at the airport upon arrival in China, but I only heard about this long after I departed post.

Question. What were the state of Chinese requirements of our diplomats at the time of your departure?

Answer. They were not much different than during the previous year, although China had cut back considerably on allowing many of our staff or family members to quarantine in Mission China residences and had increased the numbers of tests required during quarantine from one in July 2020, to two later on, and by the time I left, to once or twice a week while in quarantine.

Question. What was happening in the June/July 2021 timeframe in terms of China’s requirements, conditions on the ground, and pressure on the diplomatic community to comply with zero COVID that created the conditions for long-term detention of U.S. Government personnel and their families, including minor children?

Answer. I do not recall any major shift in Chinese requirements or pressure of the diplomatic community as I was preparing to depart post in late June, my successor arrived and assumed duties as DCM July 1, and I packed out in the first weeks of July. I cannot speak to events or decisions made after I departed on July 15, 2021.

Question. Do you take any responsibility for the state of things when you left and their proximity to this even worse treatment of U.S. diplomats, or does that responsibility fall solely on the new Charge d’Affaires who had only just assumed his duties?

Answer. I cannot recall any signs in my final months in China that would suggest a major change was coming either in China’s COVID control policies or the situation on the ground in China. Of course, throughout the previous year, we had constantly grappled with ever-changing COVID developments worldwide and in China, including frequent shifts in how China was responding, and Ambassador Branstad, I, and our senior staff spent enormous amounts of time on dealing with COVID issues. I am not surprised that the challenges continued after I departed. However, neither Ambassador Branstad nor I ever faced the extraordinary issue that reportedly arose after I left, namely, a large number of asymptomatic positive COVID tests for USDH staff and family who tested negative before boarding and upon arrival.

At the same time, I cannot speak to events or decisions made by the Department of State or my successor after I departed post. After I left Beijing, I went directly to home leave in California and was not aware of any of the issues that arose after my departure until many months later.

Throughout your verbal and written responses, your words seem carefully chosen. We asked you about blood tests. You told us you never allowed them in China but did not disclose that all USDHs and EFMs had to do blood tests in the United States before going to China. You stated that you did not allow people to go into Chinese hospitals, and no one was forced into a fever hospital or “similar institution,” but failed to disclose that a mother and infant were held in a medical facility for nearly a week (and you claim to be unaware of diplomatic notes that characterize that stay in the medical facility as a “detention.”).

Question. Why should I believe that you will be open, candid, and straightforward with myself and other members of the committee?

Answer. Throughout this process, I have endeavored to be as open, truthful, and candid, on every one of the questions posed to me. I have tried to be careful in my responses to ensure I do not provide misleading or incorrect answers about what are sometimes very complex issues. I was surprised in my initial meeting with Minority Staff in September 2022 to be quizzed on these issues as no one told me in advance that this would be a topic of conversation. I answered as fully and truthfully as I could, relying on my memory of events that had taken place years earlier and with which I had not subsequently been involved. Following that meeting, I offered repeatedly to meet with the staff again and answer any questions and provide clarifications. I continue to try to do my best to answer questions based on my memory, my discussion with former colleagues who have helped me recall some events, and documents I can locate. I pledge to always be open, candid, straightforward, and truthful with the committee and committee staff.

Question. Were you not aware of the mother and baby that went into a fever hospital in Shanghai in April 2021?

Answer. I am well aware of the case to which you refer, especially since I have been a close friend of the Foreign Service Officer's family for more than 35 years. While completing her quarantine period in a hotel in Shanghai in April 2021, the spouse of a Foreign Service Officer tested “weakly positive” for COVID. PRC health officials requested that she go to an “interim testing clinic” for additional tests to determine whether she was truly positive for COVID or not. The Embassy and Consulate General Shanghai offered to request a medevac for her with or without her husband and children back to the United States immediately, but she declined and volunteered to take the tests. She requested and, after Mission China staff intervened forcefully, was allowed to bring her nursing infant with her to the “interim testing clinic.”

Because her tests provided mixed results over several days, she and her infant ended up spending six nights in the clinic before she was permitted by PRC health authorities to return to the hotel to complete her quarantine period. During her time in the clinic, in response to her repeated inconclusive tests, including one after she had already been returned to the quarantine hotel, PRC health authorities insisted that she be transferred to a COVID isolation ward (or “fever hospital”) for monitoring and treatment, but she refused and Mission China staff intervened with PRC officials to ensure she was not forced to do so.

Throughout her time in the “interim testing clinic,” we repeatedly offered, and she declined to be medevac'd to the United States. During the six nights she spent in the clinic, in phone calls with Mission China staff and in a later extended conversation she had with me personally, she described the conditions in the “interim testing clinic” as “spartan, but clean and acceptable,” and that “the bed and food were fine.” She and her infant had a private room and bathroom, had full access to wi-fi, was in constant communication with her spouse and family as well as Mission China management and medical staff, and could order food and supplies, such as diapers, delivered to her room. She confirmed that she was able to accept or decline any tests, but voluntarily underwent multiple tests to confirm her negative status for COVID.

After returning to the hotel, she and her infant completed the quarantine requirement, and she went on to join her husband and other child at their post of assignment. They completed one full assignment, successfully traveling in and out of China several times since then and accepted a second consecutive assignment in Mission China where the family continues to serve today.

There was an earlier case in January 2021 that has also caused some confusion. A contractor—not a USDH employee or family member—who worked for a company that provided maintenance services to the Embassy and consulates fell ill with COVID-like symptoms shortly after arriving in China on a charter flight. After con-

sulting with Mission China medical staff who were concerned about his symptoms, the contractor agreed to be hospitalized for observation while awaiting a medevac. His teenage son accompanied him to the hospital. Since he was not a USDH employee, we had no authority to medevac him, but we supported his company in arranging a private medical evacuation and he and his son were returned to the U.S. within a few days. I am not aware whether he was ever diagnosed with COVID or not, however.

Question. Were you aware of the diplomatic notes about this family's "detention," which is how the Department described it?

Answer. I am not familiar with the diplomatic notes to which you refer, but Ambassador Branstad, I, and my senior staff regularly protested all aspects of the PRC's unscientific and unnecessary COVID testing, quarantining, and hospitalization regulations, including pointing out in diplomatic notes that they were inconsistent with their international legal obligations. As for the case you mention that involved the spouse of a Foreign Service Officer, because she declined our repeated offer to be medevac'd, my staff in Beijing and Shanghai were directly involved throughout and protested to PRC officials about nearly every aspect of this spouse and her infant child's time spent in an "interim testing clinic" while local health officials tried to determine if she was a true positive for COVID. My staff intervened with PRC officials to ensure that she and her infant child were not moved into a COVID isolation ward (or "fever hospital").

Although I was away from the Embassy at the time this case occurred (I was in the United States for business meetings and then in quarantine in an Embassy residence for almost the same period as the mother and her child), the Acting DCM at the time and our Management Counselor kept me briefed on the situation.

Question. If you were aware of all this, why did you tell SFRC that no one went into a Chinese fever hospital or similar institution during your tenure?

Answer. As I explained above, no USDH staff or family members, including this mother and her child, were admitted to a fever hospital during my tenure. Indeed, my staff intervened with PRC officials to ensure that she and her infant child were not moved into a COVID isolation ward (or "fever hospital").

Question. Had anyone from the Embassy visited that hospital to make sure it was a safe place for U.S. Government personnel?

Answer. I understand the medical assistant at our consulate general in Shanghai was very familiar with this clinic, had visited it prior to the outbreak of COVID, and was in direct contact with doctors in the clinic conducting the tests the spouse volunteered to take. In addition, the spouse described the conditions as "spartan, but clean and acceptable, and that the bed and food were fine." She and her infant had a private room and bathroom, could access wi-fi at any time, had constant communication with her spouse and family as well as Mission China management and medical staff, and could order food and supplies, such as diapers, delivered to her room. Had she described any threat to her health or safety or that of her infant, we would have insisted on her immediate medevac (recall, she declined our offer of a medevac).

Question. Were you aware of worsening conditions regarding quarantine, testing, and U.S. Direct Hires or Eligible Family Members being put into fever hospitals? If you were aware, how did you "push back" and by what metrics of success do you measure this pushback?

Answer. I relied on my management staff both in the Embassy and at the consulates to report to me and Ambassador Branstad regularly about testing and quarantine conditions, issues that arose, and how they were addressing them. I was available 24/7 to address any major issue that arose, including by urgently communicating with the PRC Foreign Ministry and/or with Washington. Ambassador Branstad and I pushed back regularly on our PRC counterparts to address any testing or quarantine issues that arose as did key members of my political, management, medical, and CDC staff experts. I believe we were able to resolve fairly quickly the vast majority of issues, although some persisted or took multiple days to get full resolution. Ambassador Branstad and I were prepared, and did several times, to suspend the return of staff and family members to China or switch the arrival of flights to other cities when testing or quarantine issues in a particular city could not be resolved quickly. As for issues arising regarding "fever hospitals," it never was an issue during Ambassador Branstad's or my tenures as we never had a USDH staff or family member be sent to a "fever hospital" and maintained throughout our tenures, with Washington's support, the policy of immediately requesting medevac of any of our staff who faced unsafe or unacceptable conditions as a result

of testing positive for COVID, and we had a repeated commitment from the PRC Foreign Ministry that it would support and help facilitate such a medevac of our staff, whether the staff were located in their residence, quarantine hotel, or medical facility.

State Management and Operations

Question. What responsibilities do Chiefs of Mission have to safeguard the privileges and immunities of their diplomats and other personnel?

Answer. There is no higher priority than the health, safety, and security of the members of the Mission, especially USDH staff and family members. It is the responsibility of the Chiefs of Mission to ensure that the personnel under their authority act in accordance with Department policies. Per Department policy, as reflected in the Foreign Affairs Manual (2 FAM 220), any waiver of privileges and immunities of mission personnel must be authorized by the Department in Washington. If confirmed, protecting employees and their families would remain my highest priority.

Question. What are the key management lessons you have learned from your stewardship over Embassy Beijing during your tenure?

Answer. The early days of the COVID virus were uncharted territory for all of us. Ambassador Branstad, I, and all of Mission China leadership did our best to ensure that all members of Mission China—USDHs, EFMs, and LES—remained healthy, safe, and secure. If confirmed, I will also work closely with staff and Washington to ensure the same in Mission Cambodia.

Question. Do you take any personal responsibility for the members of the Mission China community who suffered greatly during your tenure due to policies that you championed and/or implemented?

Answer. Nothing was a higher priority for Ambassador Branstad and me than the health, safety, and security of the almost 2,700 employees of Mission China, including nearly 2,000 USDH staff and family members. Many of them were my lifelong colleagues and friends with whom I have served in China multiple times. Ambassador Branstad, myself, and many members of my team in Beijing and at the Consulates worked tirelessly to push back on the PRC's unscientific and unacceptable COVID control protocols throughout my time in China. If confirmed, protecting employees and their families would remain my highest priority.

Question. Is Mission China now a less desirable post for Foreign Service personnel?

Answer. As with serving at any of our many diplomatic posts abroad, there are a variety of benefits and challenges to serving in Mission China and those vary for each individual based on their background, academic and professional interests, family situation and other factors. Given our relationship with the PRC, we face many unique challenges in Mission China. It is not possible to attribute changes in number of bidders to any single factor.

Question. Do you feel in any way responsible for Mission China now being a less desirable post (fewer bidders, now a 2-year tour)?

Answer. The PRC and zero-COVID policies impacted the morale of Mission China employees and families and made living in China difficult. However, Mission China and the Department used recruiting and retention tools such as Service Needs Differential to retain and recruit talent to Mission China.

Question. Do you think Mission China being a less desirable post hurts U.S. national security?

Answer. Annually, in the Foreign Service bid cycle we face different challenges in filling all open positions with the right people. We have several tools that can be used to entice bidders to take assignments in challenging environments, and the Department has used those tools extensively to ensure Mission China is attractive to our diplomats. Although the Department faced certain challenges in previous years in recruiting talent to Mission China, there was a significant increase in bidders the last bidding year, and nearly all positions were filled.

Question. Many U.S. missions have been under enormous stress over the last several years. What is your understanding of morale throughout Mission Cambodia?

Answer. My understanding is that periods of intense workload and special responsibilities, such as Cambodia's ASEAN Chair Year in 2022, created an especially busy work environment during certain periods. However, Embassy Phnom Penh has an engaged Locally Engage Staff (LES) Association, First and Second Tour Officer

Board, and other active organizations that have played an invaluable role in keeping the morale up. If confirmed, I intend to make mission morale a priority and demonstrate leadership that is worthy of our fine staff.

Question. How do you intend to improve morale at Mission Cambodia?

Answer. If confirmed, I intend to do everything in my power to ensure that all members of Mission Cambodia—U.S. Direct Hires (USDHs), Eligible Family Members (EFMs), and LES—understand their value to the Embassy community and find meaning in their work. If confirmed, I will also work closely with Washington to secure the resources necessary to ensure Mission Cambodia staff are able to achieve their professional goals. Wherever appropriate, I will also prioritize mentorship, guidance, and good counsel.

Question. How do you intend to create a unified mission and vision at Mission Cambodia?

Answer. If confirmed, I intend to rally Mission Cambodia around the Integrated Country Strategy (ICS) and Washington's priorities to create a unified mission and vision. If confirmed, I will also do my utmost to create a sense of community that is guided by the same mission, values, and principles. I will support mission activities that bring people together.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. I would describe my management style as one of empowerment, trust, respect, integrity, and empathy. In every Mission that I have served, I have sought to model the highest possible standards in each of these areas. If confirmed, I aim to create an atmosphere of open communication where Mission Cambodia staff feel valued and heard in the course of advancing U.S. foreign policy objectives. I will always hold myself to the highest ethical and moral standards.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. I do not believe it is ever acceptable or constructive to berate subordinates, either in public or private. If confirmed, I aim to foster professional growth and development through an open, consultative, and constructive approach centered on the Department's management and leadership precepts.

Question. How do you envision your relationship with the deputy Chief of Mission?

Answer. As with any work environment in which I have worked, I intend to form a strong working relationship with my subordinates based on trust and respect, including with the Deputy Chief of Mission (DCM). If confirmed, I will seek the DCM's counsel on policy and management issues, delegate tasks wherever necessary and appropriate, and empower the DCM to carry out the position's core functions.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your deputy Chief of Mission?

Answer. If confirmed, I intend to entrust my DCM with carrying out duties related to management and human resources issues, among other things. DCMs worldwide are responsible for the important task of mentorship of first and second tour officers, and Mission Cambodia will follow this model. If confirmed, we will also discuss other areas of interest that the DCM may be well-positioned to cover. In my absence, the DCM would be fully empowered to assume the role of Chargé d'Affaires as appropriate.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. The State Department's EER is a valuable tool to evaluate performance and assess employees for possible promotion. If confirmed, I commit to providing constructive feedback through formal and informal channels on staff performance to encourage improvement and reward those who have excelled in their roles.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. If confirmed, I commit to supporting and encouraging clear, accurate, and direct feedback to employees to improve performance and reward high achievers.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and local citizens. In your experience, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. It has always been my experience that our diplomats and local staff make every effort, within the limits of security measures, to get out as much as possible. For example, I encourage staff members across all sections and agencies to get out for reporting purposes and participate in public outreach, such as meeting with students or explaining our travel and contracting regulations to appropriate audiences.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I intend to improve the ability of U.S. diplomats to better connect with local communities by ensuring that Mission Cambodia has cultivated a broad network of contacts across government, civil society, media, academia, and youth. If confirmed, I would also encourage staff to get outside the walls of the Embassy, within the limits of security measures, to engage with contacts not only in Phnom Penh but also throughout the countryside.

Question. Congressional Delegations (CODELs) and Staff Delegations (STAFFDELS) serve a critical oversight mission. Do you pledge to support fully CODELs and STAFFDELS that seek to travel to post?

Answer. If confirmed, yes, I pledge to fully support CODELs and STAFFDELS that seek to travel to post, as appropriate.

Question. Do you agree to support fully any CODEL or STAFFDEL, with the only exceptions for simultaneous or overlapping visits by the President or First Lady of the United States, the Vice President, or the Secretaries of State or Defense?

Answer. If confirmed, yes, I commit to support, to the fullest extent possible, any CODEL or STAFFDEL, as appropriate.

FOLLOW-UP QUESTION

Question. Please confirm that, if confirmed, you agree to support any CODEL or STAFFDEL that does not coincide with simultaneous or overlapping visits by the President or First Lady of the United States, the Vice President, or the Secretaries of State or Defense.

Answer. If confirmed, yes, I commit to support any CODEL or STAFFDEL as appropriate that does not coincide with simultaneous or overlapping visits by the President or First Lady of the United States, the Vice President, or the Secretaries of State or Defense.

Question. In the State Department's 2023 Trafficking in Persons Report, Cambodia was listed as Tier 3 for its enduring lack of effort to meet the minimum standards to eliminate human trafficking. Cambodia was also noted for its outsized role in cyber scams affecting thousands of people every year.

Answer. [Please see below]

Question. If confirmed, what concrete steps could you take to help Cambodia operationalize the prioritized recommendations contained in the TIP report?

Answer. The Cambodian Government's insufficient efforts to address human trafficking, including forced criminality in online scam operations, led to its downgrade to Tier 3 under the Victims of Trafficking and Violence Protection Act. If confirmed, I will work in collaboration with civil society organizations to encourage Cambodian authorities to identify and prosecute traffickers and enablers at all levels and identify and provide services to TIP victims.

Question. If confirmed, do you commit to accurately portraying the realities of the trafficking situation on the ground in Cambodia via the annual country report within the Trafficking in Persons report?

Answer. Yes, if confirmed as Ambassador to Cambodia, I commit to accurately portraying the realities of trafficking on the ground as it is reported through the annual Trafficking in Persons Report.

Question. In the State Department's 2023 International Religious Freedom report, Cambodia was noted as having a general lack of societal and governmental respect for religious freedom.

Answer. [Please see below]

Question. What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. While Buddhism is the state religion in Cambodia, the Government is tolerant of all religions and belief systems and openly celebrates its diversity and religious harmony. Despite the country's tragic past, harmony and solidarity between different religions is the norm in the Kingdom. If confirmed, I will engage with the Cambodian Government and relevant religious communities to promote religious freedom and highlight the importance of ongoing Cambodian Government initiatives to fully integrate religious minorities into society, as well as the benefits of respecting the country's religious pluralism. If confirmed, I will also work closely with the Ambassador-at-Large for International Religious Freedom and his office to advance respect for freedom of religion or belief for all in Cambodia.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. If confirmed, I commit to maintaining the Department policy of meeting and partnering with civil society to promote freedom of religion or belief in Cambodia.

Question. If confirmed, what concrete steps can you take to help Cambodia increase their societal and governmental respect for religious freedom?

Answer. If confirmed, I will ensure the Embassy continues to engage with the Government and civil society on the issue of religious freedom. The Cambodian Government has an ongoing initiative to appoint more Muslims to roles within local and national government, but more can be done to incorporate members of other faiths and religions and indigenous groups. I will ensure the Embassy continues to hire and develop a Locally Engaged Staff workforce that resembles all of Cambodia through outreach activities to underrepresented religious and ethnic minority groups and communities throughout the country.

Question. In the State Department's 2022 Human Rights Report, Cambodia is noted as having significant human rights issues including unlawful or arbitrary killings, torture, political prisoners, overly restrictive laws on the operation of non-governmental organizations and civil society, among others.

Answer. [Please see below]

Question. How will you direct your Embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. Civil society organizations are key partners for advancing democracy, human rights, and good governance. If confirmed, I commit to maintaining the U.S. policy of meeting and partnering with civil society organizations to address democracy and human rights issues in Cambodia. I also commit to protect members of civil society, supporting them to continue their important work and to raise awareness on the critical role they play in healthy and robust democracies.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. If confirmed, I commit to personally engaging with civil society to advance, promote, and protect human rights and fundamental freedoms in Cambodia.

Question. How can you, if confirmed as ambassador, work alongside IO and USU to recruit and retain talented Americans for placement within the U.N. system either in appointments, elections, or other roles?

Answer. If confirmed, I will continue to support the ongoing work of the Bureau of International Organizations, Office of Multilateral Strategy and Personnel, and their coordination with USUN to find, recruit, and retain qualified U.S. citizens in the U.N. system. I will support IO colleagues as they proactively identify openings and advocate for more U.S. citizens in key leadership positions across the U.N. and across international organizations. I will support efforts to expand existing targeted recruitment efforts by increasing outreach through different talent pipelines, connecting U.S. citizens already employed by the U.N. with prospective applicants, and sharing the IO Careers website as the advocacy portal.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO ROBERT WILLIAM FORDEN BY SENATOR ROBERT MENENDEZ

Question. How do you view this upcoming change in leadership? Do you believe this is an opportunity to reengage with Cambodia?

Answer. It is my belief that Cambodia's new generation of young, mostly western-educated leaders represents an opportunity for a possible reorientation in the U.S.-Cambodia relationship. However, the U.S.-Cambodia relationship will not reach its full potential until there is progress on democracy and human rights in Cambodia, as well as efforts to preserve Cambodia's sovereignty in the face of growing influence by the People's Republic of China (PRC).

Question. How will you work with the Cambodian Government to advocate for the reestablishing of democratic norms, the promotion of human rights, and building resilience to external influence from the PRC?

Answer. If confirmed, I will underscore that Cambodia's new Government has an opportunity to improve the country's international standing, including by restoring genuine multi-party democracy, ending politically motivated trials, and allowing independent media outlets to reopen and function without interference. If confirmed, I will also urge Cambodian authorities to undertake efforts to preserve Cambodia's sovereignty in the face of growing influence by the PRC.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO ROBERT WILLIAM FORDEN BY SENATOR MARCO RUBIO

Question. In May 2022, Secretary Blinken said that the People's Republic of China (PRC) is the "only country with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do it." The Chinese Communist Party (CCP) clearly holds the reins of power in the PRC and has used this power to commit genocide in Xinjiang, flood our communities with fentanyl, and emit the largest quantity of greenhouse gases in the world today. With their absolute control of Chinese society and industry, the CCP could stop all of these destructive actions tomorrow if they so choose to do so. Is the CCP a threat to the United States?

Answer. Last year, the Director of National Intelligence testified that "the CCP represents both the leading and most consequential threat to U.S. national security and leadership globally." As Secretary Blinken has said, under President Xi, the CCP has become more repressive at home and more aggressive abroad. If confirmed, I will advance U.S. national security interests and counter the People's Republic of China (PRC) efforts to expand its problematic influence and use of coercion, through diplomatic engagements, public diplomacy, and commercial advocacy to bolster U.S.-Cambodia ties.

Question. Does the CCP undertake any activities that are beneficial to U.S. interests? If so, please explain.

Answer. As Secretary Blinken has said, the CCP has become more repressive at home and more aggressive abroad. According to the Office of the Director of National Intelligence's 2023 Annual Threat Assessment, the CCP is seeking to "undercut U.S. influence, drive wedges between Washington and its partners, and foster some norms that favor its authoritarian system."

Question. Do you believe that there are any areas within which the CCP that would constructively work with the United States in good faith, knowing that at any moment Chinese interlocutors with U.S. representatives could be disappeared at a moment's notice? If so, please explain.

Answer. The United States will work with the PRC to address transnational challenges, such as climate change, when it is in the U.S. interest to do so. If confirmed, I will work with my colleagues across the U.S. interagency and Congress to advance U.S. objectives and counter harmful behavior by the PRC.

Question. If confirmed, will you approve any joint activity with organizations or representatives from the PRC in the countries or areas in which you will work?

Answer. If confirmed, my priority will be advancing U.S. national security interests in Cambodia and countering efforts by our strategic and regional competitors to undermine those interests. The Administration has been clear that the PRC is the most consequential geopolitical challenge facing the United States, and that the United States is committed to working to strengthen our partners in the region. If

confirmed, I will work closely with Department of State and interagency colleagues and Congress to address the PRC's efforts to expand its influence in Cambodia and the region.

Question. As you may be aware, a group of federal employees penned an open letter to President Biden criticizing U.S. support for Israel in the aftermath of Hamas' brutal terrorist attack on October 7, 2023. In addition, on January 16, 2024, employees from nearly two dozen agencies staged a walkout in protest of the administration's Israel policy. Efforts like these directly undermine the duty of our diplomats to advance the policies of the President of the United States. Yes or no, did you sign the letter to the President expressing opposition to the President's Israel policy?

Answer. No, I did not sign the letter.

Question. Yes or no, did you participate in the January 16, 2024, walkout?

Answer. No, I did not participate in the January 16, 2024, walkout.

Question. If confirmed, would you define one of the employees or contractors operating under your supervision signing an open letter criticizing you, or policies you undertake at the instruction of the President, as insubordination as defined by the Government Accountability Office?

Answer. I am a firm believer that an honest exchange of opinion and robust debate creates better policies and serves to rally teams around the same goals and objectives. However, signing an open letter criticizing U.S. policies is not the method I would endorse to bring viewpoints to the attention of leadership. If confirmed, I would carefully comply with the U.S. Government's and the State Department's personnel regulations and procedures.

Question. In your view, are the actions these federal employees took, by anonymously signing a letter to the President of the United States, covered as "whistleblowing"?

Answer. Since "whistleblowing" is a term and activity covered by legislation and regulations, I defer to the Department's Office of the Legal Adviser to determine whether the referenced actions are considered protected whistleblowing activity.

Question. If confirmed, how will you address discipline issues, such as insubordination, that do not take established dissent channels?

Answer. If confirmed, I hope to create an atmosphere in which open communication is welcomed and encouraged. I would encourage employees to use established channels to express their views. According to Department regulations, insubordination is a disciplinary matter related to conduct on the job and may result in counseling and a penalty commensurate with the scale of the offense. If confirmed, I commit to addressing insubordination in consultation with the Department's human resources and legal professionals.

Question. Have you ever expressed support for an Israeli ceasefire in Gaza?

Answer. No, I have never expressed support for an Israeli ceasefire in Gaza.

Question. Do you agree that Hamas is an antisemitic entity?

Answer. Yes, Hamas is an antisemitic entity and a foreign terrorist organization.

Question. Would a ceasefire allow these groups to reconstitute and attack Israel, and Americans, in the future?

Answer. I understand that the Administration supports humanitarian pauses to allow for the safe release of hostages and other vulnerable people, as well as to enable the transport of aid.

Question. Do you agree that calling for a ceasefire in Gaza means calling for Israel to stop its pursuit of Hamas, a designated foreign terrorist organization, that orchestrated the October 7 attacks and still refuses to release all Israeli and American hostages?

Answer. It is my understanding that the Administration's stated policy is to support humanitarian pauses to enable a sustained flow of aid and to allow the voluntary movement of civilians seeking safer locations. Working with partners, the U.S. Government is attempting to secure the release of all hostages held by Hamas. The U.S. Government supports Israel's right to protect itself from Hamas's terrorism, consistent with international law.

Question. Do you believe that Israel, in its operation against Hamas, which is known to use civilians as human shields, is taking all necessary steps to minimize civilian casualties?

Answer. The U.S. Government supports Israel's right to protect itself, consistent with international law. The Administration has urged Israel to differentiate between civilians and Hamas terrorists and to avoid civilian casualties. Hamas's use of civilians as human shields, a blatant violation of international law, does not lessen Israel's obligations under international humanitarian law.

Question. From July 2020 to July 2021, you were stationed at Embassy Beijing as either the Chargé d'Affaires or Deputy Chief of Mission. During your leadership, the Mission failed to follow Department guidance regarding the testing and quarantine requirements for entry into China including the number of throat/nasal swab tests and the length of time in location of quarantine as required. It appears that under your leadership, Embassy Beijing went above and beyond the requirements and acquiesced several times to the Chinese authorities' demands, which involved invasive testing and quarantine procedures. Why did you fail to formally inform the Department via cable, as required, to ANY changes in COVID protocols?

Answer. During my tenure, the PRC's protocol for COVID testing and quarantine for travelers arriving remained fundamentally the same, with a nasal/throat swab test at the port of entry, a quarantine period in a hotel, and additional nasal/throat swab tests during the period of quarantine. PRC central Government authorities delegated to local health departments the power to implement the protocol as they saw appropriate to local conditions and developments, such as local outbreaks or a sudden surge in positive COVID cases at ports of entry. During my tenure, the number of days required in a quarantine hotel versus home quarantine (total of between 1-21 days) and the number of nasal/throat swabs given during the quarantine period (between 1-5) did vary from city to city depending on local conditions. The nature of the tests given upon arrival and in quarantine, and for which the Department made the decision to authorize a limited waiver of personal inviolability, however, never changed from what the Department approved in a cable on September 18, 2020.

My staff reported every change in quarantine period and frequency of testing to the State Department in almost daily emails, phone calls, and weekly conference calls. It was an intense and fluid period in which our staffing was often severely depleted, and we relied on these means of communication with Washington to ensure rapid consideration and provision of information to staff preparing to travel to China. Changes were all also reported by my staff in regular group emails to staff and family members who were considering returning to China or preparing to travel, as well as relevant offices at the State Department. I am not aware of any request during this period from the State Department for us to put in a cable these shifts by local health authorities in how they implemented the testing and quarantine requirements in various localities.

Question. Where does it state in the Department's response cable, 10 STATE 92790, where it allows FUNDAMENTAL changes without reporting back to the Department?

Answer. As I explained above, China's requirement of one or more nasal/throat swab COVID tests and a quarantine period in a hotel/residence did not fundamentally change during my tenure. Variations from time to time and locale in the number of tests and quarantine days were reported to the Department in almost real time via emails, phone calls, and conference calls.

Question. Did you ever draft or send a cable, as required, to inform the Department you had approved additional CCP testing and quarantine requirements?

Answer. My staff reported every change in quarantine period and frequency of testing to the State Department in almost daily emails, phone calls, and weekly conference calls. It was an intense and fluid period in which our staffing was often severely depleted, and we relied on these means of communication with Washington to ensure rapid consideration and provision of information to staff preparing to travel to China. Changes were all also reported by my staff in regular group emails to staff and family members who were considering returning to China or preparing to travel, as well as relevant offices at the State Department. I am not aware of any request during this period from the State Department for us to put in a cable these shifts by local health authorities in how they implemented the testing and quarantine requirements in various localities.

Question. I am concerned with regard to these previously approved blood testing requirements of employees and family members, and the fact that those results were provided to the Chinese Communist Party. Blood tests were not listed in the approved Department COVID testing protocols, yet, they occurred and could be used for DNA collection. Additionally, the blood tests, which apparently took place in the

U.S., were approved by the CCP. Who approved the blood testing of employees? And why were these blood tests approved?

Answer. In late Fall 2020, the PRC initiated a requirement for all travelers to China to obtain a COVID antigen test and submit the test result to the PRC Embassy or Consulate before they would be allowed to board a flight to China. This additional antigen test required by China for travelers was notified to the Department of State in Washington by the PRC Embassy (I was in Beijing at the time, not in Washington). The Department of State reviews and facilitates the application for visas and other travel requirements for U.S. diplomats out of Washington. The PRC Embassy provided a list of U.S. testing facilities from which they would accept these test results. These were testing facilities located in U.S. cities and subject to U.S. health privacy laws. They took blood samples and provided the traveler with a test result document that the traveler could upload and email to the PRC Embassy or nearest consulate in order to obtain a permit to travel to China that could be provided to the airline at the time of checking in for the flight. It would have been a violation of U.S. law if these testing facilities transferred blood samples or DNA of travelers to PRC authorities. I am not aware of any information that this ever took place.

Question. What labs conducted the blood tests?

Answer. U.S. testing facilities at a number of cities across the United States conducted the blood tests. Travelers could choose from a long list of U.S. testing centers that the PRC Embassy provided on its website, test results from which would be accepted by the PRC Embassy or consulates for purposes of providing a permit, along with the usual passport and visa, for a traveler to board a flight to China.

Question. Did State do any background vetting on the labs, technicians, or doctors involved with the blood testing?

Answer. These were testing facilities located in U.S. cities and subject to U.S. health privacy laws. It would have been a violation of U.S. law if these testing facilities transferred blood samples or DNA of travelers to PRC authorities.

Question. Does State have a list of the labs, doctors, or technicians who conducted the testing?

Answer. The PRC Embassy posted the list of testing centers/labs on its website.

Question. Did State conduct a walkthrough or a survey of each lab to ensure proper protections were in place for U.S. Government employees' and family members' DNA?

Answer. These were testing facilities located in U.S. cities and subject to U.S. health privacy laws. It would have been a violation of U.S. law if these testing facilities transferred blood samples or DNA of travelers to PRC authorities.

Question. Can you certify or assert with confidence the CCP has not used the blood testing for anything but COVID testing?

Answer. The only information the traveler needed to provide to the PRC Embassy or consulate was the test result document from the testing center. If a U.S. testing center provided PRC authorities with blood samples or DNA, it would be a violation of U.S. laws and subject to prosecution. I am not aware of any reports that this took place.

Question. Can you certify or assert with confidence the CCP destroyed the blood samples collected for COVID testing?

Answer. The only information the traveler needed to provide to the PRC Embassy or consulate was the test result document from the testing center. If a U.S. testing center provided PRC authorities with blood samples or DNA, it would be a violation of U.S. laws and subject to prosecution.

Question. Did you, or any members of your family, take blood tests prior to your arrival in China?

Answer. In April 2021, I returned to China from a business trip to the United States. I had a COVID antigen test completed at a lab in Los Angeles, CA, listed on the PRC's list of accepted labs for this purpose. I received a certificate of a negative COVID antigen result, uploaded it as required to the website of the PRC Consulate in Los Angeles and received a confirmation that I could present to the airline with my passport and visa to allow me to board a flight to Hong Kong and onward to Beijing the next day, which I did.

Question. During your tenure, were you aware of the CCP placing special COVID cameras and door alarms at our diplomats' residences?

Answer. Not that I can recall. CCTV cameras in China are ubiquitous and part of that authoritarian state's method of not only monitoring its citizens but foreign diplomats as well. Despite our protests, the PRC maintains many CCTV cameras that monitor all our facilities, including all of our residential compounds, throughout China. However, I do not recall being informed of any special "COVID cameras or door alarms" at our diplomats' residences during my tenure.

Question. What did you do about it?

Answer. As I mentioned above, I was not aware of any special COVID cameras or door alarms at our residences.

Question. Did the Department approve of this?

Answer. As mentioned above, I was not aware of any special COVID cameras or door alarms at our residences.

Question. During your tenure, did you draft, edit, or coordinate any protocol changes for testing or vetting for Mission China before or after your departure from post?

Answer. Not that I can recall.

Question. If so, did post implement any of the changes you advocated for when updated COVID requirements for China were released after your departure?

Answer. I did not draft, edit, or coordinate any protocol changes for testing or vetting for Mission China before or after my departure from post.

Question. For the past decade, the bilateral U.S. relationship with Cambodia has been strained as Cambodia's relationship with the CCP has expanded. Cambodia's human rights record has deteriorated given their close ties to the CCP and the U.S. suspended military joint exercises with Cambodia. The President's letter of instruction to Chiefs of Mission and U.S. Code require and find Ambassadors to be responsible in protecting all U.S. Government personnel safety and security. Given your poor judgement and lack of taking responsibility in China, why should this committee trust you to protect employees in Cambodia with the CCP's strong influence?

Answer. Nothing was a higher priority for Ambassador Branstad and me than the health, safety, and security of the almost 2,700 employees of Mission China, including nearly 2000 U.S. Direct Hire staff and family members. Many of them were my lifelong colleagues and friends with whom I have served in China multiple times. Ambassador Branstad, myself, and many members of my team in Beijing and at the Consulates worked tirelessly to push back on the PRC's unscientific and unacceptable COVID control protocols throughout my time in China. Ambassador Branstad, I, and my political, medical, and management staff, engaged senior PRC officials often and forcefully to urge China to back off unacceptable requirements for diplomats, noting in virtually every diplomatic note that these were unnecessary, unscientific, and contrary to China's obligations under the Vienna Convention on Diplomatic Relations and other applicable bilateral agreements on immunities between China and the United States.

Ambassador Branstad, I, and our staff also regularly engaged like-minded foreign mission counterparts in efforts to build consensus to confront the PRC on these measures and we succeeded in coordinating joint protests to the PRC Foreign Ministry on many issues, including on getting PRC officials to concede that they would not separate a positive child from his or her parents and vice versa.

I was not the architect of the policy of waiving diplomatic privileges and immunities. I was not at post when the policy decision was made in Washington in May 2020. On June 1, 2020, Mission China brought back the first 100 staff on a charter flight to Tianjin, China, providing waivers for each of their personal inviolability for the purpose of one or more nasal/throat COVID swab tests. My understanding (though again I was away from post for medical treatment) was that the only way the PRC was willing to allow our diplomats to enter the PRC, was if the United States allowed testing on arrival. Hence, the United States could choose to keep our personnel away from post or bring them back, which required a limited waiver of their personal inviolability for the purpose of one or more nasal/throat COVID swab tests. I understand that the Department chose the latter given the importance of having U.S. diplomats on the ground in China. When I returned to my duties more than a month after the arrival of the first charters, I followed Ambassador Branstad's orders to lead efforts to bring back the rest of our staff following the same protocol dictated to us by Secretary Pompeo. I followed that protocol strictly the rest of my tenure as DCM and Chargé d'Affaires, successfully returning more than 1,400 staff and family members to restaff mission China.

Ambassador Branstad and I did support Secretary Pompeo's policy of waiving privileges and immunities for COVID tests to allow our staff to return to China as it allowed us to safely bring back staff and family members to restaff Mission China at a time when our staffing was so depleted, and staff beleaguered that we could not safely fulfill our mission. Ambassador Branstad felt strongly that we needed to be able to: provide services to the many tens of thousands of American citizens trapped in China during a dangerous epidemic; ensure that the PRC did not cut off the supply of PPE, medical equipment, and pharmaceuticals to the United States at a time we were struggling to address the rapidly rising death toll from COVID in the United States; ensure monitoring and enforcement of President Trump's phase one trade agreement and efforts to stem the flow of fentanyl to the U.S. from China; and monitor the spread of COVID in China as the PRC sought to hide its complicity in the origins of the pandemic and the realities of COVID spread in its own cities.

Ambassador Branstad, myself, and many members of my team in Beijing and at the Consulates worked tirelessly to push back on the PRC's unscientific and unacceptable COVID control protocols throughout my time in China. If confirmed, protecting employees and their families would remain my highest priority.

Question. If confirmed, how will you counter the CCP's military expansion into Cambodia, notably the Ream Naval base, among others?

Answer. I have serious concerns over Cambodia's growing dependency on the PRC and the expanding PLA military presence in the country, including at Ream Naval Base. If confirmed, I will urge the Cambodian Government to closely examine the agreements its defense officials have made with the PRC to ensure the PRC will not be allowed a military presence at Ream or to install sensitive technology at the base that undermines Cambodia's sovereignty, contravenes its constitution, or threatens regional stability. If confirmed, I will engage with the Cambodian Government as well as with our likeminded and regional partners to increase understanding that Cambodia's autonomy and regional security are at stake.

Question. Do you support the bipartisan legislation Senator Markey and I introduced to hold Cambodia accountable for their democracy and human rights backsliding?

Answer. If confirmed, I will continue to underscore to the Cambodian Government the importance of making progress on democracy and human rights in Cambodia. I will continue to use all tools available to promote accountability for those involved in human rights abuses and democratic backsliding in Cambodia. The U.S.-Cambodia relationship will not reach its full potential until there is progress on democracy and human rights.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO ROBERT WILLIAM FORDEN BY SENATOR BILL HAGERTY

Question. Do you stand by your testimony that only a single U.S. diplomat was subjected to an anal swab test by Chinese authorities when you were serving as Chargé d'Affaires at U.S. Embassy Beijing?

Answer. Yes. I am aware of only one adult U.S. diplomat in China during my tenure, who despite instructions to the contrary, complied with a request from a Chinese local health official in February 2021 for an "anal swab" for COVID testing. As soon as it came to our attention, we immediately protested to the Chinese Ministry of Foreign Affairs, which apologized and confirmed that foreign diplomats are not required to comply with such tests and should not be asked. We immediately reminded all Mission personnel that they should not comply with any request in quarantine for any test beyond a throat/nasal swab COVID test that was authorized by the Department and if they were requested to do anything beyond that, they were to refuse and contact the Embassy immediately.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO B. BIX ALIU BY SENATOR BENJAMIN L. CARDIN

Responsiveness to Committee and Congress

First, I have a few questions that speak to the importance that this committee places on responsiveness by all officials in the executive branch, and

that we expect and will be seeking from you. I would ask you to provide just a YES or NO answer:

Question. Do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?

Answer. Yes.

Question. Do you commit to keep this committee fully and currently informed about the activities under your purview?

Answer. Yes.

Question. Do you commit to engaging in meaningful consultation while policies are being developed, not just providing notification after the fact?

Answer. Yes.

Question. Do you commit to promptly responding to requests for briefings and information requested by the committee and its designated staff? Thank you.

Answer. Yes.

EU Accession

Montenegro's leadership is committed to making progress on their EU accession effort, but the EU Commission notes that polarization and political instability hinder the Government's ability to carry out required reforms. In particular, the EU Commission's December 2023 report found that no progress has been made on justice reform.

Question. If confirmed, how would you work to help Montenegro overcome these obstacles to its European future?

Answer. In its first 100-days, the Europe Now-led Government has overcome several issues addressed in the EU Commission's December 2023 report by filling vacant Constitutional Court, Judicial Council, and Supreme State Prosecutor positions. If confirmed, I will encourage leaders to strengthen Montenegro's legal systems and implement all the necessary rule of law reforms for EU accession. Further, I would advocate among our EU partners for clearly stated benchmarks and counsel merited enlargement.

Anti-Corruption

The EU assesses that corruption and organized crime have infiltrated state structures in Montenegro. My Combatting Global Corruption Act passed as part of the 2024 National Defense Authorization Act, and would require embassies such as Embassy Podgorica to have an anti-corruption point of contact, assess Montenegrin efforts to combat corruption, and make recommendations to the Secretary of State on Global Magnitsky sanctions when appropriate.

Question. What would be your process for assessing corruption in Montenegro? Do you commit to prioritizing Embassy resources for this important work?

Answer. If confirmed, I would apply a three-pronged approach for assessing corruption in Montenegro, working with national law enforcement, local and international civil society organizations like Transparency International and Freedom House, and journalists. Moreover, I would maintain the U.S. Embassy's vigorous efforts to assist Montenegro in fighting endemic corruption. I would prioritize strengthening Montenegro's ability to investigate and prosecute complex organized crime and corruption; and continue support for the national anticorruption strategy, which includes civil society, to prevent and combat corruption.

Relations with Serbia

Montenegro has a complex relationship with Serbia given the role of Serbian businesses in Montenegrin media, the important role of the Serbian Orthodox Church in Montenegrin society, and Serbian political pressure on the Montenegrin Government on issues like Kosovo's independence.

Question. How would you work to ensure respect for Montenegrins' religious and cultural connections to Serbia, while mitigating potential malign influence on independent media and foreign policy?

Answer. The Serbian Orthodox Church (SOC) remains one of Montenegro's most trusted institutions, with 63 percent of all Montenegrin citizens being adherents. For many Montenegrins, it is a vital institution that underpins not only faith, but major life milestones. However, the SOC is not just a faith community. It also demonstrates clear interest in influencing political outcomes. If confirmed, I will ensure that our engagement with all religious groups, including the SOC, will promote free-

dom of religion or belief even as we work against disinformation and malign influence.

Foreign Malign Influence

China's financing of a highway segment in Montenegro, the first of four, contributed to Montenegro's public debt hitting 110 percent of GDP at its peak.

Question. If you were advising the Montenegrin Government, how would you recommend that they proceed on the other highway segments and other infrastructure projects financed by China?

Answer. If confirmed, I would advise that we work with the interagency to implement programs such as a foreign investment screening mechanism, the Blue Dot Network, and the Strategic Ports Initiative. These mechanisms would allow Montenegro to better evaluate potential projects through a national security lens to ensure that they are adequately protecting their critical infrastructure and promote development in accordance with global standards.

Question. Does the Montenegrin Government understand the risk of large debts to the PRC?

Answer. Yes. Montenegro took a €925-million loan from China's Exim Bank to finance 85 percent of the Bar-Boljare highway's first phase constructed by, PRC state-owned, Chinese Road and Bridge Corporation. Montenegro has paid down the loan, reducing its debt to €712 million. The Government entered a hedge agreement with several unnamed banks to limit currency exchange risk and renegotiated the terms to decrease exposure to PRC economic coercion. The Government renewed the hedging agreement in late 2023. Montenegro's Ministry of Finance maintains that the transaction aligned with their 2024 budget, which authorizes the Government to borrow up to \$1.15 billion this year. The Government will likely finance future infrastructure projects with this revenue stream while avoiding future loans with the PRC.

Question. Given the concerns raised about your management and the documents cited by the minority at your hearing (which had not been previously provided to you or the majority), is there anything else you would like to provide for the record?

Answer. Please find attached award nominations that attest to my leadership-style and dedication to both Embassy personnel and the U.S. foreign policy mission—included are nominations for the James A. Baker, III Award for Outstanding Deputy Chief of Mission endorsed by Ambassadors Mosbacher in 2020 and Brzezinski in 2022, Edward J. Perkins Memorial Award(s) for Leadership in Diversity and Inclusion in 2021, and Superior Honor Award for outstanding leadership at U.S. Mission Warsaw in 2021.

I would like to respond to the concerns expressed by the Minority over the extended stay of a foreign national visitor in my residence. I did not initially anticipate my guest's extended stay that European COVID lockdown protocols necessitated. I immediately reported it to the Ambassador and RSO. During my entire 22-year career, I have strictly adhered to all reporting requirements with respect to contact with foreign nationals and cohabitation. 12 FAM 271.2 defines "foreign national roommates" and includes a 30-day calendar stay reporting requirement. However, the inclusion of the 30-day calendar stay was established on January 21, 2022, when 12 FAM 270 was updated by the Department, and was fully implemented later that year. Prior to that time, Department policy did not include a time-delineated reporting requirement. Even absent this requirement, however, I immediately reported it to the Ambassador and RSO.

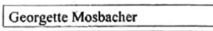
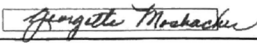
The guest in my residence in Poland stayed with me from March 19 to April 25, 2020. The reason for the extended stay was due to Polish and European COVID-19 lockdown protocols at the time. At no time during the stay did I discuss U.S. foreign policy regarding Montenegro or Poland. I was unaware that I would be nominated to be ambassador to Montenegro at the time (2020). I never discussed any issues related to Saudi Arabia.

I reported my initial contact with this person in 2014 in line with the FAM. The contact was also reported during my periodic DS security clearance verifications. If confirmed, I will continue to remain strictly in compliance with all FAM reporting requirements.

On June 1, 2023, the Bureau of Legislative Affairs (H) conveyed to Minority Counsel the Bureau of Diplomatic Security's confirmation that in this instance I abided by applicable security reporting requirements at the time with respect to contact with foreign nationals and the temporary stay at my Warsaw residence.

MATERIAL SUBMITTED BY SENATOR BENJAMIN L. CARDIN
TO SUPPORT THE NOMINATION OF B. BIX ALIU

AWARDS NOMINATIONS

FOR OFFICE USE			
<input checked="" type="checkbox"/> State	<input type="checkbox"/> USAID	Date Received by Awards Office (mm-dd-yyyy)	Date Related to Personnel Records (mm-dd-yyyy)
U.S. Department of State NOMINATION FOR AWARD			
PART I - NOMINATION			
Name of Nominee (Last, First, MI)		Social Security Number	ORG Symbol or Post
Aliu Begzat B		XXX - X-XXXX	EUR/Warsaw
Present Position Title and Grade		Position held during period covered by nomination if different than present	
Charge d'Affaires, FE-OC		Deputy Chief of Mission	
REASON FOR AWARD			
<input checked="" type="checkbox"/> Performance	<input type="checkbox"/> Customer Service	<input type="checkbox"/> Teamwork	<input type="checkbox"/> Other _____
<input type="checkbox"/> Special Act	<input type="checkbox"/> Innovation	<input type="checkbox"/> Crisis Management	
TYPE OF AWARD RECOMMENDED			
<input type="checkbox"/> The Secretary's Award	<input checked="" type="checkbox"/> Superior Honor Award	<input type="checkbox"/> Time Off From Duty Award	
<input type="checkbox"/> Award for Heroism	<input type="checkbox"/> Meritorious Honor Award	<input type="checkbox"/> Cash	
<input type="checkbox"/> Secretary's Career Achievement Award	<input type="checkbox"/> Franklin Award	<input type="checkbox"/> Other _____	
<input type="checkbox"/> Distinguished Honor Award	<input type="checkbox"/> Foreign Affairs Award for Public Service		
Recommended Amount (Cash/Time Off Hours)	Approved Amount	Approved Award	
\$0	\$0.00	SHA	
Justification for Award (Include a concise citation to be used on the award certificate. Additional sheets may be used.)			
Citation: For your outstanding leadership and contributions to the success of the U.S. Mission to Poland, 2019-2021.			
<p>Justification: As I prepare to depart Poland shortly, I reflect with immense pride on how much we have accomplished as a U.S. Mission. Today, the relationship between our two countries is stronger than ever. The United States has no better friend in Europe. Whether addressing the Kremlin's aggression, advancing regional energy security cooperation, or supporting U.S. companies and job creation back home, our Mission materially promoted U.S. national interests. Our numerous "wins" would have been impossible without the hard work and dedication of my outstanding Deputy Chief of Mission, B. Bix Aliu. Bix is a consummate professional, a trusted advisor, and, most importantly, a friend. I relied heavily on Bix's leadership as my Chief Operating Officer to maintain seamless mission operations - calling on him 24/7 and tapping into his expertise to keep our community safe during the unprecedented COVID-19 pandemic. Bix's deep knowledge of the interagency process shook loose the bureaucracy more times than I can count, and his policy acumen ensured a laser focus on the best interests of the United States. Simply put, without Bix, I would not have been successful as an ambassador.</p> <p>Allow me to provide just a few examples of what we accomplished under Bix's steady guidance. We marked 100 years of bilateral relations - and Poland's independence - by welcoming Poland as the newest member of the U.S. Visa Waiver Program, eliminating a decades-old bilateral irritant. In 2020, we signed a new Enhanced Defense Cooperation Agreement (EDCA) and the United States officially activated the U.S. Army V Corps Headquarters (Forward) in Poznan; both will strengthen NATO's eastern flank and our own security. We established a strategic energy dialogue and signed an Intergovernmental Agreement on cooperation towards the development of a civil nuclear power program and sector in Poland, which will help Poland increase its energy security and become more independent of Russia. Bilateral trade in goods has increased 23% over the past two years, reaching \$14.3 billion in 2019, the highest point in our history. We signed the U.S.-Poland Joint Declaration on 5G to highlight our shared belief that only trusted providers should be included in our 5G networks. Poland was only the second country to sign a 5G MOU and the first</p>			
Nominated By (Name, Title, Signature)		Date (mm-dd-yyyy)	
Georgette Mosbacher, Ambassador 		1/19/2021	
Approved By (Supervisor's Name, Title, Signature) Applicable only if nominated by other than supervisor		Date (mm-dd-yyyy)	
Georgette Mosbacher, Ambassador 		1/19/2021	

NOMINATION FOR AWARD

Name of Nominee (Last, First, MI)

Aliu Begzat B

Justification for Award Continuation Sheet (Include a concise citation to be used on the award certificate.)

at such a high level. In every single one of these policy examples, Bix played a crucial role "running interference" between Warsaw and Washington, guiding, advising, informing, convincing, negotiating, and most importantly - strategizing our approaches and getting us to the goal posts.

Bix is also a master diplomatic operator. Here are just a few examples; working with the FBI and contacts he cultivated at the Ministry of Justice, Bix secured the extradition of three individuals who have avoided justice for over 15 years for heinous crimes they committed in the United States. During one of the many times Bix was Charge d'Affaires, he expertly tamped down emotions when the Minister of Development was quite upset over proposed U.S. tariffs on Polish poultry exports. Bix worked with the National Security Council and the Department of Agriculture to exclude Poland from the list, maintaining positive relations between our two countries and preventing a bilateral irritant. As disgusting Russian revisionism attempted to paint Poland as the instigator of WWII at a major international event commemorating the 75th anniversary of the liberation of Auschwitz-Birkenau, Bix worked closely with the Office of the Vice President to secure a positive - and historically accurate - message of support for Poland in the Vice President's remarks.

As my COO, Bix tirelessly ensured that our Mission community was safe. Before the pandemic exploded, he was well ahead of Washington in implementing sanitary protocols in our buildings and establishing teleworking for our staff. Working closely with our Medical Unit and the Facilities team, Bix's innovative approaches meant that we had a safe work environment for those who absolutely had to come in. Bix's transparency with the Mission community paid off dividends - our team clearly understood the medical guidance and where things stood with the vaccine, avoiding rumors and unnecessary anxiety. Working with the Secretary's team, Bix convinced Washington to send as few people as possible to support Secretary Pompeo's visit at the height of the pandemic. The small footprint was not only greatly appreciated by the Poles, but served as a model for future trips, earning the accolades of other embassies in the region. Looking beyond our walls, Bix developed a media campaign that highlighted the corporate social responsibility efforts of U.S. companies in Poland, generating very favorable reactions and countering Chinese disinformation on the origins of the virus.

Bix has been a phenomenal mentor to those he supervises, as well as the First and Second Tour officers. He empowers his team, creates opportunities for the cross-fertilization of ideas, and always maintains an open door for those who need to talk to him. Bix worked with Washington to secure a 14% across-the-board raise for the local staff - the LE Staff had not seen a single raise in over a decade. Bix's successful efforts immediately improved Mission morale. Bix also regularly dips into his own pockets to provide trivia prizes for virtual CLO events, which have kept our community connected, as most teleworked and the pandemic persisted. There are many more examples that I can share. Simply put, I could not think of anyone more deserving of a Superior Honor Award than Bix.

PART II - ACTION TAKEN TIME OFF FROM DUTY AWARD - Optional - For period not to exceed one work day.									
Bureau/Post Approval (Name, Title)	Date (mm-dd-yyyy)								
Bureau/Post Approval (Signature)									
PART III - ACTION TAKEN BY JOINT COUNTRY AWARDS COMMITTEE									
<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove	Date (mm-dd-yyyy) 03-19-2021								
Remarks									
Cash Awards Only - Approved Amount \$ 0									
Typed Name of Committee Chairperson CONARD C. HAMILTON									
Signature of Committee Chairperson Conard C Hamilton <small>Digitally signed by Conard C Hamilton Date: 2021.03.19 12:55:37 -0500</small>									
PART IV - ACTION TAKEN BY CHIEF OF MISSION									
<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove	Date (mm-dd-yyyy) 03-19-2021								
Remarks									
Cash Awards Only - Approved Amount \$ 0									
Typed Name of Chief of Mission GEORGETTE MOSBACHER									
Signature of Chief of Mission <i>Georgette Mosbacher</i>									
PART V - ACTION TAKEN BY AREA AWARDS COMMITTEE									
<input checked="" type="checkbox"/> Approve <input type="checkbox"/> Disapprove	Date (mm-dd-yyyy) 05/25/2021								
Remarks Due to the COVID-19 telework situation, e-signature/ink signature was not possible. Record approval is on file in EUR-IO/EX/HR with the award record. Certification: All Committee members reviewing this nomination have attended Diversity Awareness Training for awards committee members.									
Cash Awards Only - Approved Amount \$0.00									
Typed Name of Committee Chairperson Marcela E. Curtis									
Signature of Committee Chairperson									
Record approval is on file in EUR-IO/EX/HR									
PART VI - ACTION TAKEN BY DEPARTMENT AWARDS COMMITTEE									
<input type="checkbox"/> Approve <input type="checkbox"/> Disapprove	Date (mm-dd-yyyy)								
Remarks									
Cash Awards Only - Approved Amount									
Typed Name and Title									
Signature									
PART VII - FISCAL DATA									
Bureau/Post Budget Officer (Name, Signature)	Date (mm-dd-yyyy)								
Accounting Classification (Completed by Bureau/Post Budget Officer)									
Agency	Appropriation	Allotment	Obligation No.	Org. Code	Function	Object	Award Amount	For Gift Cheque Use Only	
								Obligation	Net
PART VIII - PAYROLL OFFICE INFORMATION - FOR GIFT CHEQUE USE ONLY									
Bureau/Post Awards Officer (Name, Signature)								Date (mm-dd-yyyy)	
Payroll Information (Completed by FMP)									
Gross Amount	Federal Tax Withheld	State Tax Withheld	QASDI Tax Withheld	FHI Tax Withheld	Net Amount				

Nomination for Department Of State Annual Award

PART I – NOMINATION		
Name of Nominee (Last, First, Middle Initial) Aliu, B. Bix	Employee ID Number [REDACTED]	ORG Symbol or Post Warsaw
Present Position Title and Grade "In transit" status in Washington, D.C. FE-MC	Position held during time covered by nomination Deputy Chief of Mission	
Select Award from Drop-down Menu James A. Baker, III Award for Outstanding Deputy Chief of Mission	<input checked="" type="radio"/> Dept. of State	<input type="radio"/> USAID
PART II – AWARD INFORMATION		
Citation for Award (no more than three lines of text) For his relentless advocacy and determine pursuit of excellence during his tenure as Deputy Chief of Mission and Charge d' Affaires of Mission Poland.		
Justification for Award (text must be kept within the remainder of the document) <p>Bix Aliu led Mission Poland superbly during one of the most critical periods in our bilateral relationship with Poland. He sent tough messages and made our priorities to the Poles clear. Bix excelled in his advocacy for media freedom and support for minority rights, weathering media criticism and strong opposition from Polish leaders. He also led the Mission in the aftermath of Russia's February 24 invasion of Ukraine, which sent 3 million refugees across the Ukrainian-Polish border and transformed Poland into America's "indispensible ally." Bix is the cleverest Foreign Service Officer I have met, and his accomplishments at Mission Poland merit recognition as Deputy Chief of Mission of the Year.</p> <p>Plans to "re-Polonize" the media became a renewed priority for the Polish government ahead of fall 2023 parliamentary elections. The lower house of parliament (Sejm) approved a draft amendment to the Broadcasting Act that threatened U.S. Discovery's ownership of TVN, a 2 billion USD U.S. investment. The amendment severely limited media freedom in Poland. Bix led a multifaceted, multi-agency strategy that bore fruit. President Duda vetoed the bill and TVN was granted a renewed license to continue to operate – a huge win for promoting U.S. democratic values in Poland.</p> <p>Several high-level government officials made anti-LGBTQI+ or homophobic public statements, and more than 100 local governments around the country adopted "family rights charters" and declarations rejecting "LGBT ideology." Bix engaged on this issue head-on, through media outreach and symbolic events to promote diversity. He was regularly attacked by the Polish officials and in the press, accused of interfering in internal Polish politics and trying to teach "immoral" values to the Polish people. Thanks to Bix's advocacy, the U.S. Embassy galvanized international and domestic support for the LGBTQI+ community, and the Polish government granted full diplomatic accreditation for same sex spouses of U.S. diplomats, a major milestone in our bilateral relations.</p> <p>On February 24, Russia invaded Ukraine, sending over 3 million refugees across the border into Poland. Bix steered Embassy personnel to advance our humanitarian and security goals in real time. He tirelessly ensured U.S. interests were represented and Washington kept informed of all relevant details. Thanks to such well-orchestrated diplomatic efforts, Poland stepped up to support these refugees, earning deserved praise by both Brussels and the United States as a linchpin of Western solidarity and security. Bix also oversaw the Pentagon's deployment of more than 5,000 additional troops and Patriot surface-to-air missile batteries to Poland, more than doubling the number of U.S. military personnel in country. On Bix's watch, Poland also became a vital staging post for the supply of weapons, ammunition, fuel and other assistance to Kyiv and put itself in the center of deliberations shaping the West's response to the crisis.</p> <p>During Bix's tenure as CDA and DCM, the Polish government, which had been previously out of step with Washington in many realms, began to bask in appreciative attention, receiving visits and praise from the President of the United States, the Vice President of the United States, the CIA Director, the Secretary of State, the Secretary of Defense, and nearly 100 Members of Congress. Poland is now in the forefront of rallying Europe to take tough measures to punish Putin for his aggression. Bix played an indispensable role in making this positive change. At the same time, he sustained high morale and extraordinary productivity across the Mission. In short, Bix Aliu embodies the best a Charge/DCM can offer.</p>		
Nominated By (Name and Title) Ambassador Mark F. Brzezinski	Signature MARK F BRZEZINSKI <small><i>Digitally signed by MARK F BRZEZINSKI Date: 2022.08.01 16:18:04 +0200</i></small>	Date (mm-dd-yyyy) 06-01-2022
Approved By (Supervisor's Name and Title) Ambassador Mark F. Brzezinski	Signature MARK F BRZEZINSKI <small><i>Digitally signed by MARK F BRZEZINSKI Date: 2022.08.01 18:05:13 +0200</i></small>	Date (mm-dd-yyyy) 06-01-2022
Endorsed By (Name and Title) Assistant Secretary Karen E. Donfried	Signature KAREN E DONFRIED <small><i>Digitally signed by KAREN E DONFRIED Date: 2022.08.02 08:22:27 +0200</i></small>	Date (mm-dd-yyyy) 06-02-2022

Nomination for Department Of State Annual Award

PART I – NOMINATION		
Name of Nominee (Last, First, Middle Initial) Aliu, Begzat B.	Employee ID Number [REDACTED]	ORG Symbol or Post Warsaw
Present Position Title and Grade Charge d’Affaires, a.i., FE-OC	Position held during time covered by nomination DCM and Charge d’Affaires, a.i.	
Select Award from Drop-down Menu Edward J. Perkins Memorial Award(s) for Leadership in Diversity and I	<input checked="" type="radio"/> Dept. of State	<input type="radio"/> USAID
PART II – AWARD INFORMATION		
Citation for Award (no more than three lines of text) For outstanding achievement in tolerance and diversity to the benefit of Foreign Service members serving in Mission Poland and throughout the Department.		
Justification for Award (text must be kept within the remainder of the document) B. Bix Aliu, as DCM and then Chargé d’affaires, a.i., at Embassy Warsaw, reflects the best in the Department’s efforts to promote a culture of equality, tolerance, and inclusion. Bix set the standard for advancing diversity at our posts overseas through his strong support of the Mission’s newly-established Diversity Council and early successes including the hiring of the most diverse Local Guard Force in the Mission’s history. Bix’s leadership and relentless drive to ensure that our Mission represented all Americans secured a major concession from the Polish government in a political atmosphere that would have made one think the achievement impossible: on April 14, 2021, Foreign Minister Rau insisted on being the one to hand Bix the diplomatic note communicating that the Government of Poland would begin accrediting same-sex spouses of American diplomats with full diplomatic privileges and immunities, despite Polish law not recognizing such unions. The Foreign Minister said the decision was only made due to Bix’s personal advocacy. Poland’s ruling coalition is well known for its intolerance toward LGBTQI+ persons since coming to power in 2015. During elections in 2020, the governing party used LGBTQI+ rights as a wedge issue to energize its base. Officials including the Polish president made anti-LGBTQI+ and homophobic statements, and nearly 100 local governments adopted charters rejecting “LGBT ideology.” Physical attacks against LGBTQI+ persons increased. Against this backdrop, Bix encouraged our former non-career ambassador’s rare public statements in support of LGBTQI+ rights knowing that our Mission would face political blowback from Polish officials. Bix convinced the Ambassador to fly rainbow flags at Embassy Warsaw and Consulate-General Krakow, and to Tweet public statements pushing back against the Polish Government’s harmful rhetoric. When the Polish government summoned our Ambassador to lodge a formal complaint, Bix made clear that we would not compromise on our values. Poland’s Human Rights Ombudsman specifically cited the Mission’s engagement for a significant decrease in the Polish government’s anti-LGBTQI+ rhetoric. Bix concurrently raised the accreditation issue with the Polish government in senior level meetings, reminding them of their discriminatory policy and the fact that Poland was the outlier in the EU. Following the transition in administrations, Bix ensured the accreditation issue was raised with interlocutors in both Washington and Poland, including his successful effort to add it to the issues Secretary Blinken raised with FM Rau in their first call. Bix’s defense of human rights did not stop at LGBTQI+ issues. Upon becoming Charge d’affaires, Bix continued to raise diversity and tolerance issues in meetings with Polish officials and public messaging, including a tweet defending free academic inquiry into the Holocaust that led the Polish government to, once again, formally summon us. Immediately upon learning of FM Rau’s informing of the decision finally to accede to the accreditation request, one Embassy officer in a same sex marriage declared, “it has tremendous significance in making our families feel safe, secure, and valid” and noted being aware of “FSOs with LGBTI families that have not bid on Poland due to the limitations.” This statement stands as a firm attestation to the importance of what CDA Aliu has achieved for the Mission – and the Foreign Service as whole. He deserves recognition for his personal efforts to promote diversity and secure equal treatment.		
Nominated By (Name and Title) James A Wolfe, PAO and A/DCM	Signature Wolfe, James A <small>Digitally signed by Wolfe, James A Date: 2021.04.16 13:09:44 +0200</small>	Date (mm-dd-yyyy)
Approved By (Supervisor’s Name and Title)	Signature	Date (mm-dd-yyyy)
Endorsed By (Name and Title)	Signature	Date (mm-dd-yyyy)

Nomination for Department Of State Annual Award

PART I – NOMINATION		
Name of Nominee (Last, First, Middle Initial) Aliu, Begzat Bix	Employee ID Number [REDACTED]	ORG Symbol or Post EUR/Warsaw
Present Position Title and Grade Deputy Chief of Mission, FE-OC	Position held during time covered by nomination Deputy Chief of Mission	
Select Award from Drop-down Menu James A. Baker, III Award for Outstanding Deputy Chief of Mission	<input checked="" type="radio"/> Dept. of State	<input type="radio"/> USAID
PART II – AWARD INFORMATION		
Citation for Award (no more than three lines of text) Bix reflects the best in the Department's Ethos; he leads with uncompromising personal integrity, takes ownership of his team's actions and responsibility for his decisions. Bix played a central role in the US/Poland relationship, reshaping the Embassy's approach and contributing to our success. He is a trusted advisor and patriotic American.		
Justification for Award (text must be kept within the remainder of the document) Bix strengthened relations with a crucial ally by working with the Ministry of Defense and the Department to negotiate an agreement increasing security cooperation, and laying the groundwork for an additional rotational deployment of 1,000 American troops to Poland. Working with ODC and America's suppliers, Bix ensured Poland prioritized purchases of American equipment, including a \$414 million deal to purchase 20 high-mobility artillery rocket systems and a \$4.6 billion agreement to purchase 35 F-35 aircraft. NATO's Eastern Flank has never been more secure. Bix's gets things done and is a master at navigating the inter-agency. Working with his FBI colleagues, and utilizing the relationships he cultivated at the Justice Ministry, Bix secured extradition of three individuals - cases that had been waiting over 15 years to be solved. The perpetrators are now in the US being brought to justice. While Chargé, Bix was summoned by the Minister of Development when tariffs were unfairly suggested against Poland's poultry exports due to a dispute with the EU. Bix worked with the Department of Agriculture and NSC to exclude Poland, saving Poland billions of dollars and maintaining our positive relationship. The Russia disinformation machine tried to revise history and blame Poland for the atrocities of the holocaust, and Israel refused to allow the Polish President to speak at their liberation of Auschwitz event. Working with OVP, Bix secured a positive message of support for Poland in the Vice President's speech. Mentoring and creating development opportunities for colleagues has always been a priority for Bix. He reestablished the FAST program, created exchange opportunities, and hosted representational events for officers to network with Polish influencers. Bix had no greater gratification than seeing the team succeed. He reestablished the LES committee and met with them monthly to lay out new front office expectations and gain their buy-in on the way forward. Bix lobbied for and ultimately received a 14% across-the-board pay raise for local staff, something they had waited for over 12 years and which re-energized the staff. The improvement in morale was palpable. During the COVID pandemic, Bix developed a media campaign that focused on the corporate social responsibility efforts of US businesses. His plan countered Chinese misinformation efforts dispelling Chinese rumors of the origin of the virus. Working with the American Chamber of Commerce and public affairs, the series of articles, tweets and interviews filled the media space with positive messages of support. These efforts were widely covered in the local press, and the campaign was used as a best practice in the department. Bix's work on the Visa Waiver Program ensured Poland would become a part of the program. Bix reached out to his DCM colleagues in neighboring countries and asked that everyone apply visa regulations impartially and fairly. He worked with the NSC and consular affairs to weed out poor applicants and overturn erroneous issuances. Bix's innovative thinking and coordinated "nudge" secured Poland's entry into the program, a thorny bilateral issue that had lasted more than 30 years. When a freak accident during his visit to Warsaw left our desk officer comatose with no hope of recovery, Bix persuaded the PM's office to forgo the conservative laws in the country and allow the officer to be transported to the US to be with his family. Bix later led a ceremony celebrating the officer and named a conference room in his memory.		
Nominated By (Name and Title) Georgette Mosbacher	Signature <i>Georgette Mosbacher</i>	Date (mm-dd-yyyy) 06/10/2020
Approved By (Supervisor's Name and Title) Georgette Mosbacher	Signature <i>Georgette Mosbacher</i>	Date (mm-dd-yyyy) 06/10/2020
Endorsed By (Name and Title) PHILIP KEEXER, A/ASSISTANT SECRETARY	Signature <i>P. Keexer</i>	Date (mm-dd-yyyy) 06/10/2020

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO B. BIX ALIU BY SENATOR JAMES E. RISCH

Montenegro and the United States

Question. How will you work with Montenegro's Government and private sector to increase economic ties with the United States? What would you do differently than the current ambassador?

Answer. If confirmed, I will use the bilateral Economic Dialogue to bolster bilateral trade and investment. I will build on its success to promote a level playing field for U.S. companies in key sectors like infrastructure, energy, and IT. I will also push for increased economic security cooperation, building on \$15 million in Foreign Military Assistance funds Montenegro received in 2023 to build an artillery munitions plant, contributing to Allied military production and support for Ukraine in its defense against Russian aggression.

FOLLOW-UP QUESTION

Question. Please provide a more fulsome response to the second part of the question: what would you do differently than the current Ambassador?

Answer. I want to note that U.S. Embassy Podgorica is doing an excellent job with the recent trade mission to Montenegro and reinvigorating the U.S.-Montenegro Economic Dialogue. If confirmed, there are four further approaches I would use to increase economic ties and private sector investments: 1. surge public diplomacy and press on the benefits of working with U.S. businesses; 2. engage the U.S.-based diaspora for its support and investment in Montenegro; 3. collaborate with the Department's Bureau of Economic and Business Affairs and the Department of Commerce to bring more trade missions to Montenegro; 4. Work with the Government of Montenegro and the EU on the Government's plan to build regional connectivity (especially Albani, BiH, Serbia, and others) as part of the EU's Growth Plan expected to begin work in April 2024.

If confirmed, I would also work with AmCham and Montenegro's resident Embassy to hold trade fairs in Washington, DC. Recognizing that Montenegro is a small but growing economy, I would encourage Montenegrin leaders to participate in regional investment opportunities that attract U.S. corporations. I have experience in Poland with Select USA and would support such missions if confirmed.

Finally, if confirmed, I would strongly urge the Montenegrin Government to take up foreign investment screening, the OECD's Blue Dot Network (BDN), and the Strategic Ports Initiative (SPI) to protect U.S. national security interests and lower American companies' investment risk profiles. Some of the most significant investment opportunities for U.S. companies are in Montenegro's infrastructure. Increased U.S. investment will also counterbalance activity by PRC state-owned companies in the region.

BDN is a new initiative set to launch in April 2024. It aims to promote infrastructure development that is financially, environmentally, and socially sustainable by certifying projects that meet international standards. BDN helps signal to American investors that certified projects address the most common risk factors and lower risk profiles. The SPI builds foreign port development, management, and operational capacity to counter malign influence or control that could adversely affect U.S. interests, particularly in maritime spaces. Smart Port Workshops equip governments with commercial know-how to make better choices when facing port development challenges and financing gaps.

SPI's Transaction Advisory Service advises governments on port financing and development. If confirmed, I would support activities such as these to increase U.S. businesses' access to the Montenegrin market.

Question. This week, a Montenegrin court overturned a previous ruling that required the extradition of South Korean crypto-currency businessman and fugitive Kwon Do-hyung to the United States. If confirmed, how would you work with the Montenegrin authorities to move the extradition of Mr. Kwon forward?

Answer. The United States has significant interests in extraditing and prosecuting Kwon in the United States. If I am confirmed and this issue remains unresolved, I will work in close partnership with the Department of Justice to ensure Montenegro is aware of the advantages of Kwon being prosecuted in the United States, including the significant interests that the United States has in extraditing

and prosecuting Kwon for his extensive fraud that resulted in billions of dollars of losses to investors, including many in the United States.

Question. How can the United States help Montenegro improve its energy security?

Answer. If confirmed, one of my top priorities will be to help Montenegro further diversify its energy supply, develop competitive energy markets, and better integrate domestic and regional energy markets. Montenegro aims to increase renewable energy production; the country has excellent conditions for solar and wind power. I will also work to ensure a level playing field for U.S. companies seeking to invest in the energy sector, particularly in renewable energy, and will highlight for Montenegrin interlocutors the risks of PRC investments.

Montenegro and the EU

Montenegro has been very clear about its frustration of the slow pace of its accession to the European Union. While they began the EU accession process at the same time as Serbia, Montenegro has opened 33 of the 35 chapters for negotiations, while Serbia has only opened 22 chapters. Montenegro has provisionally closed three chapters, while Serbia has only closed 2.

Question. Do you believe that the U.S. Ambassador to Montenegro or the U.S. Government should actively lobby the European Union to move faster on allowing Montenegro to join the bloc? Why or why not?

Answer. The future of the Western Balkan countries lies squarely within the EU. The United States has long supported EU accession for qualified aspirants, including Montenegro. EU enlargement advances democratic progress and promotes peace, stability, and prosperity.

If confirmed, I will urge EU institutions to prioritize enlargement, sending a signal to Montenegro and other EU candidate states that accession is possible for countries that make the necessary reforms.

Question. Do you believe that the U.S. Ambassador to Montenegro or the U.S. Government should actively lobby the European Union to de-link the EU accessions of Montenegro and Serbia, allowing Montenegro to accede first? Why or why not?

Answer. If confirmed, I will urge the EU to consider Montenegro's accession based on the country's progress and merits, not in relation to any other aspirants. I would urge the European Union to prioritize enlargement and make clear that it has played a key role in advancing democratic progress and promoting peace, stability, and prosperity throughout the region.

Foreign Influence

Question. What strategy do you have to engage with pro-Russian parties in the Montenegrin Government?

Answer. Our engagement with the Montenegrin Government and ruling coalition will be based on the October 2023 coalition agreement, which commits to accelerating Montenegro's accession to the European Union, staying fully aligned with EU Foreign and Security policy, ensuring Montenegro is an active NATO Ally, and maintaining friendly relations with all countries recognized by Montenegro, which includes Kosovo. If confirmed, I will act to hold political parties accountable to this agreement and will not hesitate to call out actions that diverge from these stated values of this government.

Question. How will you engage the Government of Montenegro on the importance of countering Russian and Chinese malign influence?

Answer. As a NATO Ally and the EU-accession front-runner, Montenegro plays a pivotal role in a volatile region still struggling to embrace Euro-Atlantic values and susceptible to malign foreign influence from Russia and China. If confirmed, I will lead the Embassy team to ensure that Montenegro remains firmly on its Euro-Atlantic path, and continues its alignment with EU Foreign and Security Policies, including sanctions against Russia and China.

FOLLOW-UP QUESTION

Question. Please provide a more fulsome response addressing how you will engage with the Government of Montenegro on seizing sanctioned Russian assets in their jurisdiction and repurposing them to support Ukraine's reconstruction, including the touchpoints in the Montenegrin Government

with which you will discuss this issue and the arguments you will present to them.

Answer. As an EU candidate, Montenegro aligns its foreign policy with EU foreign policy, including the EU's sanctions against Russia. If confirmed, I would continue the Department's efforts to utilize foreign assistance to bolster Montenegrin sanctions enforcement capacity, including by supporting the development of new legislation to ensure Montenegro has the legal framework to enforce the sanctions it has committed to implement. This legislation is necessary for Montenegro to meet interim benchmarks in accession Chapters 23 and 24; I would encourage them to expedite these measures. If confirmed, I would urge Parliamentary leaders and PM Spajic to include a clause in this legislation that allows Russian assets seized through sanctions to be used for Ukraine's reconstruction. To further these objectives, I will engage with the Ministries of Foreign Affairs, the Interior, Finance, the Tax and Customs Directorate, the Directorate for Inspections Affairs, and the Directorate for Cadaster and State Property.

Question. How will you help support free and fair elections in Montenegro and efforts to counter foreign interference in the election process?

Answer. We are working with Allied partners to counter Russian election meddling as part of a broader, global effort. If confirmed, I will use the full range of available tools, including sanctions, to expose and counter Russia's malign agenda. In November 2023, the United States imposed sanctions on two Montenegrins whose corrupt activities enabled Russia's efforts to compromise the independence of the country's democratic institutions and judiciary, including its efforts to influence electoral outcomes.

Defense Cooperation

Question. How will you encourage Montenegro to fulfill its NATO pledge to spend 2 percent GDP on defense?

Answer. Montenegro met the Wales NATO Summit targets in its 2024 budget, adopted in December 2023, allocating over two percent of GDP to defense, 30 percent of which is for force modernization. Although actual defense spending has fallen short of the two percent target because of unrealized defense contracts, Montenegro has several defense capital investment projects underway that will boost actual spending over the two percent target and enhance Montenegro's contributions to the Alliance.

Question. As maritime threats rise around the world, including the Red Sea and South China Sea, how will you engage with Montenegro on increasing cooperation between our navies?

Answer. If confirmed, I will continue Embassy Podgorica's efforts to expand the ties between the U.S. Navy and Montenegro through three major investments: delivery and installation of a maritime radar system that will provide full coverage of the Montenegrin coast, delivery of four new patrol boats that increase Montenegro's patrol capabilities by 400 percent, and increased military educational engagement. Montenegro's own planned investments, including the purchase of two offshore patrol vessels, will allow Montenegro to join EU and NATO deployments to the Mediterranean by 2030.

Corruption and Reform

Montenegro has been well-known as a quiet and welcoming spot in which Russians can hide their ill-gotten gains. This connection has continued despite Russia's 2022 invasion of Ukraine and the resultant sanctions. According to RFE/RL, at least 19,000 Montenegrin properties are owned by Russians, including a villa owned by U.S. and EU-sanctioned oligarch Oleg Deripaska.

Question. If confirmed, what actions will you take to push Montenegro to enforce U.S. and EU sanctions against these individuals?

Answer. If confirmed, I will work to improve Montenegro's sanctions enforcement. The United States should leverage its foreign assistance to support Montenegrin institutions responsible for enforcing sanctions. Building on the United States' robust assistance to Montenegro's criminal justice sector, I would lead Embassy Podgorica to similarly engage institutions responsible for sanctions enforcement, which would enable greater sanctions compliance efforts against malign Russian actors.

Question. What can the United States do to support anti-corruption efforts and democratic reforms in Montenegro?

Answer. If confirmed, I will maintain the U.S. Embassy's already strong efforts to assist Montenegro in fighting endemic corruption and supporting democratic reforms. For example, with an annual budget of approximately \$4 million in INCLE funds, INL Montenegro implements a broad range of programs that enhance Montenegro's rule of law and law enforcement capacities and strengthen its democratic institutions. INL assistance builds the capacity of Office of the Special State Prosecutor and the Special Police to investigate and prosecute complex organized crime and corruption.

Question. How will you encourage Montenegro's Government to ensure its economy is not used for sanctions evasion?

Answer. Montenegro has adopted all EU sanctions related to Russia's aggression in Ukraine. If confirmed, I will maintain the U.S. Embassy's already strong efforts to assist Montenegro in fighting endemic corruption and support democratic reforms that deny corrupt actors and sanctions evaders a haven to operate. I will support Montenegro in strengthening its legal systems and implement all the necessary rule of law reforms required for EU accession, including a strict new anti-money laundering law that will support sanctions enforcement and help prevent sanctions evasion.

Question. How will you engage with the Government of Montenegro on seizing sanctioned Russian assets in their jurisdiction and repurposing them to support Ukraine's reconstruction?

Answer. As an EU aspirant, Montenegro has fully aligned its foreign and security policies with the EU, including sanctions in response to Russia's brutal war of aggression in Ukraine. If confirmed, I will continue the Embassy's work to strengthen Montenegro's sanctions enforcement regime through a combination of technical and infrastructure support so that Montenegro's sanctions enforcement will align with prevailing standards in policy and practice, yielding improved sanctions compliance against Russian malign actors.

Reform

In the past ten years, Montenegro has made good reforms, but it has far to go. In 2024, Freedom House rated Montenegro as only "Partly Free" and as a "Transitional or Hybrid" regime.

Question. In your opinion, in which spheres has Montenegro made the most progress, and in which areas do you believe Montenegro has fallen short? Please provide examples to back up your answer.

Answer. Montenegro has made significant progress in political pluralism and participation, as evident in the 2020 and 2023 elections that ushered in a generational change in leadership. However, the country faces challenges in areas like corruption, judicial independence, and electoral reform.

If confirmed, I will support and encourage key Montenegrin institutions and leaders who are fighting for positive change.

Question. If confirmed, in which reform areas would you direct Embassy Podgorica to concentrate its reform efforts? Why?

Answer. One of the Embassy's top priorities is to support the Government's efforts to strengthen the rule of law to advance Montenegro's EU accession bid. Montenegro has made tangible progress on the implementation of Chapters 23 (judiciary and fundamental rights) and 24 (justice, freedom, and security) of the EU accession framework, areas where Embassy Podgorica has focused its reform efforts. If confirmed, I will continue to prioritize our rule of law work as it is essential for Montenegro's EU accession and its political stability.

Trafficking in Persons

In the State Department's 2023 Trafficking in Persons Report, Montenegro was noted for its continued failure to meet the minimum standards to eliminate trafficking.

Question. If confirmed, what concrete steps could you take to help Montenegro operationalize the prioritized recommendations contained in the TIP report?

Answer. Montenegro was ranked as "Tier 2 Watch List" in the latest Trafficking in Persons Report in 2023 as it has not fully met the minimum standards for the elimination of trafficking but is making significant efforts to do so.

Through INL assistance programs, the U.S. Embassy is developing Montenegro's investigative capacity to identify trafficking cases and build judicial capacities to bring perpetrators to justice. If confirmed, I will urge the Government to inves-

tigate, prosecute, and convict traffickers and call for improvements to victim identification, protection, and compensation.

Question. If confirmed, do you commit to accurately portraying the realities of the trafficking situation on the ground in Montenegro through the annual country report on trafficking in persons?

Answer. The United States is committed to combatting human trafficking because it represents an attack on human rights and freedoms. If confirmed, I pledge to ensure that Embassy Podgorica's contributions to the Department's annual Trafficking in Persons Report continue to accurately portray the realities of trafficking in Montenegro.

Religious Freedom

In the State Department's 2022 International Religious Freedom report, Montenegro was noted as lacking overall societal and governmental respect for international religious freedom and for its disparate treatment of religious minorities in country.

Question. What is your assessment of this particular issue and if confirmed, how will you work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. If confirmed, I will ensure that our engagement with all religious groups is in line with our core values, including respect for religious freedom. I will work with our Embassy to engage all religious communities and inform the Department's understanding of religious freedom. I will speak out in favor of our fundamental values on issues like democracy and human rights, including the fundamental freedom of religion or belief.

FOLLOW-UP QUESTION

Question. Please provide a more fulsome response, specifically listing ways you will work with the Ambassador-at-Large for International Religious Freedom to bolster religious freedom in-country?

Answer. If confirmed, I would lead the Embassy in identifying critical touchpoints throughout the year and host engagements between the Ambassador-at-Large and Montenegrin religious leaders. I would bolster the Embassy's ongoing collaboration with the Ambassador-at-Large, ensuring that annual reporting reflects my meetings with faith actors of all backgrounds, civil society, and government officials. If confirmed, I will also seek opportunities to collaborate with the Ambassador-at-Large to speak out against attempts by malign actors to use religion to advance pro-Kremlin policies and disinformation to undermine Montenegro's democracy and which are contrary to U.S. values. Public diplomacy will be critical; I would work with IRF to engage the Ambassador-at-Large in speaking opportunities, working with educational institutions and CSOs to enforce religious freedom, including the right to practice according to one's faith.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. If confirmed, I would continue the work already underway at Embassy Podgorica to promote religious freedom, including personally engaging with civil society organizations that work to promote societal and governmental respect for international religious freedom and religious minorities.

Question. If confirmed, what concrete steps can you take to help Montenegro increase their societal and governmental respect for religious freedom?

Answer. If confirmed, I will ensure U.S. Embassy engagement with all actors in Montenegro is guided by core U.S. values, including the right to freedom of religion. In our public messaging and engagements in private, we will take every opportunity to clearly communicate the importance of these values and the importance of tolerance and multiculturalism, for which Montenegro is known across the Western Balkan region.

Also, I will speak out in favor of our fundamental values on issues like democracy and human rights.

Human Rights

In the State Department's 2022 Human Rights Report, Montenegro was noted as having a litany of significant human rights issues, including al-

leged torture, threats of violence against journalists, limits on the freedom of expression, and more.

Question. How will you direct your Embassy to work with civil society organizations to improve the human rights situation on the ground?

Answer. If confirmed, I would continue the work already underway by the Embassy in Podgorica, working with the Government and members of the international community and civil society to support democratic growth and promote respect for human rights and fundamental freedoms.

I will continue to support Montenegro in strengthening its legal systems and implementing all the necessary rule of law reforms for EU accession, measures that will bolster rule of law and improve protections for human rights, including freedom of expression.

Question. If confirmed, do you commit to personally engaging with civil society on this issue?

Answer. If confirmed, I am fully committed to engaging civil society and will ensure our Embassy's work in this area is centered on the defense of democracy, promotion of civil liberties, and the protection of human rights.

International Organizations

Question. How can you, if confirmed as Ambassador, work alongside IO and USUN to recruit and retain talented Americans for placement within the UN system either in appointments, elections, or other roles?

Answer. If confirmed, I will continue to support the ongoing work of the Bureau of International Organizations, Office of Multilateral Strategy and Personnel and their coordination with USUN to find, recruit, and retain qualified U.S. citizens in the UN system. I will support IO colleagues as they proactively identify openings and advocate for more U.S. citizens in key leadership positions across the UN and across international organizations. I will support efforts to expand existing targeted recruitment efforts by increasing outreach through different talent pipelines, connecting U.S. citizens already employed by the UN with prospective applicants, and sharing the IO Careers website as the advocacy portal.

State Management and Oversight

Question. Should Chiefs of Mission (COM) and Deputy Chiefs of Mission (DCM) be held to a higher standard of conduct than the rest of post?

Answer. Yes, absolutely. Leaders should model integrity and need to hold themselves to a higher set of standards than others. They must lead by example and demonstrate the behavior and conduct expected of others.

Question. Are COMs and DCMs ultimately responsible for the conduct of those they lead?

Answer. Leaders must understand although they may not be the cause of behavior contrary to mission goals and principles, leaders ultimately have a responsibility for the conduct of the organization and people they lead. A leader needs to make decisions, be trustworthy, empower others, communicate clearly, and support resilience. COMs and DCMs need to establish and maintain clear standards in line with Department policy and the FAM/FAH, enforce that criterion, and address behaviors and individuals who are not upholding the organization's standards.

Question. Should COMs and DCMs be models of behavior for the rest of their posts?

Answer. Yes.

Question. Do you believe that relationships with foreigners while serving abroad can create counterintelligence issues, particularly when not reported properly? How do you think these risks should be mitigated?

Answer. 12 FAM 270 outlines the guidelines all employees must follow at the Department of State when reporting a foreign contact. The Department of State has annual mandatory training for employees, Post holds briefings on CI threats and contact reporting requirements particular to Post. All concerns should be reported to DS in DC or the RSO at post, who oversee reviewing/investigating and adjudicating each case and following due process. DS is the ultimate decision maker in such cases.

Question. Who at the State Department is the appropriate adjudicator for COMs who breaks rules at post?

Answer. The A/S, PDAS, and ultimately the Secretary, but it is up to all of us to ensure the Ambassador is getting feedback on their performance (you cannot fix what you do not know), being told the truth and consequences of actions, and any acts of discrimination, harassment or unethical/illegal behavior must be reported via outlined procedures to the Department. Due process must be followed.

Question. Do you believe it is important to uphold the relevant whistleblower protection laws and refrain from retaliation against employees who file complaints, even if those complaints are against you?

Answer. Yes, completely agree.

Question. At any point while you were Chargé d’Affaires or DCM at Mission Poland, was Embassy Warsaw ever listed by the State Department as a post that is “Historically Difficult to Staff”?

Answer. Mission Poland was a Historically Difficult to Staff (HDS) post in bid-years 2018, 2019, and 2021. I worked to reverse this status by expanding our recruitment efforts; updating data and reports regarding conditions in Warsaw, in particular highlighting positive attributes; and interviewing potential staff.

Posts are designated HDS on an annual basis; GTM analysis determines positions as Hard-To-Fill (HTF) if there are fewer than three bids from qualified, at-grade bidders; and posts with more than 50 percent HTF positions are considered Most Difficult to Staff (MDS). The Department determines a mission is HDS if it has been MDS for at least three out of four most recent bid cycles. HDS is not necessarily an indicator of morale at post; other elements like the country’s climate, a difficult language without incentive pay, and a closed culture may contribute to staffing difficulties.

Question. Many U.S. missions have been under enormous stress over the last several years. What is your understanding of morale throughout Mission Montenegro?

Answer. As I understand, morale in Mission Montenegro is positive. In a recent survey, +80 percent U.S. direct-hires and locally employed staff members indicated that they were satisfied with their employment at the Embassy, and more than half reported that they have strong or excellent morale. For those who reported average or low morale, the major concerns were: 1. inflation and its impact on purchasing power for local staff; 2. overcrowding in the current Embassy building (a move to a New Office Building is anticipated in fall 2024); and 3. workload for some offices, as demands for the Mission have grown faster than the Embassy’s personnel footprint. If confirmed, I will work to address personnel and compensation issues and effectively communicate to all Embassy staff the decisions made and the reasons behind those decisions.

Question. How do you intend to improve morale at Mission Montenegro?

Answer. I will continue the Embassy’s already ongoing efforts to promote high morale by prioritizing internal communication with the Mission community, through town halls, community events, and team building. I will support a smooth transition to the first phase of a New Embassy Office Building, opening anticipated in fall 2024, which should allow more space for all employees. To address the concerns of locally employed staff (LE Staff), I would host our Post Management Officer (PMO) and GTM/Overseas Employment analyst to improve communication and transparency in post’s Local Compensation Plan and compensation reviews. Where justified, I will also advocate with the Department for additional staffing in sections most impacted by heavy workload.

Question. How do you intend to create a unified mission and vision at Mission Montenegro?

Answer. I will create a unified mission and vision at the Mission by working with the Embassy team to establish a clear interagency strategy, one that is aligned with core U.S. values and policy priorities. Furthermore, I will ensure that Embassy team members’ work is prioritized according to that strategy. I will regularly engage with all employees about our Mission goals, both communicating my personal view and welcoming team members’ feedback on ways that we can all work together to advance U.S. goals in Montenegro.

Question. Management is a key responsibility for Chiefs of Mission. How would you describe your management style?

Answer. I am an empathetic leader who empowers his people, supports and protects his team, communicates vision, and has as a top priority the physical and mental well-being of his team. As DCM and long-term Chargé, I have implemented “Mission Tenet” exercises, where the entire community participates in a mission-

wide exercise to establish a list of behavioral norms and expectations for the mission. We all then promise to hold each other accountable to them. “Be a decent human being” is almost always at the top. I have spent almost half of my career working at the Foreign Service Institute to teach, train and mentor the future leaders of our service, both civil and foreign. I hold our public servants in the highest regard, and will always advocate for improved conditions, high-morale, work-life balance, and esprit de corps.

Question. Do you believe it is ever acceptable or constructive to berate subordinates, either in public or private?

Answer. Never.

Question. How do you envision your relationship with the Deputy Chief of Mission?

Answer. As a two-time DCM for 5 ambassadors, both career and non-career, I have learned what qualities I wish to emulate and which I do not. Communication, confidence, trust, and honesty are a must between the two. The two should be complementary to each-other, but with diverse views and experiences to bring as much experience to the table as possible. Each should debate freely and openly when there are points of disagreement. They should understand each-others style, personality types, and preferred method of communication. They must respect each-other and have each-others back to present a united front. However, both individuals should be ready and able to tell the other when any red lines are close to being breached. If those red lines are crossed, both individuals must have the moral courage to hold the other responsible and report any issues when required.

Question. If confirmed, what leadership responsibilities do you intend to entrust to your Deputy Chief of Mission?

Answer. If confirmed, I will be the CEO, and the DCM will be the COO. Diplomacy is an apprenticeship—and I very much look forward to working with the DCM and providing them with professional development opportunities in order to prepare them to lead their own mission—share contacts, and encourage the DCM to form their own; share meetings; prepare the DCM to act as Charge in my absence; ensure the DCM has high-level contacts in DC and in-country and help establish their reputation and ability to influence. I will also learn from them—they will have served at post longer, and if confirmed, I look forward to their counsel and guidance. I have been lucky to have had some excellent relationships with the Ambassadors that I have worked with. If confirmed, I commit to working towards the same.

Question. In order to create and continue employee excellence at the Department, accurate and direct employee evaluation reports (EERs) for Foreign Service Officers are imperative, though often lacking. Do you believe that it is important to provide employees with accurate, constructive feedback on their performances in order to encourage improvement and reward those who most succeeded in their roles?

Answer. Yes, these elements are part of my leadership style.

Question. If confirmed, would you support and encourage clear, accurate, and direct feedback to employees in order to improve performance and reward high achievers?

Answer. Yes, I would support.

Question. It is imperative that U.S. diplomats get outside of posts abroad to meet with local actors, including host government officials, non-government organizations, and local citizens. In your experience, do U.S. diplomats get outside of our Embassy walls enough to accomplish fully their missions?

Answer. I place high value in engaging with the host government, civil society and other organizations, and local citizens. COVID protocols drastically impacted person-to-person diplomacy; however, this critical engagement is resuming and, if confirmed, I would support a return to interactions that meet or exceed pre-COVID activity. My impression is that U.S. Embassy Podgorica has excellent relations with all elements of Montenegrin society and the host government, an aspect I would use as a springboard to further U.S. foreign policy.

Question. How do you intend to improve the ability of U.S. diplomats to better access all local populations?

Answer. If confirmed, I will encourage Mission staff take external meetings, develop external contacts, participate in public panel sessions in line with their core job functions, and share their stories and American culture at our American Corners and at educational institutions as appropriate.

The role of every American at post is to represent the best of the United States abroad. I would embody that approach and encourage my staff to replicate it. Further, in partnership with my Public Diplomacy Section's exchanges, cultural programs, and youth engagements, I would build increased support for Diversity, Equity, Inclusion, and Accessibility, with a focus on improving the treatment of marginalized groups.

Question. Congressional Delegations (CODELs) and Staff Delegations (STAFFDELS) serve a critical oversight mission. Do you pledge to support fully CODELs and STAFFDELS that seek to travel to post with the only exceptions for simultaneous or overlapping visits by the President or First Lady of the United States, the Vice President, or the Secretaries of State or Defense?

Answer. Yes, if confirmed, we would fully support CODELs and STAFFDELS that seek to travel to post with the only exceptions for simultaneous or overlapping visits by the President or First Lady of the United States, the Vice President, or the Secretaries of State or Defense.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO B. BIX ALIU BY SENATOR ROBERT MENENDEZ

Question. What are the key tactics Russia has employed in its attempts to increase its influence in Montenegro?

Answer. Russia works to destabilize Montenegro through disinformation campaigns, election meddling through covert political financing, and espionage. Since 2022, Montenegro has expelled 11 Russian diplomats and citizens over "conspiracy to make a criminal enterprise and espionage." If confirmed, I will lead the U.S. Embassy team to collaborate with the interagency, EU, and local partners to counter disinformation; bolster Montenegrin civil society and independent journalism; amplify U.S. messaging on shared transatlantic values; and, when appropriate, we will also pursue sanctions.

Question. How have Montenegro's historical ties with the West, including its NATO membership, contributed its response to Russian aggression and efforts to increase its influence in the country?

Answer. A majority of Montenegrins see their future in the EU, and Montenegro's leadership is committed to EU accession. Montenegro has fully aligned its foreign and security policies with the EU, to include adopting all Russia sanctions. Montenegrin leaders consider NATO membership to be a pillar in Montenegro's foreign policy. Prime Minister Milojko Spajic has made pointed declarations against Russia's unjust war and has committed to supporting Ukraine and all NATO Allies. If confirmed, I will lead the U.S. Embassy team to ensure that Montenegro remains firmly on its Euro-Atlantic path; continues its alignment with EU Foreign and Security Policies, including sanctions against Russia; is a capable NATO Ally; and continues to assist Ukraine to defend against Russia's brutal aggression.

Question. What steps can the European Union and NATO take to support Montenegro in resisting Russian influence and advancing its integration into Western institutions?

Answer. NATO is a credible deterrent to overt Russian aggression and can help mitigate hybrid threats like cyberattacks and disinformation campaigns. For example, in the wake of the 2022 cyber-incident on Montenegro's Government systems, France and the United States provided expert support to quell the attack and reduce further impact.

The EU enlargement process has advanced democratic progress and promoted peace, stability, and prosperity throughout Europe. If confirmed, I will encourage Montenegro's leaders to work together passing the reforms necessary to meet interim benchmarks and make real advances in rule of law. I will advocate among our EU partners for clearly stated benchmarks and encourage merited accession.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD
SUBMITTED TO B. BIX ALIU BY SENATOR MARCO RUBIO

Question. In May 2022, Secretary Blinken said that the People's Republic of China (PRC) is the "only country with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do

it.” The Chinese Communist Party (CCP) clearly holds the reins of power in the PRC and has used this power to commit genocide in Xinjiang, flood our communities with fentanyl, and emit the largest quantity of greenhouse gases in the world today. With their absolute control of Chinese society and industry, the CCP could stop all of these destructive actions tomorrow if they so choose to do so. Is the CCP a threat to the United States?

Answer. In 2023, the Director of National Intelligence testified that “the CCP represents both the leading and most consequential threat to U.S. national security and leadership globally.” Under President Xi, the CCP has become more repressive at home and more assertive abroad, seeking to undercut U.S. influence and alliances. If confirmed, I will advance U.S. national security interests and push back against PRC efforts to expand its malign influence, through robust and forthright diplomatic engagements, public diplomacy, and commercial advocacy to bolster U.S.-Montenegro ties.

Question. Does the CCP undertake any activities that are beneficial to U.S. interests? If so, please explain.

Answer. The Administration assesses the Chinese Communist Party’s (CCP) activities in the context of the fact that, as Secretary Blinken has said, the CCP has become more repressive at home and more aggressive abroad. According to the Office of the Director of National Intelligence’s 2023 Annual Threat Assessment, the CCP is seeking to “undercut U.S. influence, drive wedges between Washington and its partners, and foster some norms that favor its authoritarian system.”

Question. Do you believe that there are any areas within which the CCP that would constructively work with the United States in good faith, knowing that at any moment Chinese interlocutors with U.S. representatives could be disappeared at a moment’s notice? If so, please explain.

Answer. The United States will work with the PRC to address transnational challenges, such as climate change, when it is in the U.S. interest to do so. If confirmed, I will work with my colleagues across the U.S. interagency and Congress to advance U.S. objectives and counter harmful behavior by the PRC and other actors in Montenegro.

Question. If confirmed, will you approve any joint activity with organizations or representatives from the PRC in the countries or areas in which you will work?

Answer. If confirmed, my priority will be advancing U.S. national security interests in Montenegro and countering efforts by our strategic and regional competitors to undermine those interests. The Administration has been clear that the PRC is the most consequential geopolitical challenge facing the United States, and that the United States is committed to working to strengthen our partners in the region. If confirmed, I will work closely with Department of State and interagency colleagues and Congress to address the PRC’s efforts to expand its influence in Montenegro and the region.

Question. As you may be aware, a group of federal employees penned an open letter to President Biden criticizing U.S. support for Israel in the aftermath of Hamas’ brutal terrorist attack on October 7, 2023. In addition, on January 16, 2024, employees from nearly two dozen agencies staged a walkout in protest of the administration’s Israel policy. Efforts like these directly undermine the duty of our diplomats to advance the policies of the President of the United States. Yes or no, did you sign the letter to the President expressing opposition to the President’s Israel policy?

Answer. No, I did not sign the open letter to the President.

Question. Yes or no, did you participate in the January 16, 2024, walkout?

Answer. No, I did not participate.

Question. If confirmed, would you define one of the employees or contractors operating under your supervision signing an open letter criticizing you, or policies you undertake at the instruction of the President, as insubordination as defined by the Government Accountability Office?

Answer. If confirmed, I would seek to address employee concerns personally by creating an open, trusting, and harassment-free work environment. I am mindful of and value Department employees’ right to free speech under the First Amendment. Moreover, I understand the expression of disagreement does not in and of itself constitute insubordination. If confirmed, I would work with the Department’s Office of the Legal Adviser to determine the proper course of action should such a matter arise.

Question. In your view, are the actions these federal employees took, by anonymously signing a letter to the President of the United States, covered as “whistleblowing”?

Answer. I believe these employees were expressing a dissenting view to their leadership. I would hope that employees would feel confident to directly raise their concerns with their supervisors and management rather than signing an anonymous letter. “Whistleblowing” is a term and activity covered by legislation and regulations; I defer to the Department’s Office of the Legal Adviser to determine whether the referenced actions are considered protected whistleblowing activity.

Question. If confirmed, how will you address discipline issues, such as insubordination, that do not take established dissent channels?

Answer. If confirmed, I will make sure that employees know that there are several avenues available to express policy disagreements. I would encourage employees to use established channels to express their views.

According to Department regulations, insubordination is a disciplinary matter related to conduct on the job and may result in counseling and a penalty commensurate with the scale of the offense. If confirmed, I would address discipline issues, including insubordination, in consultation with the Department’s human resources and legal professionals.

Question. Have you ever expressed support for an Israeli ceasefire in Gaza?

Answer. No, I have not expressed support for an Israeli ceasefire in Gaza.

Question. Do you agree that Hamas is an antisemitic entity?

Answer. Yes, Hamas is an antisemitic entity. Hamas, which is designated by the United States as a foreign terrorist organization, seeks to eliminate the State of Israel, and its founding charter calls for the killing of Jewish people.

Question. Would a ceasefire allow these groups to reconstitute and attack Israel, and Americans, in the future?

Answer. The Administration supports humanitarian pauses to allow for delivery of humanitarian aid into Gaza and for the safe exit of hostages and other vulnerable people.

Question. Do you agree that calling for a ceasefire in Gaza means calling for Israel to stop its pursuit of Hamas, a designated foreign terrorist organization, that orchestrated the October 7 attacks and still refuses to release all Israeli and American hostages?

Answer. It is my understanding that the Administration’s stated policy is to support temporary humanitarian pauses to enable a sustained flow of aid and to allow the voluntary movement of civilians seeking safer locations. Working with partners, the U.S. Government is attempting to secure the release of all hostages held by Hamas. The U.S. Government supports Israel’s right to protect itself from Hamas’ terrorism consistent with international law.

Question. Do you believe that Israel, in its operation against Hamas, which is known to use civilians as human shields, is taking all necessary steps to minimize civilian casualties?

Answer. The U.S. Government supports Israel’s right to protect itself, consistent with international law. The Administration has urged Israel to differentiate between civilians and Hamas terrorists and to avoid civilian casualties. Hamas’s use of civilians as human shields, a blatant violation of international law, does not lessen Israel’s obligations under international humanitarian law.

Question. Department policy requires all employees to report when they live, or cohabitate, with a foreign national. This is to protect employees from possible exposure to counterintelligence risks. Employees are advised that failure to comply may affect continued access to classified information. How long did you reside with any foreign nationals in your government residence in Poland?

Answer. During my entire 22-year career, I have strictly adhered to all reporting requirements with respect to contact with foreign nationals and cohabitation. 12 FAM 271.2 defines “foreign national roommates” and includes a 30-day calendar stay reporting requirement. However, the inclusion of the 30-day calendar stay was established on January 21, 2022, when 12 FAM 270 was updated by the Department, and was fully implemented later that year. Prior to that time, Department policy did not include a time-delineated reporting requirement. Even absent this requirement, however, I immediately reported it to the Ambassador and RSO. The guest in my residence in Poland stayed with me from March 19 to April 25, 2020.

The reason for the extended stay was due to Polish and European COVID-19 lockdown protocols at the time. Again, I immediately informed the Ambassador and RSO of the visitor. I reported my initial contact with this person in line with the FAM in 2014. The contact was also reported during my periodic DS security clearance verifications. If confirmed, I will continue to remain strictly in compliance with all FAM reporting requirements.

On June 1, 2023, the Bureau of Legislative Affairs (H) conveyed to Minority Counsel the Bureau of Diplomatic Security's confirmation that in this instance I abided by applicable security reporting requirements at the time with respect to contact with foreign nationals and the temporary stay at my Warsaw residence.

Question. Did you report the cohabitation, as required, prior to or during the time period you had a foreign national living in your residence?

Answer. Yes, during that period, I reported the stay to the Ambassador and the RSO.

Question. It is my understanding that employees are briefed upon arrival at every overseas assignment regarding cohabitation reporting requirements, regardless of rank or position. Did you report this living arrangement prior to the foreign national living in your residence?

Answer. I did not initially anticipate my guest's extended stay. European COVID lockdown protocols necessitated it, and when this became apparent during the visit, I immediately reported it to the Ambassador and RSO.

I reported my initial contact with this person in 2014 in line with the FAM. The contact was also reported during my periodic DS security clearance verifications. On June 1, 2023, the Bureau of Legislative Affairs (H) conveyed to Minority Counsel the Bureau of Diplomatic Security's confirmation that in this instance I abided by applicable security reporting requirements at the time with respect to contact with foreign nationals and the temporary stay at my Warsaw residence.

Question. It is my understanding the foreign national was a Montenegrin national with ties to Saudi Arabian and Montenegrin businesses. Did you discuss U.S. foreign policy regarding Montenegro or Poland, or any Saudi business when you lived with the foreign national?

Answer. No, I did not discuss U.S. foreign policy regarding Montenegro or Poland. I was unaware that I would be nominated to be Ambassador to Montenegro at the time (2020). I never discussed any issues related to Saudi Arabia.

Question. Can you comment on the employees who departed the U.S. Embassy in Poland early while under your leadership?

Answer. I want to assure you that during my tenure in Poland, there were no curtailments due to my leadership or management style. Post was operating during a time of intense stress—a global pandemic, Russia's war against Ukraine, and a change of administration. Curtailments happen for a variety of personal and professional reasons. The mental health and the safety of my employees has always been a top priority for me, and will remain so, if confirmed. As I noted during my hearing, during my 4-year tenure in Poland, there were five curtailments, three for personal/family reasons and two that were asked to leave by leadership; a list was provided to minority counsel. I prioritize the wellbeing and safety of those who work for me, and my record shows that this approach has been effective.

Question. Montenegro is a member of NATO and maintains positive bilateral relations with the U.S. In late 2022, Montenegro expelled multiple Russian diplomats and Russian citizens regarding an espionage investigation. Montenegro adopted sanctions against Moscow following the invasion of Ukraine which resulted in cyberattack targeting from Moscow. If confirmed, how will you support Montenegro in maintaining resilience in the face of Russian aggression?

Answer. If confirmed, I will lead the U.S. Embassy team to collaborate with the interagency, EU, and local partners to counter disinformation; bolster Montenegrin civil society and independent journalism; amplify U.S. messaging on shared transatlantic values; build Montenegro's cyber-resiliency supported by DoD's cyber security cooperation and the Maine National Guard State Partnership Program; and, when appropriate, we will also pursue sanctions against malign or corrupt actors.

Question. Are there any specific programs you will advocate for to reduce energy reliance upon Russia energy in Montenegro?

Answer. Montenegro derives all its power domestically from two hydropower plants in Perucica and Piva and the coal-fired Pljevlja thermal power plant (TPP).

It has no reliance on Russian gas. If confirmed, the critical energy sector focus will be decarbonization, which is in line with Administration priorities.

If confirmed, I would leverage the Economic Dialogue and other mechanisms to continue facilitating private sector participation in renewable energy policy making and encourage U.S. companies to bid on renewable energy projects.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO DR. MICHAEL SFRAGA BY SENATOR BENJAMIN L. CARDIN

Responsiveness to Committee and Congress

First, I have a few questions that speak to the importance that this committee places on responsiveness by all officials in the executive branch, and that we expect and will be seeking from you. I would ask you to provide just a YES or NO answer:

- Do you agree to appear before this committee and make officials from your office available to the committee and designated staff when invited?
- Do you commit to keep this committee fully and currently informed about the activities under your purview?
- Do you commit to engaging in meaningful consultation while policies are being developed, not just providing notification after the fact?
- Do you commit to promptly responding to requests for briefings and information requested by the committee and its designated staff?

Answer. Yes, I agree and commit to all of the above.

Russia's Membership

Russia's invasion of Ukraine has made itself a pariah on the international stage. While the Russian Federation remain a member of the Council, though the Arctic Council's official business has been on pause since Russia started its war in March 2022.

Question. What is the future of the Arctic Council given Russia's actions in Ukraine and the strain it has placed on the Arctic Council's ability to function as a body?

Answer. Because of Russia's illegal full-scale invasion of Ukraine—contrary to the values of the Arctic Council—the United States and its likeminded Arctic partners paused their participation in the Arctic Council during Russia's chairmanship in March 2022. Since then, the Council has taken incremental steps to advance work and recently agreed to the gradual resumption of virtual meetings of the Arctic Council's Working Groups and Expert Group to ensure critical Arctic projects can advance through the region's preeminent multilateral forum without returning to business as usual with Russia. The United States will continue to adjust its participation as needed in response to the behavior of the Russian Federation while also seeking to sustain the Council, and advance our interests, as outlined in the U.S. National Strategy for the Arctic Region.

Resources in Arctic

The Arctic is changing more rapidly than any other place on Earth. The race to explore and exploit this region as it becomes more accessible certainly presents opportunities but also great risks.

Question. What is your vision for responsible activities and resource management in the Arctic?

Answer. If confirmed, I will work with other federal agencies and the State of Alaska, in consultation with Alaska Native Tribes, communities, and corporations, to prioritize good governance, environmental responsibility, and sustainable development of natural resources in support of the National Security Strategy and the National Strategy for the Arctic Region. The Strategy's Climate Change and Environmental Protection Pillar and the Sustainable Economic Development Pillar emphasize the importance of reducing emissions, improving scientific understanding, and conserving ecosystems, all while supporting the pursuit of economic opportunities and sustainable development for local communities, including critical minerals.

Question. How do the other Arctic nations approach and manage increased human activity in the Arctic. In what areas do you think better cooperation is necessary?

Answer. Other like-minded Arctic states share similar strategies, and, if confirmed, I would work closely with our Arctic allies and partners, as well as our missions in the region, to manage increased human activity in the Arctic.

University of Alaska

Question. Dr. Sfraga, while employed by the University of Alaska, Fairbanks, was it your responsibility to negotiate or implement any MOUs with Chinese universities? Did you negotiate or implement any MOUs with Chinese universities?

Answer. No. I did not negotiate, sign, or implement any MOUs while employed by the University of Alaska, Fairbanks. This was the purview of the Dean and Provost.

Question. Senator Risch stated that you “appeared on a panel with Russians sanctioned by the United States Government.” Is that accurate? Can you please respond?

Answer. In 2021, I spoke on a virtual panel of the Fort Ross Dialogue. To my knowledge, other panelists on that panel were not and have not been sanctioned. I was also not aware of any sanctioned entities sponsoring the event; to my knowledge neither Transneft nor Sovcomflot were sanctioned at the time of the event.

In 2017, I participated in-person on a panel at The Arctic: Territory of Dialogue event in Arkhangelsk, Russia, as previously reported to the committee. Dr. Elena Kudryashova, Rector of the Lomonosov Northern (Arctic) Federal University, moderated the panel and was sanctioned in June 2022.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO DR. MICHAEL SFRAGA BY SENATOR JAMES E. RISCH

Question. What do you view as the main purpose of this position? What are the primary responsibilities you will assume if confirmed?

Answer. If confirmed as Ambassador-at-Large for Arctic Affairs, I would serve as the counterpart to other nations’ Arctic Ambassadors; provide expertise to and facilitate communication among our bilateral ambassadors; lead U.S. delegations at international Arctic meetings, conferences, or events; inform U.S. Arctic policy; advance applicable strategies and initiatives; and communicate and project U.S. Arctic policy at home and abroad. I would engage with domestic Arctic constituents, utilizing my personal and professional networks throughout the State of Alaska and Indigenous communities, to advocate with and for them globally, as appropriate.

FOLLOW-UP QUESTION

In your initial answer to the question above, you stated that, if confirmed, you would “engage with domestic Arctic constituents, utilizing [your] personal and professional networks throughout the State of Alaska and indigenous communities, to advocate with and for them globally, as appropriate.” In a later question, you noted your “decades of experience and leadership in Arctic-related issues as well as substantial personal and professional networks in Alaska, to include the Alaska Federation of Natives, State of Alaska, Indigenous and rural communities, Native corporations, and industry.”

Question. Please confirm that, if confirmed as a State Department official, you would have no remit, authority, responsibility, or other role in U.S. domestic policy beyond those directly connected to relations between the United States and foreign governments and other international Arctic stakeholders.

Answer. If confirmed as Ambassador-at-Large for Arctic Affairs, as a State Department official, I would have no remit, authority, responsibility, or other role in U.S. domestic policy beyond those directly connected to relations between the United States and foreign governments and other international Arctic stakeholders.

Question. If confirmed, what is your plan to establish the format and operations of this office and build a foundation and precedent for future successors in the role?

Answer. The office would serve as a single point of contact with the State Department for applicable Arctic matters. The Ambassador’s office would be developed to complement and elevate, rather than duplicate existing work across the Department. Office staff are already working closely with colleagues in the relevant func-

tional and regional bureaus and at missions abroad, as well as the interagency, to develop policy, plan and lead coordination meetings, and prepare U.S. Government representatives for internal and external Arctic engagements. If confirmed, I would be eager to benefit from their already-strong working relationships and would bring my own expertise and leadership to the position.

FOLLOW-UP QUESTION

Question. How would you avoid potential conflicts of interest involving matters related to individuals or organizations with whom you have a prior relationship?

Answer. If confirmed, I will comply with all federal ethics laws, rules and regulations. In my ethics agreement, I committed to resigning from all outside positions upon confirmation, and I understand my obligation under the ethics regulations to recuse from working on official matters involving the organizations from which I am resigning. I will not show undue preference in my role as Ambassador-at-Large to any organization or individual, and I will seek guidance from the Department of State Ethics Office on any ethics issues that arise.

Question. If confirmed, how do you plan to structure this office? Please describe the size and organizational structure of the Arctic Ambassador's staff as you envision it, and how it will fit into the broader bureaucratic structure at the Department.

Answer. As of March 2024, the Ambassador's office has five staffing billets in addition to the Ambassador: a Chief of Staff, two Senior Advisors, a Public Diplomacy Officer, and an administrative support professional. If confirmed, I would lead the office and seek opportunities to add to its expertise. I do not foresee changes to Departmental organization, but I would seek to coordinate and convene the many stakeholders, including our missions abroad and Arctic leaders in other agencies, to strengthen unity of effort in a results-driven approach.

Question. If you are confirmed, how do you view your role as Arctic Ambassador in the context of other bodies in the U.S. Government that manage various aspects of U.S. arctic policy?

Answer. The Office of the Arctic Ambassador should add value through leadership and its circumpolar foreign policy perspective to elevate and amplify the excellent work the U.S. Government and its many Arctic partners already do. If confirmed, I would work closely with Arctic leaders across the Executive Branch and the Congress to advance U.S. interests.

Question. If confirmed, how will you coordinate your work with U.S. Government bodies and non-government organizations? Please be specific.

Answer. The Department is fortunate to already have strong collaborative partnerships with the many agencies working on Arctic issues, supported by regular interagency coordination calls and detailees who work at the Department of Defense's Ted Stevens Center in Alaska. If confirmed, I would bring to the position decades of experience and leadership in Arctic-related issues as well as substantial personal and professional networks in Alaska, to include the Alaska Federation of Natives, State of Alaska, Indigenous and rural communities, Native corporations, and industry. The office of the Ambassador-at-Large would continue to serve as the central point of contact to help external entities navigate the Department's organizational structure on Arctic-related matters under my leadership. If confirmed, I would also seek to bring interagency expertise into the Department, either through the detail process or other mechanisms. Similarly, I would seek to partner with organizations focused on Arctic affairs in ways that advance U.S. policy and leadership in the region.

FOLLOW-UP QUESTIONS

Question. In your initial response to the question above, you described your potential role as being, "the central point of contact to help external entities navigate the Department's organizational structure on Arctic-related matters under my leadership." What did you mean by this?

Answer. Within the Department of State, numerous functional and regional bureaus handle respective Arctic-related equities, including bilateral relationships with Arctic states, PRC regional ambitions, NORAD, NATO, Arctic Council, climate change, energy security, investment screening, and critical infrastructure, among many others. If confirmed, the Ambassador's

office will continue to help other federal agencies, Congressional offices, and like-minded foreign governments connect to the most appropriate experts in the State Department based on the issue at hand.

Question. What “external entities” are you referring to?

Answer. “External entities” are those external to the Department. Primary examples include other federal agencies, Congressional offices, and like-minded foreign governments.

Question. What measures and safeguards would you implement to ensure that helping “external entities navigate the Department’s organizational structure,” does not enable foreign or external actors to advocate more effectively for policies that are at odds with U.S. national security interests?

Answer. “External entities” are those external to the Department such as other federal agencies, Congressional offices, and like-minded foreign governments. Serving as this central point of contact would help the Ambassador’s office maintain awareness of the myriad of Arctic-related activities in various offices and bureaus, both to ensure all internal Department views are represented and accounted for externally, and also to ensure our collective awareness of foreign or external actors aiming to advocate for policies at odds with U.S. national security interests.

In your response to the question above, you stated that you “would seek to partner with organizations focused on Arctic affairs in ways that advance U.S. policy and leadership in the region.”

Question. Which organizations did you have in mind?

Answer. If confirmed, I would fully comply with the Department’s policies, guidance, and legal requirements related to any potential partnership with any organization, including related to the identification and vetting of potential partners.

Question. How would you evaluate these organizations’ goals to ensure compatibility with U.S. interests?

Answer. If confirmed, I would fully comply with the Department’s policies, guidance, and legal requirements related to any potential partnership with any organization, including related to the identification and vetting of potential partners. Any potential partner would not only be vetted through multiple offices and bureaus with Arctic equities throughout the Department, but also through the Under Secretary for Management as well as the Bureau of Global Public Affairs as needed.

Question. If confirmed, how will you coordinate with the Senior Arctic Official?

Answer. The Senior Arctic Official (SAO), a Senior Foreign Service Officer in the Bureau of Oceans and International Environmental and Scientific Affairs, would continue to represent the United States in the Arctic Council and liaise with his or her counterparts in other Arctic States. If confirmed, I would build upon and expand the already close working and strategic relationship between the Ambassador-at-Large office and the SAO and staff, as I would with all Department officials engaged in Arctic affairs, to ensure U.S. equities in the Arctic Council both shape and are shaped by a holistic view of U.S. foreign policy priorities. If confirmed, I would work with the SAO to ensure the Ambassador’s office is effectively supporting U.S. initiatives and interests at the Council.

Question. If confirmed, what role do you anticipate you will play in U.S. participation in the Arctic Council?

Answer. The Bureau of Oceans and International Environmental and Scientific Affairs would continue to house the SAO and represent the United States in the Arctic Council. If confirmed, I would provide additional expertise on matters in the Council’s purview, coordinate with the SAO on specific matters pertaining to the Council, as appropriate, and join the SAO at international meetings and fora, when needed, to reinforce and enhance our nation’s position in the Arctic and within the Council.

Question. What role, if any, do you believe that the Office of the Arctic Ambassador should play in liaising with indigenous communities in the United States? Please explain the reasoning behind your answer.

Answer. The State of Alaska makes the United States an Arctic State, and our northern communities living in the Arctic understand the profound changes happening there through personal experience. The Administration’s National Strategy

for the Arctic Region (NSAR), published in October 2022, notes that coordination, consultation, and co-management with Indigenous Peoples should underpin all U.S. work in the Arctic. Whether participating in the Arctic Council, cultural efforts such as the in Fulbright Arctic Initiative, or other people-to-people exchange programs, the Indigenous Peoples of the Arctic must be able to advocate for shared interests. If confirmed I would leverage my extensive network to incorporate Indigenous knowledge, perspectives, and concerns in policy formation as applicable.

Question. If confirmed, how will you coordinate with the Arctic Executive Steering Committee?

Answer. In my current position as Chair of the U.S. Arctic Research Commission, I am a member of the Arctic Executive Steering Committee (AESC) and the Chair's coordination processes. If confirmed, I would build on my close relationship with the team at the White House to ensure the Department of State is robustly represented in the interagency and to ensure other agencies have access to the Department's expertise and counsel in shaping their own work. I would also work closely with the AESC Chair to ensure synergistic efforts, avoid duplication of work, and harmonize dovetailing workstreams.

FOLLOW-UP QUESTIONS

In your responses to several previous questions, you described your close relationships with Native communities. Russia and China have repeatedly used Native communities as a conduit for foreign malign investment and influence that might otherwise be subject to increased regulatory scrutiny.

Question. If confirmed, how would you work with Allies and other stakeholders to address this vulnerability?

Answer. If confirmed, I would work to share best practices and lessons learned with like-minded governments on USG efforts to invest in infrastructure, improve access to services, and support growing economic sectors to improve Allied and Arctic community collaboration. I would also work with Allies and partners to expand high-standard investment, counter the narrative of adversaries, and advance sustainable development across the Arctic region.

Question. In your resubmitted nomination file, you list a new professional affiliation as a Senior Fellow at Arctic360. Please describe the nature of your role at Arctic360 and your responsibilities.

Answer. During my approximately one year as a non-compensated Senior Fellow, I was not active in the organization. I stepped down in February 2024.

Question. Why is your name not listed on the "Senior Fellows," section of the website? See here: <https://arctic360.org/senior-fellows>.

Answer. As noted in my previous answer, as of February 2024, I am no longer affiliated with the organization.

Question. If confirmed, how will you prioritize your work on security and non-security issues related to the Arctic?

Answer. Russia's war against Ukraine has upended the longstanding paradigm of regular cooperation in the Arctic and made cooperation with Russia in the Arctic virtually impossible. Traditional military and other security issues (e.g., energy, food, infrastructure) are interconnected in the Arctic, and the Department is fortunate to have a robust collection of Bureaus and offices engaged in the full scope of work on U.S. Arctic priorities. If confirmed, I would seek to bring my expertise and leadership on these intersecting issues to further advance the full suite of U.S. foreign policy objectives in the region. I would leverage the Department's breadth and depth of regional and functional expertise to elevate U.S. leadership in the Arctic and ensure security remains at the forefront of our efforts in this region of growing geopolitical tensions.

Question. In general, what do you believe have been the successes and failures of the Arctic Council?

Answer. For nearly three decades, the Arctic Council has been the preeminent forum for intergovernmental cooperation on Arctic issues, with the exception of those related to military security matters. As a consensus-based forum, the Arctic Council has succeeded in advancing circumpolar work on issues of mutual interest to all Arctic States while providing a place unique among international fora for Indigenous Peoples' participation. It has maintained Arctic State primacy over re-

gional governance issues and provided space for the genesis of key legally binding arrangements on topics such as oil spill response and search and rescue. However, in a region of increasing geopolitical competition and global interest, the Council will need to reflect on, adapt to, and evolve with these changing circumstances to retain its influence and importance.

Question. If confirmed, how will you work to combat Russian influence in international engagements focused on the Arctic, including in the Arctic Council?

Answer. If confirmed, I would elevate U.S. leadership in the Arctic by representing U.S. views and priorities through a robust international presence as well as strategic domestic participation in related fora. I would stand side-by-side with our six Arctic NATO Allies to advance our collective interests. This new “trans-Arctic” alliance reinforces the Transatlantic Alliance. Presenting an unequivocal vision in support and defense of our nation’s interests—as well as those of our Allies—is an important role for the Ambassador to play. Our active, substantive presence at the global policy table protects our influence. Strong, persistent, visible U.S. leadership is needed throughout the Arctic. I would leverage the tools at my disposal to represent the United States, providing a strong and consistent message to counter the narratives pushed by our adversaries.

Because of Russia’s illegal full-scale invasion of Ukraine—contrary to the values of the Arctic Council—the United States and its likeminded Arctic partners paused their participation in the Arctic Council during Russia’s chairmanship in March 2022. Since Norway took over as Chair in May 2023, the Council has taken incremental steps to advance its work, and Arctic states recently agreed to the gradual resumption of virtual meetings of the Arctic Council’s Working Groups and Expert Group to ensure critical Arctic projects can advance through the region’s preeminent multilateral forum without returning to business as usual with Russia. If confirmed, I would support the United States interagency as it continues to adjust its participation as needed in response to the behavior of the Russian Federation while seeking to sustain the Council and advance U.S. interests as outlined in the 2022 National Strategy of the Arctic Region.

Question. In general, what do you believe are Russia’s economic, geopolitical, strategic, and environmental goals in the Arctic?

Answer. The Arctic remains central to Russia’s economy and national security in large part because of its dependence on oil, natural gas, and mineral resources in the north. This reality, coupled with the impacts of U.S. and like-minded nation sanctions and actions to constrain Russia’s economy, make Russia ever more desperate to secure new markets for and investments in its resource development, most prominently with the PRC. However, Russia must balance reliance on the PRC with its national identity as an Arctic State, viewing Arctic dominance as key to being a global superpower. Russia’s north is also home to important Russian strategic assets, and its militarization and expanding collaboration with the PRC presents a new frontier of geopolitical challenges for the United States and our allies.

Question. Russia has floated the idea of leaving the Arctic Council and recently removed all mentions of the Arctic Council from its Arctic policy. In your opinion, how would the official departure of Russia from the Arctic Council positively or negatively affect the Council?

Answer. The Arctic Council has, from its inception, included participation by all eight Arctic States, which makes it the premier forum for Arctic cooperation and maintains Arctic State preeminence over issues of regional governance. If confirmed, I would work closely with our likeminded Arctic Allies and partners to sustain the Arctic Council, in line with U.S. interests and as outlined in the National Strategy for the Arctic Region.

Question. How do risks posed by the inability to cooperate with Russia on scientific and environmental compare to the risks posed by Russia’s growing influence in the Arctic?

Answer. Russia contains about 45 percent of the geographical Arctic and more than half of Arctic coastline. Russia’s north is central to its economy and national security, and it maintains a large military presence across the region. Its bases outnumber all combined NATO bases in the Arctic by thirty percent. Furthermore, inaccessibility of scientific data from this part of the Arctic impedes scientific work critical to better understanding climate change and its impacts, while Russia’s ambition to increase shipping across the Northern Sea Route, accessed through the Bering Strait, poses increased environmental risks. If confirmed, I would seek to enhance our coordination with Arctic Allies to mitigate the impact of Russia’s violation

of international principles and provide a bulwark against Russian malign actions in the Arctic.

Question. How should U.S. diplomatic strategy toward the Arctic reflect the rising security threats from Russia's military buildup in the Arctic region?

Answer. The Arctic has always been a region with military activity. The key to ensuring U.S. national security and homeland defense in the Arctic is making sure we have adequate domain awareness and capabilities in the region by deepening our alliances and partnerships with likeminded states, investing in regional governance mechanisms, and ensuring diplomatic, commercial, and military presence. The accession of Sweden and Finland to NATO opens a new phase of cooperation to counter Russia's activities in the Arctic. If confirmed, my position would elevate U.S. leadership and diplomatic presence in the region and support efforts outlined in national strategies, which acknowledge increasing strategic competition in the Arctic and seek to position the United States to both effectively compete and manage tensions.

Question. In the past, Russia has used its Arctic territories as a testing ground for weapons, including nuclear weapons. If such a nuclear test were to occur during your tenure in the role to which you have been nominated, how would you advise the Secretary of State and President to respond?

Answer. If confirmed, I would consult closely with relevant State Department offices and leadership, the Department of Defense, and the White House to develop a response that includes an Arctic perspective before making any recommendations.

Question. Do you believe China, as a self-declared "near-Arctic state," is entitled to participation in platforms and international policy discussions about the Arctic? If so, what level of participation do you believe they should they have?

Answer. The PRC is not a near-Arctic State. It does, however, have ambitions to increase its regional influence and undermine Arctic State preeminence through dual-use scientific research, strategic economic investments, and robust participation at international events, while remaining the pacing challenge for the United States globally. The Arctic Council is the premier forum for Arctic governance, and the United States is committed to preserving that status. The PRC is one of 13 non-Arctic states accredited as an Arctic Council Observer—a non-decision-making status—while other platforms related to Arctic cooperation include more extensive participation by non-Arctic states. I share the committee's concerns about the PRC's intentions in the Arctic and, if confirmed, would seek to leave no doubt about U.S. Arctic leadership and Arctic State primacy over regional governance issues.

Question. How should the U.S. respond to Chinese attempts to pursue resource extraction in the Arctic, including of critical minerals?

Answer. The vast majority of mineral and other non-living natural resources in the Arctic are under national jurisdiction, either land territory or the continental shelf of an Arctic coastal state. The small area of Arctic seabed resources beyond national jurisdiction is within the competence of the International Seabed Authority (ISA). Thus, access to mineral and other non-living natural resources in the Arctic is subject to approval by the respective Arctic coastal state or the ISA. It is therefore imperative the United States hold the PRC to its international obligations and work with other Arctic states to preserve the competencies of the ISA and improve allied investment screening mechanisms.

Question. If confirmed, how do you envision your work on the Arctic influencing or affecting broader U.S. strategy toward China?

Answer. The PRC has ambitions to increase its regional influence and undermine Arctic State preeminence through dual-use scientific research, strategic economic investments, and robust participation at international events, while remaining the pacing challenge for the United States globally. If confirmed, I would ensure U.S. Arctic policy is consistent with and supportive of overall U.S. policy toward the PRC, protect the full breadth of U.S. interests, and work to include U.S. Arctic interests in policy formation processes government wide.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO DR. MICHAEL SFRAGA BY SENATOR ROBERT MENENDEZ

Question. Dr. Sfraga, in your opening statement, you highlighted how Russia and the People's Republic of China are increasing their cooperation to elevate and ad-

vance their presence and influence in the Arctic. What challenges does Russia face in the Arctic region, and why is China seen as a crucial partner for its Arctic development?

Answer. The Arctic remains central to Russia's economy and national security due in large part to its dependence on oil, gas, and mineral resources in the north, the increasing accessibility of these resources due to climate change, and the increasing need for these resources due to the impacts of U.S. and likeminded nation sanctions and actions to constrain Russia's economy. Russia's war against Ukraine has upended the longstanding paradigm of normal cooperation in the Arctic. The United States and our partners have isolated Russia diplomatically and worked collectively to degrade the Kremlin's war economy. The PRC has become its principal investor, leveraging Russia's economic challenges to increase the PRC's influence, including its ambitions in the Arctic.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED
TO DR. MICHAEL SFRAGA BY SENATOR MARCO RUBIO

Question. In May 2022, Secretary Blinken said that the People's Republic of China (PRC) is the "only country with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to do it." The Chinese Communist Party (CCP) clearly holds the reins of power in the PRC and has used this power to commit genocide in Xinjiang, flood our communities with fentanyl, and emit the largest quantity of greenhouse gases in the world today. With their absolute control of Chinese society and industry, the CCP could stop all of these destructive actions tomorrow if they so choose to do so. Is the CCP a threat to the United States?

Answer. Last year, the Director of National Intelligence testified "the CCP represents both the leading and most consequential threat to U.S. national security and leadership globally." As Secretary Blinken has said, under President Xi, the CCP has become more repressive at home and more aggressive abroad. If confirmed, I will advance U.S. national security interests and counter the People's Republic of China (PRC) efforts to expand its problematic influence and use of coercion, through diplomatic engagements, public diplomacy, and commercial advocacy to bolster U.S. ties across the Arctic region.

Question. Does the CCP undertake any activities that are beneficial to U.S. interests? If so, please explain.

Answer. As Secretary Blinken has said, the CCP has become more repressive at home and more aggressive abroad. According to the Office of the Director of National Intelligence's 2023 Annual Threat Assessment, the CCP is seeking to "undercut U.S. influence, drive wedges between Washington and its partners, and foster some norms that favor its authoritarian system."

Question. Do you believe that there are any areas within which the CCP that would constructively work with the United States in good faith, knowing that at any moment Chinese interlocutors with U.S. representatives could be disappeared at a moment's notice? If so, please explain.

Answer. I believe we are clear eyed about the challenges in the relationship. The United States will work with the PRC to address transnational challenges, such as climate change, when it is in the U.S. interest to do so. If confirmed, I will work with my colleagues across the U.S. interagency and Congress to advance U.S. objectives and counter harmful behavior by the PRC.

Question. If confirmed, will you approve any joint activity with organizations or representatives from the PRC in the countries or areas in which you will work?

Answer. If confirmed, my priority will be advancing U.S. national security interests in the Arctic region and countering efforts by our strategic and regional competitors to undermine those interests. The Administration has been clear that the PRC is the most consequential geopolitical challenge facing the United States, and that the United States is committed to working to strengthen our partners in the region. If confirmed, I will work closely with regional and functional bureaus, our missions abroad, the interagency, and Congress to address the PRC's efforts to expand its influence in the Arctic region.

Question. As you may be aware, a group of federal employees penned an open letter to President Biden criticizing U.S. support for Israel in the aftermath of Hamas'

brutal terrorist attack on October 7, 2023. In addition, on January 16, 2024, employees from nearly two dozen agencies staged a walkout in protest of the administration's Israel policy. Efforts like these directly undermine the duty of our diplomats to advance the policies of the President of the United States. Yes or no, did you sign the letter to the President expressing opposition to the President's Israel policy?

Answer. No.

Question. Yes or no, did you participate in the January 16, 2024, walkout?

Answer. No.

Question. If confirmed, would you define an employee or contractor, operating under your supervision, that signs an open letter criticizing you, or policies you undertake at the instruction of the President, as insubordination as defined by the Government Accountability Office?

Answer. If confirmed, I would seek to address employee concerns personally by creating an open, trusting, and harassment-free work environment. I am mindful of and value Department employees' right to free speech under the First Amendment. Moreover, I understand the expression of disagreement does not in and of itself constitute insubordination. If confirmed, I would work with the Department's Office of the Legal Adviser to determine the proper course of action should such a matter arise.

Question. In your view, are the actions these federal employees took, by anonymously signing a letter to the President of the United States, covered as "whistle-blowing"?

Answer. I believe these employees were expressing a dissenting view to their leadership. If confirmed, I would work with the Department of State's Office of the Legal Adviser as necessary to understand whether a particular action constituted whistle-blowing. I would hope that employees would feel confident to directly raise their concerns with their supervisors and management rather than doing so anonymously or signing a public letter.

Question. If confirmed, how will you address discipline issues, such as insubordination, that do not take established dissent channels?

Answer. I am mindful of and value Department of State employees' right to free speech under the First Amendment. If confirmed, I will make sure that employees in the office of the Ambassador-at-Large for Arctic Affairs know that there are several avenues available to express policy disagreements. I would encourage employees to use established channels to express their views.

Question. Have you ever expressed support for an Israeli ceasefire in Gaza?

Answer. No.

Question. Do you agree that Hamas is an antisemitic entity?

Answer. Yes, Hamas is a terrorist group and antisemitic entity. This foreign terrorist organization seeks to eliminate the State of Israel, and its founding charter calls for the killing of Jewish people.

Question. Would a ceasefire allow these groups to reconstitute and attack Israel, and Americans, in the future?

Answer. I have never worked on issues related to the Middle East. It is my understanding that the Administration supports temporary humanitarian pauses to allow for an influx of aid into Gaza and the safe exit of hostages and other vulnerable people.

Question. Do you agree that calling for a ceasefire in Gaza means calling for Israel to stop its pursuit of Hamas, a designated foreign terrorist organization, that orchestrated the October 7 attacks and still refuses to release all Israeli and American hostages?

Answer. I have never worked on issues related to the Middle East. It is my understanding that the Administration's stated policy is to support temporary humanitarian pauses to enable a sustained flow of aid and to allow the voluntary movement of civilians seeking safer locations. Working with partners, the U.S. Government is attempting to secure the release of all hostages held by Hamas. The U.S. Government supports Israel's right to protect itself from Hamas' terrorism, consistent with international law.

Question. Do you believe that Israel, in its operation against Hamas, which is known to use civilians as human shields, is taking all necessary steps to minimize civilian casualties?

Answer. I have no experience on issues related to the Middle East. I understand that the U.S. Government supports Israel's right to protect itself, consistent with international law, and that the Administration has urged Israel to differentiate between civilians and Hamas terrorists and to avoid civilian casualties. Hamas's use of civilians as human shields, a blatant violation of international law, does not lessen Israel's obligations under international humanitarian law.

Question. The Protecting European Energy Security Act (PEESA) required the Department to submit a list to Congress and then sanction all vessels and other entities involved in pipelaying activities related to Nord Stream 2. Under your capacity in the Economic Bureau, the Department chose to look the other way as a Russian front organization, continued pipelaying projects, and this Russian entity was exempt from sanctions. Did anyone inform you there were organizations operating as Russian front entities?

Answer. I have not worked in the Department of State's Bureau of Economic and Business Affairs.

Question. Under your leadership, the University of Alaska apparently almost agreed to allow access to the email systems of the university to the CCP. Why did you agree to this?

Answer. I was not involved in or aware of any discussions about allowing the CCP access to University of Alaska email systems.

Question. Do you believe the CCP has the best interest of American's private information, including electronic communications they have?

Answer. No.

Question. While working in an official capacity, you travelled to China and Russia, including sitting on panels with sanctioned individuals, on numerous occasions without reporting the trips. Why didn't you report these trips, as required?

Answer. I disclosed and discussed my travel with two agents of DSS in connection with my nomination. I further appreciated the opportunity to provide additional information to this committee on my travels spanning decades of engagement on Arctic issues and have disclosed travel throughout the process as the committee requested it. I assure you I share the committee's concerns about the PRC and Russia and did not intentionally withhold information at any time.

In 2021, I spoke on a virtual panel of the Fort Ross Dialogue. To my knowledge, other panelists on that panel were not and have not been sanctioned. I was also not aware of any sanctioned entities sponsoring the event; to my knowledge neither Transneft nor Sovcomflot were sanctioned at the time of the event.

In 2017, I participated in-person on a panel at The Arctic: Territory of Dialogue event in Arkhangelsk, Russia, as previously reported to the committee. Dr. Elena Kudryashova, Rector of the Lomonosov Northern (Arctic) Federal University, moderated the panel and was sanctioned in June 2022.

Question. Why did you continue to leave out unreported trips from your notifications when instances of these trips were brought to light?

Answer. I share the committee's concerns about the PRC and Russia and did not intentionally withhold information or purposefully omit any trips at any point in this process. I disclosed and discussed my travel with two agents of DSS in connection with my nomination. I further appreciated the opportunity to provide additional information to this committee on my travels spanning decades of engagement on Arctic issues and have disclosed travel throughout the process as the committee requested it.

Question. In recent years, we have seen an increase in Chinese and Russian military ships patrolling Alaska's coast in the Bering Sea. We know our adversaries take interest in the region's rich mineral deposits and shipping lanes. Why have we seen an increase of Chinese and Russian ships coming so close to our sovereign territory in recent years?

Answer. The United States is seeing increased Russia-PRC cooperation in the Arctic, including in the Bering Sea and Strait, a strategic chokepoint. For many years Russia-PRC cooperation focused on economic investment in the Russian Arctic, but this cooperation is now expanding to joint naval exercises, growing economic ties, and cooperation between the FSB and the Chinese Coast Guard in the Arctic. Russia and the PRC are two competitors who actively seek to challenge sovereignty and territorial integrity. If confirmed, I would look forward to supporting existing Administration efforts, as well as advocating for an increase in the number of U.S. ice-

breakers actively deployed in the Arctic and the completion of the nation's first Arctic deep draft port in Nome, Alaska.

Question. How does China's recent self-declaration as a "near-Arctic state" reflect its new approach to the region?

Answer. In the PRC's 2018 Polar White Paper and its March 2022 Five-Year Plan, the PRC outlines its goals to create a Polar Silk Road through economic investments and scientific research. It also signaled its intent to play a larger role in oceans governance, including in the Arctic. The PRC views the Polar Regions as a "strategic frontier," as it does the deep sea, outer space, and cyber space. The PRC seeks to exploit all these domains to their advantage. I share the concerns of the committee about the dual-use nature of PRC research in the region and the potential for economic coercion and dependence on the PRC.

Question. In your view, should China be treated as a partner or an adversary in the Arctic region?

Answer. The PRC is the pacing challenge for the United States globally, with ambitions in the Arctic to increase its influence through dual-use scientific research and strategic economic investments intended to undermine Arctic State preeminence in the region. I share the committee's concerns about China's activities in the Arctic and, if confirmed, would seek to leave no doubt about U.S. leadership in the region as an Arctic State and about Arctic State primacy over regional governance issues.

Question. How do you think great power competition will play out in the Arctic region? Do you believe that China and Russia will work together to undermine U.S. interests in the region?

Answer. The PRC's gateway to the Arctic goes through Russia. This helps explain why we are seeing increased Russia-PRC cooperation in the Arctic, expanding from economic investment to joint naval exercises off the coast of Alaska. If confirmed, I will look to work with the Department of Defense to invest in defense and deterrence in the Arctic, while acting in a predictable and transparent manner to reduce the risk of miscalculation, build resilient Arctic communities, promote investment and sustainable development in the region, and uphold international law, rules, norms, and standards in the Arctic.

**Additional Material Submitted for the
Record by Senator Benjamin L. Cardin**

Letter to Senators Cardin and Risch from Deputy Secretary of State for Management and Resources Richard Verma, Regarding Nominees Forden, Aliu, and Taylor

THE DEPUTY SECRETARY OF STATE
FOR MANAGEMENT AND RESOURCES
WASHINGTON

February 26, 2024

The Honorable
Benjamin L. Cardin, Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

The Honorable
James Risch, Ranking Member
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Chairman Cardin and Ranking Member Risch:

Thank you both for your leadership on State Department nominations. We appreciate the continued effort to push our nominees forward in their Senate confirmation process. As you are aware, our nominees, both career and non-career, face unprecedented obstacles, despite being rigorously vetted and possessing exemplary qualifications for their nominated positions. Unfortunately, several off-committee Members have instituted additional vetting procedures and questionnaires of their own and our career nominees continue to be seen as low-hanging fruit for any member with an issue. For this reason, committee consideration is more important than ever. Unfortunately, however, we have several nominees who have languished in committee for an average of 400 days. Our teams have worked diligently to address concerns, provide internal documentation to refute allegations, and even worked to address unrelated matters (some outside Department jurisdiction) that have been tied to certain nominees.

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Specifically, I would like to draw your attention to four nominees of utmost importance that have not seen progress in committee. The first two are career nominees, Robert Forden, nominee for U.S. Ambassador to Cambodia, and Begzat Bix Aliu, nominee for U.S. Ambassador to Montenegro. Mr. Forden has been in Committee for over 600 days, Mr. Aliu has been in the Committee for 500 days. We have worked diligently to refute the personal and unfounded allegations against Mr. Forden and Mr. Aliu. Both nominees have notably received glowing reviews and awards under successive presidential administrations.

The Department and committee have been approached by former Trump Administration officials who express strong support for these nominees and question why they have not moved forward. As you will see below, the Department has provided internal documentation and key details that refute all claims against these individuals—yet neither nominee has been given the opportunity for a hearing. Unfortunately, we have had another career nominee, Jean Manes nominated for U.S. Ambassador to Colombia, decide to end her confirmation process because of similarly unfounded allegations. We do not want to begin a trend of career nominees dropping out of the confirmation process at the very first step and would ask you to consider not only the effect of these delays on the two nominees in question, but on the entire Foreign Service workforce.

The two non-career nominees, Margaret Taylor for Legal Adviser (L) and Erik Woodhouse for Sanctions Coordinator, are well-known to the committee. Margaret served as counsel to the Senate Foreign Relations Committee under you, Chairman Cardin. While the committee has not expressed concern about the two individuals personally or disputed their qualifications, for the former, SFRC-Minority has tied further progress on her nomination to issue sets with third agency equities.

The Department has already lost two non-career nominees, Sarah Margon for Assistant Secretary of the Bureau of Democracy, Labor, and Human Rights (DRL) and Sarah Cleveland for Legal Adviser (L) because of similar issues holding up their

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nominations processes. To date, both DRL and L have been left without political leadership throughout this Administration. Of note, Margaret is now our second nominee to lead the Office of the Legal Adviser and is facing the same uphill battles as her predecessor. I do not have to tell the experts on this committee how detrimental it is for the Department to go without a Legal Adviser for an entire Administration—particularly given the plethora of legal questions that surround our policies and engagements, including those related to the Middle East, PRC, Ukraine, etc.

I will outline all four cases in full detail below in the hopes that we can address any misunderstandings and finally, bring the committee process for these four nominees to a close.

1. Career Nominee - Robert Forden (Cambodia)

Mr. Forden has almost three decades of work in and on Asia as a career member of the Senior Foreign Service. He recently served as the Deputy Chief of Mission, and as Chargé d'affaires at Embassy Beijing. Prior to that, Mr. Forden was the Deputy Director of the American Institute in Taiwan, the Economic Counselor of the U.S. Embassy in Tel Aviv, Israel, the Deputy Economic Counselor of the U.S. Embassy in Beijing and the Deputy Director of the Office of Chinese and Mongolian Affairs in the State Department's Bureau of East Asian and Pacific Affairs.

Mr. Forden met for two hours with SFRC-Minority staff on September 19, 2022, responding to all questions, and subsequently answering follow up questions explaining his involvement in mission policies during the pandemic. Since Mr. Forden's meeting with minority staff in September 2022, we did not receive additional follow up until July 17, 2023, nearly 10 months after Mr. Forden's initial consultation. During that time, the Department made several attempts to follow up for additional inquiries that would be helpful in clarifying outstanding issues on Mr. Forden's nomination. There has been no forward movement on his nomination, despite providing a detailed timeline of Mr. Forden's work as DCM in

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Beijing under the previous Administration and specifically under Ambassador Terry Branstad as well as no evidence of any wrongdoing on Mr. Forden's part.

Mr. Forden has maintained and substantiated that he was on medical leave in the United States when the policies of concern related to PRC's COVID-19 testing protocols were discussed at the mission in 2020. Again, to provide an exact timeline, he assumed position of DCM on July 18, 2018, he departed post on medical evacuation to the U.S. on October 4, 2019, and he resumed his duties in Beijing on July 4, 2020. Upon the departure of Ambassador Terry Branstad on October 4, 2020, Mr. Forden became Chargé d'Affaires. He departed China on July 15, 2021.

As Mr. Forden has asserted, during his tenure nothing was a higher priority than the health, safety, and security of the more than 2,800 employees in Mission China, including our Embassy in Beijing and five consulates. As you know, this was an enormously challenging period which saw the rapidly emerging and changing COVID pandemic sweep across the world, sporadic outbreaks within China, the evacuation to the U.S. of two-thirds of Mission China's staffing and nearly all family members in Jan-March 2020, the return to China in Summer/Fall 2020 of many of those staff and families, and the sudden closure and evacuation of our Consulate in Chengdu in August 2020. Throughout this period, the prior Administration decided at the highest level to maintain a U.S. diplomatic presence in China.

During Mr. Forden's tenure, no U.S. Direct Hire (USDH) personnel were involuntarily admitted or confined to a local hospital for COVID-related reasons. As he told committee staff, at no point in his tenure did he authorize USDH personnel or Eligible Family Members (ESFMs) to submit to Chinese government mandated blood testing in China. I agree with the committee's concerns about the People's Republic of China (PRC) government, but I assure you that Mr. Forden took all appropriate measures to keep USDH personnel safe and was not at Post during the timeframe of the Minority's stated concern.

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The Minority additionally noted that Mr. Forden cleared or approved two cables (20 Beijing 1690 and 20 Beijing 2480) on September 11, 2020, and December 28, 2020, respectively. The first of these, approved and officially signed out by Ambassador Branstad, was simply a request to begin using commercial air flights in addition to charter flights to return staff to China, designed to provide flexibility to returning staff. It restated the existing practice that, if commercial flights were approved, the Mission would continue to use the exact same protocol in effect since early June 2020 (prior to Mr. Forden's return to post) to mitigate risks to arriving personnel and ensure none were involuntarily admitted to Chinese "fever hospitals." The second cable informs the Department of a local COVID outbreak and warns of the possibility that local health authorities could request mass testing. It explicitly notes that the Mission would **not** require any USDH personnel or family members to comply but encouraged testing to help avoid the spread of COVID in the city and in the Mission community. The second cable exemplifies the efforts of the Mission to protect USDH staff.

Mr. Forden returned to post in July 2020 when policies ordered by Ambassador Branstad with explicit instructions from the Department on waiving of diplomatic immunities were implemented. When Ambassador Branstad departed in October 2020, Mr. Forden maintained the same policies until his departure on July 15, 2021. He should not be penalized for doing his job nor blamed for extraordinary issues that arose, or decisions made, after he departed post.

Mr. Forden's nomination has been stuck in committee, without further process, for almost 600 days. Meanwhile, our current U.S. ambassador in Cambodia is going on five years without a replacement, yet the PRC has an active Ambassador and President Xi has engaged with the Cambodian PM multiple times. I ask that you consider the impact of this delay on our presence overseas and allow Mr. Forden to testify in a nomination hearing before your committee.

2. Career Nominee - Begzat Bix Aliu (Montenegro)

B. Bix Aliu is a career member of the Senior Foreign Service with 23 years of service. He has served in senior leadership positions across Europe, to include

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Chargé d'affaires of the U.S. Embassy in Budapest, Hungary. Before that, he was the Deputy Chief of Mission of the U.S. Embassy in Poland and was Chargé d'affaires, the Consul General of the U.S. Consulate General in Krakow, Poland, and the Deputy Chief of Mission of the U.S. Embassy, in Podgorica, Montenegro.

Mr. Aliu met with SFRC-Minority staff on March 22, 2023, and answered all their questions. Since then, the Department has proactively provided multiple responses on the stated issues of concern: (1) visitors to Post that were allegedly not reported to Diplomatic Security by Mr. Aliu (though they were not covered by the reporting rules in effect), and (2) alleged curtailments and misconduct during his time as DCM in Poland.

On the allegations regarding unreported visitors, we understand SFRC-Minority has concerns that Mr. Aliu may have violated a FAM reporting requirement when a foreign national acquaintance stayed temporarily at Mr. Aliu's residence at U.S. Embassy Warsaw, when the visitor was, in effect, stranded due to lockdown procedures during the early stages of the COVID pandemic in March 2020. If Mr. Aliu was in violation of the FAM or a credible allegation of administrative misconduct arose, the Department would have referred it to the relevant investigative office for action as appropriate. No indication of wrongdoing was found then or recently when we referred this matter for another review by the Bureau of Diplomatic Security (DS). Thus, at the time, no reporting of the visit was required.

DS has confirmed that their files reflect that Mr. Aliu abided by applicable security reporting requirements at the time with respect to contact with foreign nationals and the temporary stay at Mr. Aliu's Warsaw residence.

Specific to the concern, 12 FAM 271.2 defines "foreign national roommates" and includes a 30-day calendar stay reporting requirement. However, the inclusion of the 30-day calendar stay was established on January 22, 2022, when 12 FAM 270 was updated by the Department, and was fully implemented later that year. Prior to that time—and during the relevant time in this case—Department policy did

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not include a time-delineated reporting requirement. DS found that Mr. Aliu reported the contact through appropriate channels, informed the Ambassador and the RSO of the situation, and even went beyond current requirements through other channels—and no subsequent concerns were raised about this individual.

On the allegations of misconduct, the Department proactively provided information refuting these charges in August 2023, but has not yet received a response or any specific questions for the past six months, even after numerous attempts for follow up. The Bureau of Global Talent Management (GTM), which takes such allegations very seriously, conducted a thorough review regarding this issue. Since hearing of these allegations, GTM engaged various offices, both within and outside GTM, and did not locate any records related to the allegations or any other, independent indications of misconduct on the part of Mr. Aliu. GTM also confirmed no formal Office of Civil Rights complaints have named Mr. Aliu.

Further, Mr. Aliu was recently awarded with a Presidential Rank Meritorious Service Award for FY2023. Vetting for this award includes a name check for any pending matters in the Office of the Inspector General, GTM's Office of Employee Relations, DS, the Office of Civil Rights, and the Ethics Office in the Office of the Legal Adviser. Any pending matters would mean a candidate is no longer eligible for that award cycle.

As we hope is evident, the Department has gone to great lengths to investigate all allegations arising from SFRC staff as part of Mr. Aliu's nomination process, none of which have been substantiated or appear to have an independent basis. Mr. Aliu has been stuck in committee, without process, for almost 500 days. Our current U.S. ambassador in Montenegro is going on six years without a replacement, yet the PRC has just installed a new ambassador in Montenegro, and Russia, which attempted a coup in the country in 2016, remains active in the region. I ask that you consider the impact of this delay on our presence in the Balkans and allow him to testify in a nomination hearing before your committee.

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3. Non-Career Nominee: Margaret L. Taylor (State Department Legal Adviser)

Margaret Taylor is currently General Counsel of the United States Agency for International Development (USAID). Previously, she was a Fellow in Governance Studies at the Brookings Institution and Senior Editor at Lawfare. She honorably served as the Democratic Chief Counsel and Deputy Staff Director for the Senate Foreign Relations Committee from 2015-2018. She has extensive experience in the Legislative and Executive branches and as a Fellow at Center for Strategic and International Studies (CSIS).

The State Department has been without a confirmed Legal Adviser for the entirety of the Biden-Harris Administration. As you know, the Administration was forced to withdraw our previous nominee, Sarah Cleveland, due to committee concerns that have yet to be substantiated. The Legal Adviser serves as the Department's General Counsel, furnishing advice on all legal issues, domestic and international, arising in the course of the Department's work. This includes assisting Department principals and policy officers in formulating and implementing U.S. foreign policy to ensure consistency with both domestic and international law. The Legal Adviser oversees the Office of the Legal Adviser and the work of attorneys who negotiate, draft, and interpret international agreements, and who represent or assist in representing the United States before international tribunals, domestic courts, the Foreign Service Grievance Board, the Merit Systems Protection Board, the Equal Opportunity Employment Commission, and the Board of Contract Appeals. This position is **critical** to a functioning Department.

Ms. Taylor was nominated on April 19, 2023, and met with SFRC-Majority staff on May 18, 2023. SFRC-Minority staff have yet to agree to meet with the nominee since her nomination more than 311 days ago. The nominee has not been provided with the opportunity to discuss her nomination, credentials, or priorities for this critical position. The Department has proactively worked with USAID where the nominee is currently based and other agencies to address a multitude of concerns not directly related to her nomination, but as one issue set closes, another reappears.

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To date, concerns have been raised regarding: USAID's adherence to abortion restrictions (and USAID provided full documentation to refute those allegations); the processing of Ambassador Samantha Powers' QFRs from last year's budget hearing (all QFRs have been received by the committee); former Special Envoy for Iran, Robert Malley's security clearance (U/S for Management John Bass and Diplomatic Security A/S Gentry Smith briefed you and Ranking Member Risch on this issue on January 31, 2024); and issues with the Department's newly mandated notification of Special Envoys (a briefing was provided to bipartisan committee staff on February 2, 2024 by Legislative Affairs A/S Naz Durakoglu and Deputy Legal Adviser Josh Dorosin), yet there continues to be no forward movement on her nomination. On February 7, Ranking Member Risch sent a letter saying that the Department's Malley briefing was not sufficient.

As explained, the information being requested of the Department re: Robert Malley is not under the Department's jurisdiction. Further, this issue has absolutely no relation to Margaret Taylor. The Department commits to continue doing all that it can to answer the committee's questions on Rob Malley, but we cannot accept the conditioning of her confirmation process on an issue that is not in our control or jurisdiction.

Ms. Taylor was a valued part of the Senate Foreign Relations Committee earlier in her career and is a devoted public servant. This type of treatment for someone who dedicated years to the committee is undue and unprecedented for the committee.

We ask both sides of the Committee to meet with her so she can be granted a fair chance to address any questions about her qualifications and discuss her nomination so she can finally have a hearing. We need a confirmed Legal Adviser at the Department now more than ever, and specifically we need Margaret Taylor's counsel and expertise.

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4. Non-Career Nominee: Erik Woodhouse (Head of the Office of Sanctions Coordination)

Erik Woodhouse currently serves as the Deputy Assistant Secretary for Counter Threat Finance and Sanctions in the Bureau of Economic and Business Affairs at the State Department. In that position, he oversees the Office of Sanctions Policy and Implementation and the Office of Global Sanctions and Threat Finance. Mr. Woodhouse has previously served as Senior Advisor to the Under Secretary for International Affairs at the Treasury Department and as an attorney-adviser with the Office of the Legal Adviser at the State Department. Apart from his government service, he has worked as an attorney, most recently advising clients on compliance with U.S. sanctions and anti-money laundering rules and regulations. The position he is nominated for was created by legislation introduced by Senators Risch and Shaheen. The position leads diplomatic action and analysis on sanctions policy, strengthens the effectiveness of sanctions as a tool of U.S. foreign policy, including by working with key American allies and partners, and advises the Secretary of State and other Department and government leadership on sanctions matters.

Erik was nominated on September 5, 2023, met with Majority staff on October 20, 2023, and gladly spent more than 3 hours with 15 members of the SFRC-Minority staff on November 29, 2023. Subsequent to his meeting, Ranking Member Risch's staff requested some additional information, which he provided on December 22, 2023.

SFRC-Minority staff have asserted that they are unable to support his nomination until the Department amends a 2021 report mandated by the Protecting Europe's Energy Security Act (PEESA) on the Nord Stream 2 pipeline. Despite the Nord Stream 2 pipeline issue coming to a successful close and our increasingly close cooperation with Germany on Ukraine and other matters, SFRC-Minority staff insists that we amend our own past report from 2021. Specifically, they would like the Department of State to note the involvement of the Foundation for Climate and Environmental Protection MV (Klima und Umweltschutz MV). As it was communicated to the Department, upon doing so, the Department can then issue

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the proper waivers and applicable justifications under PEESA, but this issue has been overcome by events for some time.

Unfortunately, Erik's nomination is being stalled over a matter that once deeply affected the U.S.-Germany bilateral relationship. That was a different time, and frankly, the policy on Nord Stream 2 was made at the highest levels of the Administration. Erik was not the final decision maker in these negotiations. He regularly briefed staff and Members over a series of months to keep the committee informed of these negotiations and Administration decisions. Erik is an exceptionally qualified attorney and extremely knowledgeable on sanctions implementation and coordination. The Department needs a Coordinator of this caliber to effectively engage the Department, interagency, and foreign governments at the highest levels to ensure efficiency, transparency, and communication to Congress on our sanctions policies—particularly as we continue our sanctions work related to Iran, the PRC, Russia, North Korea, Hamas, etc. We ask that you add him to a nomination hearing in this upcoming work period.

Finally, as you know, in 2023, the Senate had its third lowest rate of nominations hearings and confirmations since 2009, with less than half the number of confirmations compared to the prior year. The vast majority of those affected by these delays have been nonpartisan career nominees—who previously have not faced such impediments. Delays in confirmation have a profound impact on our national interest, including the morale of career candidates that spend decades in the Foreign Service, our diplomacy in critical regions, relationships with foreign governments, and our ability to engage U.S. private sector companies in foreign countries.

Foreign Service Officers must have 20 years of experience before even being nominated for Chief of Mission positions. These individuals have spent their whole lives working on behalf of the United States, sacrificing time with their families, and serving in difficult and dangerous missions. We truly hope we can rely on the Senate Foreign Relations Committee members, who know and

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understand more about our foreign policy priorities than anyone else, to prioritize the consideration of nominations and ensure that our career nominees, in particular, do not face undue hurdles either in committee or on the Senate Floor.

Our non-career folks are also absolutely critical to a well-functioning Department that is required to be responsive to Congress. Without a confirmed Sanctions Coordinator and Legal Adviser, we are leaving our ranks without critical political leadership necessary to carry the Department's mission. Given the Senate's focus on legal justification and sanctions, in particular, we worry that our relationship with Congress will be negatively affected without having a Senate-confirmed official in these positions.

The Department is grateful for the Committee's strong support for our operations and foreign policy objectives and requests that you consider moving these deserving nominees through committee. Thank you.

Sincerely,



Richard Verma
Deputy Secretary for Management and Resources

Letter from Former U.S. Ambassador to China Terry Branstad to
Senator Cardin, Supporting Robert Forden to be Ambassador to
the Kingdom of Cambodia

March 1, 2024

The Honorable Ben Cardin
Chairman, Senate Foreign Relations Committee
509 Hart Senate Office Building
Washington, DC 20510

Dear Senator Cardin,

I am writing today to express my strongest possible support for the nomination of my former deputy, Robert Forden, to be the next Ambassador to Cambodia.

During my tenure as the United States Ambassador to China, I worked closely with Rob Forden on a daily basis and valued his counsel and insight. Rob is an outstanding leader and did great work for our country as my Deputy Chief of Mission in Beijing and as Chargé d'Affaires after my departure. He would be an exemplary choice for U.S. Ambassador to Cambodia.

I understand your staff has expressed concerns regarding actions taken during our tenure in China. I can attest that in Spring 2020, Rob was in the U.S. on medical evacuation (non-COVID related) and was not involved when we agreed with then-Undersecretary Bulatao on the procedures to follow in returning our staff to China, including the Department's instruction to waive diplomatic immunities to allow COVID throat/nasal swab tests at the airport and during quarantine. However, when Rob returned to his duties in Beijing in July 2020, I asked him to lead our team in continuing to bring back the rest of our staff, following the Department's instructions. He did so effectively, and continued those policies unchanged even after I departed and while he served as Chargé d'Affaires until July 15, 2021. Throughout, Rob and I always prioritized the safety and security of our people, ensuring that none ever faced unsafe or unacceptable conditions in a Chinese fever hospital.

Rob's leadership and management of our large mission in China during this extremely complex period was extraordinary and critical to ensuring that we advanced President Trump's China policies, especially on trade, health, and law enforcement, and were able to provide consular services to the tens of thousands of Americans in China during the COVID pandemic. It was also vital to ensure China did not impede the supply of medical equipment and pharmaceuticals to the U.S. necessary to address COVID and save American lives. This was not an easy period – we also had to evacuate and close our Consulate General in Chengdu with only 72 hours' notice and deal with an increasingly hostile Chinese government as it took steps to reduce freedoms in Hong Kong and deny its culpability in the spread of COVID. Both Rob and I pushed back tirelessly on senior Chinese officials to protest China's outrageous actions and words and its unscientific and unacceptable COVID control measures.

Rob is a patriotic and dedicated public servant who has worked diligently to advance U.S. national security during his 35 years of service as a Foreign Service Officer. When I hired him to be my deputy in Beijing, he was in his last year of serving as Deputy Director of the American Institute in Taiwan (AIT) where he oversaw the completion of our new state-of-the-art facilities there and did much to grow and strengthen U.S.-Taiwan ties. He has worked almost 10 years in Taiwan – from which his wife hails -- promoting our ties with that impressive democracy. Rob has a wonderful family who has also sacrificed much to accompany and support Rob in his decades serving the U.S. abroad. He has three impressive and accomplished children, including a son and daughter-in-law, both distinguished West Point graduates, currently serving our country honorably in the U.S. Army.

In short, Rob's outstanding leadership and management coupled with his four decades of experience in East and Southeast Asia make him an extraordinarily well-qualified candidate for U.S. Ambassador to Cambodia. I urge you to support Rob's nomination and get him out to Phnom Penh as soon as possible. It is particularly important given China's push in that region to spread its influence, weaken our alliances, and undermine the institutions that have promoted peace, democracy, and prosperity for so many decades there. The United States needs to fill this important post, and Mr. Forden is the ideal candidate to protect our interests in that region of the world.

I would be happy to meet with you or speak to you over the phone if you have any questions regarding Rob's candidacy.

Sincerely,

A handwritten signature in cursive script that reads "Terry Branstad". The signature is written in dark ink and is positioned above the typed name and email address.

Ambassador Terry Branstad, Retired
terryedwardbranstad@gmail.com

Letter from Former Department of State Legal Advisers to Senators Menendez and Risch, Supporting Margaret Taylor to be Legal Adviser to the Department of State

May 22, 2023

Senator Bob Menendez
Chairman, U.S. Senate Foreign Relations Committee
423 Dirksen Senate Office Building
Washington, DC 20510

Senator James E. Risch
Ranking Member, U.S. Senate Committee on Foreign Relations
423 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Menendez and Ranking Member Risch:

We are former Legal Advisers of the Department of State, having served in the Administrations of Ronald Reagan, George H.W. Bush, Bill Clinton, George W. Bush, Barack Obama, and Donald Trump. We comprise all of the living former Senate-confirmed Legal Advisers. We write to provide our strong bipartisan support for the confirmation of Margaret Taylor, who has been nominated to be Legal Adviser by President Joe Biden. Most of us have worked directly with Ms. Taylor, and three of us have supervised her work when we served as Legal Adviser. We believe she is well-qualified to serve as Legal Adviser and should be confirmed quickly. We would note some urgency in our plea – there has not been a Senate-confirmed Legal Adviser since the end of April 2019.

Ms. Taylor is an experienced international lawyer who has served since April 2021 as General Counsel of the U.S. Agency for International Development, overseeing an office of 65 lawyers who provide advice on the operation and administration of USAID programs around the world, and on matters relating to legislation or proposed legislation affecting USAID. In this position, she has gained two years of valuable experience managing a government legal office of an agency with a foreign policy mission, working with other executive branch departments and agencies, and responding to congressional oversight and requests.

Even more relevant, Ms. Taylor served in the Office of the Legal Adviser for ten years from November 2003 to January 2013. As a result, she has more direct knowledge of the Office than any other recent nominee to head the Office. She served in three different offices within the Office, obtaining broad experience on a wide variety of issues, including economic sanctions, U.S. foreign assistance laws, and international law enforcement and intelligence matters. Among other responsibilities, she served as legal adviser to the Department's Office to Monitor and Combat Trafficking in Persons, helping Department employees to address forced labor and human trafficking for sexual exploitation. She also helped to secure Senate advice and consent for the 2000 Protocol to Prevent, Suppress, and Punish Trafficking in Persons to the Convention on Transnational Organized Crime. She was also one of the Department's lead experts on U.S. foreign assistance laws. While serving in the Legal Adviser's Office, she was awarded (based on the nomination by one of us) an International Affairs Fellowship at the Council on Foreign Relations, and she spent one year drafting a report on reform of U.S. foreign assistance laws.

After serving in the Legal Adviser's Office, Ms. Taylor served from February 2013 to August 2018 as a staff member of the Senate Foreign Relations Committee, first as Deputy Chief Counsel and then as Democratic Chief Counsel and Deputy Democratic Staff Director. She worked on a bipartisan basis to secure enactment of numerous treaties and national security bills, including legislation relating to Iran and Russia. She obtained experience with congressional oversight that would be extremely valuable to her if she is confirmed as Legal Adviser.

After leaving the Senate, Ms. Taylor served from August 2018 to April 2021 as Governance Fellow at the Brookings Institution and as Senior Editor at the Lawfare blog, where she authored numerous articles on national security and foreign policy matters.

Ms. Taylor received her A.B. *magna cum laude* from Princeton University and her J.D. from Columbia Law School, where she was a Kent Scholar and Editor-in-Chief of the Columbia Law Review. She then served as a judicial clerk for Judge Amalya Kearse on the U.S. Court of Appeals for the Second Circuit.

We believe it is essential for the United States and the Department of State to have a confirmed Legal Adviser to represent our nation in meetings and negotiations with foreign officials and to be the voice of the U.S. government on international law matters, including by calling out violations of international law and human rights by China and Russia. The United States is at a global disadvantage without a confirmed Legal Adviser. Even an experienced acting Legal Adviser cannot be as forceful and effective an advocate for U.S. interests as a Legal Adviser appointed by the President and confirmed by the Senate.

For all of these reasons, we believe Ms. Taylor is unusually well-qualified to serve as Legal Adviser. We urge the Committee to recommend her confirmation and that the full Senate confirm her quickly.

Sincerely,

John B. Bellinger III
Legal Adviser, 2005-2009

Davis R. Robinson,
Legal Adviser, 1981-1985

Brian J. Egan
Legal Adviser, 2016-2017

Abraham D. Sofaer
Legal Adviser, 1985-1990

Conrad K. Harper
Legal Adviser, 1993-1996

William H. Taft, IV
Legal Adviser, 2001-2005

Harold Hongju Koh
Legal Adviser, 2009-2013

Edwin D. Williamson
Legal Adviser, 1990-1993

Jennifer G. Newstead
Legal Adviser, 2018-2019

Letter from The Children's Hospital of Philadelphia—Leukodystrophy Center to Senators Cardin and Risch, Supporting B. Bix Aliu to be Ambassador to Montenegro

 The Children's Hospital of Philadelphia®

LEUKODYSTROPHY CENTER

December 22, 2023

To: Senator Ben Cardin and Senator James Risch
Re: Nomination of Bix Aliu to be U.S. Ambassador to Montenegro

Dear Mr. Chairman and Ranking Member,

I am writing a letter in support of Mr. Bix Aliu to be U.S. Ambassador to Montenegro. I interacted with Mr. Aliu in the summer of 2020, during the COVID19 health emergency. At the time, he was the Deputy Chief of Mission of the U.S. Embassy in Poland and was Chargé d'Affaires. I am the Principal Investigator of a clinical trial for a rare disease, Aicardi Goutieres Syndrome, which causes brain injury from an exaggerated immune response. To safely treat this disorder, we use an immunosuppressant called Baricitinib. In 2020, this medication could only be obtained as part of our clinical trial, and families were traveling from all over the world to the Children's Hospital of Philadelphia for this treatment.

During the COVID19 health emergency, our families could no longer safely travel to the Children's Hospital of Philadelphia to obtain this lifesaving medication. In particular in Poland, where national laws limit importation of study medications, we faced extensive barriers to safely getting medication to our patients. It is known that interruption of these medications can irreversibly worsen the health of affected children, so there was significant risk for these patients in losing access to study medications. We had days left to find a mechanism to get medication to our critically ill patients. We had made no progress over a period of several months until Mr. Aliu intervened. Within just a few days, he had made arrangements with the Polish Ministry of Health to obtain importation permits of the medication, and plans were in place to transport medication via the Polish Embassy Medical Attachee. With just 24 hours to spare before our patients ran out of supply, medication was delivered to our families.

Mr. Aliu was compassionate and helpful throughout this process. He recognized the extreme importance of the situation, and the incredible impact on the patients and their families. He was incredibly effective, achieving in less than 3 days what had eluded us for months. He was able to efficiently work with multiple branches of the Polish bureaucracy, as well as coordinate with

American authorities. He reacted with speed and efficacy to support children affected by an rare disease. He exemplifies the support to vulnerable populations I associate with our State Department. I am not only appreciative of his incredible assistance, but fully supportive of his nomination for Ambassador. Please feel free to contact me with any questions.

Respectfully submitted,



Adeline Vanderver, MD

Director of the Leukodystrophy Center of Excellence
Children's Hospital of Philadelphia
Jacob A. Kamens Endowed Chair in Neurological
Disorders and Translational NeuroTherapeutics
Professor of Neurology and Pediatrics
University of Pennsylvania, Perelman School of
Medicine
3615 Civic Center Blvd.
Abramson Research Center 516H
Philadelphia, PA 19104

Letter from Joel Fitch to Senator Cardin, Supporting B. Bix Aliu
to be Ambassador to Montenegro

March 5, 2024

The Honorable Senator Ben Cardin
United States Senate – Senate Committee on Foreign Relations
Washington, DC 20510

Dear Mr. Chairman:

My name is Joel Fitch and I am a Consular Officer in the U.S. Department of State. I am currently serving at our Kentucky Consular Center in Williamsburg, Kentucky. My previous postings have included Sao Paulo, Brasilia, Luanda, and Krakow.

I am reaching out on behalf of Mr. B. Bix Aliu – President Biden’s nominee for U.S. Ambassador to Montenegro.

I had the privilege of working with Mr. Aliu while serving in Poland. Mr. Aliu is the definition of a diplomat. He cares deeply about not only the state of country-to-country relations but is also heavily invested in the welfare of Mission personnel. I worked directly with Mr. Aliu on Mission Poland projects, on the Emergency Action Committee – which had heightened importance at the time because of COVID – and on multiple visits he made to the U.S. Consulate General in Krakow. As the Deputy Chief of Mission – and later the Chargé d’affaires – for Mission Poland, Mr. Aliu had the added responsibility of mentoring first and second tour Foreign Service Officers. This was a responsibility he treated with the utmost importance and sought out opportunities to include the younger generation of officers in big picture discussions.

On a personal note, Mr. Aliu showed great kindness and empathy to me and my family. Shortly after arriving in Krakow, my 15-month-old son had a medical emergency and was in the hospital for multiple days. Mr. Aliu reached out to me immediately – even though we hadn’t met yet – to offer any and all assistance, both personally and professionally. The following week, Mr. Aliu visited Krakow for scheduled meetings, and he made a point of setting aside time to meet with me specifically to talk about my son and how my family was doing in this difficult situation. This concern for the welfare of my son and the well-being of my family continued throughout my 2 years in Krakow and continues to this day.

Mr. Aliu is a caring and honorable person, and it is a privilege to call him my friend. I fully support his nomination as U.S. ambassador to Montenegro and I have no doubts as to his ability to continue to admirably represent the United States overseas, while also compassionately caring for the people under his wing as Chief of Mission.

Thank you for your time and God bless America.

Joel Fitch

Letter from Foreign Service Officer Alejandro Gonzalez to Senator Cardin, Supporting B. Bix Aliu to be Ambassador to Montenegro

March 5, 2024

The Honorable Ben Cardin
Chairman
Committee on Foreign Relations
United States Senate
Washington, D.C. 20510

Dear Chairman Cardin,

I submit the following statement in support of Mr. B. Bix Aliu's nomination to be the U.S. Ambassador to Montenegro in my personal capacity.

My name is Alejandro Gonzalez. I am a Foreign Service Officer (FSO) in the U.S. Department of State currently serving in Tijuana, Mexico as the Special Citizen Services supervisor and American Citizen Services Deputy Chief. I've served as a diplomat in different roles in Colombia, Ecuador, Poland, and Mexico. Before joining the Foreign Service, I obtained a J.D. from the University of Florida and worked as Director of Operations for a restaurant holding company in Florida for over twenty years, in charge of multi-million-dollar businesses with upwards of 150 employees reporting to me. In all my years in private business and as an FSO, I have had the fortune of working with many talented and accomplished people. B. Bix Aliu stands out as one of the most impressive professionals I've had the pleasure and fortune to work with.

When I heard that Mr. Aliu had been nominated to be the next U.S. Ambassador to Montenegro, I felt immense pride in having worked with him and thought that no one was more deserving or could do a better job in that position than him. I would like to provide my account of my time working directly for Mr. Aliu as his Staff Assistant between June 2021 and May 2022 in support of his nomination.

B. Bix Aliu is a consummate Foreign Service Officer. Throughout my time working with him, his devotion to the Mission and his team was evident in all he did. He expected excellence but provided the tools and help needed to reach it. In the face of once-in-a-generation events, he rose to the challenge and carried the rest of his team with him. That meant more work and more responsibilities for everyone in the Mission. To get the job done, he led by example, demanding of himself more than of anyone in his team, which he always sought to protect. Mr. Aliu was successful in making his team shine and putting Mission Poland on the map. We had the world's eyes trained on us. The external pressures (Congressional visits, high-level visits, POTUS, etc.) were non-stop. However, we would not have been successful in meeting the challenges we faced had Mr. Aliu not asked us to do our best and held us accountable to the highest standards.

I count myself fortunate to have had the opportunity to work under those conditions and to have had Mr. Aliu's support and mentorship to succeed. My experience of working with Mr. Aliu was one with an empathetic leader who cares deeply about his team and the Mission.

When I arrived in Warsaw, the Embassy was still following COVID protocols, including maximized telework. I chose to be in the office to better learn the job of Staff Assistant, even though I was given the opportunity to telework by Mr. Aliu, who encouraged me to find a balance between work and my personal life. Mine was a personal choice; Mr. Aliu made it clear at every Country Team meeting and through regular Management Notices that the Mission's stance on telework versus in-person work was driven by health considerations and that the number one priority for the Mission was the health and wellbeing of its personnel.

The job of a Staff Assistant is as light or as heavy as that of the principal officer, in this case, Mr. Aliu. I must admit I was initially overwhelmed by the amount of work and the performance expectations of my job as Staff Assistant. Mr. Aliu is exacting, and he expects that what you do, you do it right. He is candid and direct with his feedback, but never aggressive, disrespectful, or intimidating. He expects each of his team members to put their best foot forward in every task.

Mr. Aliu's ultimate goal was that everyone did their best for the mission. To accomplish that, he generously gave his time, dispensing advice and mentorship without reservation. In my case, I was totally unfamiliar with my job duties when I arrived. Rather than being frustrated by my inexperience and despite heading a busy Mission, Mr. Aliu mentored me and gave me the tools to succeed in my job. I remain grateful he did. The skills I acquired while working for him served me so well, and the quality of my work and my time management skills improved so greatly, that I was tenured at and promoted at my first look. I now successfully run the world's busiest Special Citizen Services unit, a job reserved for officers with many more years of experience and normally a grade above mine, thanks to the skills I learned and perfected under Mr. Aliu's mentorship.

Mr. Aliu always made it a point to be sincere about people taking time off, often by giving up his own. In the midst of a complicated confirmation hearing for our incoming Ambassador, and as events like the withdrawal from Afghanistan and the outbreak of the Russian invasion of Ukraine unfolded, Mission Poland became one of the busiest missions in the world. This resulted in a substantial increase in the workload for everyone in the Mission. Mr. Aliu advocated for his team in every possible way, lobbying for additional support and resources, reprioritizing tasks, and taking on additional responsibilities other Chiefs of Mission might have balked at.

Mr. Aliu relaxed procedures where possible (for instance, not asking for the usual amount of briefing materials customary for many meetings) and took it upon himself to do this work just so members of the Mission could take time off, or simply, take a break. He constantly asked us to look out for our colleagues and to let him know if we thought someone needed a break or was struggling so that we could help. Daily, he would remind us of the need to remember that despite everything that was going on, we had to take care of ourselves, be kind to each other, remain flexible, and exercise compassion.

That we were all extremely busy is undeniable. As public servants working in a major crisis, I believe that is what we signed up for. I never worked harder in my life than during that year, but it was not busy work: it was real, meaningful work that mattered, the type of work you may be called upon to do once in your lifetime if you are lucky.

Mr. Aliu was the hardest worker in the Mission; he led by example. But he was also cognizant that others have different life situations and competing priorities, and I witnessed him making a tangible effort to create a safe space for his team, creating rules for himself about when to communicate (not email staff after close of business, rotating work from home days for his Front Office team) and holding himself accountable for following through.

Mr. Aliu was professional in all his interactions with his immediate support staff and everyone in the Mission. I believe I am in a position to categorically state that since, perhaps except his Office Management Specialist (OMS), I spent the most time with him. I managed his schedule, attended meetings with him, monitored his correspondence, and tracked all the taskers he requested as Charge D'Affaires at first, then as Deputy Chief of Mission. I was with him at every Country Team meeting, Senior Staff meeting, weekly meeting with the Consulate General in Krakow, Diversity, Equity and Inclusion (DEI) meeting, First and Second Tour officer (FAST) meeting, and his regular meetings with heads of each section. Not once did I witness anything except extreme compassion, kindness, and support from him to his team.

In fact, in a couple of instances where I had disagreements with Mr. Aliu or much more senior section head officers, Mr. Aliu allowed me to voice my opinions in a free manner, listened to my side of the story, and always sought to resolve any conflicts in the best possible way. Though I sometimes did not get the answer I wanted, I could never fault his judgment, as it was sound. He had an open-door policy that was actually enforced. I was never afraid to go to him with a question or comment, despite only being an entry-level officer.

In Warsaw, Mr. Aliu was the Mission's biggest advocate for Diversity, Equity, and Inclusion (DEI). His interest in the subject was genuine, and he devoted a lot of energy to promoting DEI values throughout the Mission, instilling in his senior staff the importance of promoting and celebrating diversity. His involvement lent importance to the mission's DEI efforts, and real change emerged from it. Mr. Aliu involved the DEI committee in Country Team, he asked section heads to revise their practices to ensure that underrepresented groups were given the opportunity to participate in representational events and that everyone took a long, hard look at hiring practices, which resulted in the incorporation of DEI precepts in post's hiring process.

DEI and FAST meetings became meaningful opportunities to have open, honest conversations. Attendance at these meetings grew exponentially, and first-time officers and specialists felt free to express their opinions, engaging candidly with leadership about their concerns and questions. Mr. Aliu didn't just pay lip service to DEI and FAST development; he lent his residence, his time, and leadership to make these events possible. Staff began to openly address sensitive topics for the first time, including the effect Poland's anti-LGBTQ rhetoric had on potential bidders, how Black, Hispanic, and Asian staff had a different experience in Poland than our Caucasian counterparts, how to better support our Eligible Family Members, and more.

I hope Mr. Aliu's confirmation proceeds so that he may go on to serve as Ambassador to Montenegro. The State Department is fortunate to have Mr. Aliu in its ranks.

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I hope Mr. Aliu's confirmation proceeds so that he may go on to serve as Ambassador to Montenegro. The State Department is fortunate to have Mr. Aliu in its ranks.

Respectfully,

Alejandro Gonzalez
+1(571)302-0923
alegonca@yahoo.com

Letter from Former U.S. Ambassador to Poland Georgette Mosbacher to Senator Cardin, Supporting B. Bix Aliu to be Ambassador to Montenegro

Dear Chairman Cardin

I unfortunately am on international travel and could not be present for my dear friend and former deputy's hearing. Hence, I am writing you without hesitation to support Bix Aliu, as he is considered for Chief of Mission Montenegro.

I admit that I was an exacting chief executive officer/chief of mission, and Bix met and exceeded my highest expectations, his leadership and management skills are exemplary, and in the unprecedented challenges we have faced in Poland, Bix truly went above and beyond and proved he is ready for his own mission. I don't make recommendations lightly. I simply cannot recommend a stronger more capable leader, or, a more decent human being than Bix. I ask for your support, that he be given the highest consideration. I can't think of anyone better equipped to represent our great country.

After I left, Bix served impeccably as charge. Bix's foresight played a pivotal role in solidifying U.S.-Polish unity during the escalating tensions preceding the Russian invasion of Ukraine. Bix actively collaborated with international organizations like OSCE and NATO, ensuring a unified response. He tirelessly engaged with European diplomats in Warsaw, advocating for Polish and EU support for potential sanctions against Russia. His dedication paid off, as Poland emerged as a key partner in confronting Russian aggression, leveraging its leadership positions in international organizations to bolster Western unity and support U.S. objectives.

His experience in the region, knowledge of the languages and culture, and previous work in Montenegro make him uniquely qualified for the position. Bix reflects the best in the Department's ethos: he leads with uncompromising personal integrity, takes ownership of his team's actions, and accepts responsibility for his decisions. The U.S.- Poland relationship increased in significance over the years we worked together as we operationalized multiple presidential directives. Bix played a central role, guiding Washington's strategies and contributing to our success. He is a trusted advisor, patriotic American, and would be an exceptional representative of the United States in Montenegro.

Sincerely,
Ambassador Georgette Mosbacher

Letter from Noorie Bajaj Womack to Senator Cardin and Congressman Murphy, Supporting B. Bix Aliu to be Ambassador to Montenegro

Senator Cardin and Mr. Murphy

Please find below:

Character Reference for

Nominee for US Ambassador to Montenegro, B. Bix Aliu

My name is Noorie Bajaj Womack. I'm writing this letter to highlight Nominee for US Ambassador to Montenegro, B. Bix Aliu's leadership, mentorship, and support during and after my time in US Embassy Warsaw from (2019-2022). Bix was an advocate when it seemed like I was mired in an arduous investigatory process on sexual harassment. He not only placed his authority behind invigorating the investigation, but also in validating and supporting me throughout a fairly opaque process.

Bix helped my leadership navigate through the various hurdles related to this interagency process. When I felt like this was going to be like the other instances of sexual harassment and assault I've dealt with, he was there to support me and my management through it. When the investigation ended in my favor, he ensured the individual was removed from the premises, as mandated.

Beyond his assistance in that particular issue, Bix provided me guidance and mentorship in what I would describe as an incredibly difficult environment (Poland) as a woman of color. I was taken aback by someone in such a senior position truly caring for those in the Embassy community. He didn't just say the right things, he did the right things. I was routinely harassed and assaulted (racial) in Warsaw and Poland writ large. Bix once again showed his support to me and my leadership by energizing an Embassy process to better collate and respond to such instances.

Throughout my time in Warsaw, which overlapped with Bix's, I saw a leader who cared about his people—the Embassy community. He made us feel like we had an advocate at the top, who didn't just sit behind closed doors, but who was seeking actively to support and improve the welfare of the community through Diversity, Equity, Inclusion, and Accessibility.

If I can answer any questions or provide more detail, please feel free to email me.

Thank you for your time.

Noorie Bajaj Womack
+81 080-7969-9489
Nooriebajaj@gmail.com

Letter from Doug Factor, Foreign Service Officer, to Senator Cardin Supporting, B. Bix Aliu to be Ambassador to Montenegro

Chairman Cardin,

Good afternoon. I watched with interest the hearings this morning, as I worked with Bix Aliu during my two years stationed at the Embassy in Warsaw, Poland. I was appalled at the anonymous letter that which questioned Bix and his leadership ability at the Embassy. I served at the Embassy from June 2019 to June of 2021. I worked very close with Bix and Ambassador Mosbacher during my time as the Ambassador's Staff Assistant from my arrival through July 2020. During that time, I witnessed first-hand the outstanding leadership that Bix exhibited while dealing with a variety of issues.

As the Staff Assistant, I spent virtually every day with Bix and the Ambassador, and not once did I observe anything but strong leadership from a man who truly cares about his people and advancing the interests of the United States. He treated every individual fairly, and was always available for the staff to provide mentorship and guidance.

While my time in Warsaw was my first tour in the Foreign Service, I must point out that it is my second career, as I am a retired Commander in the U.S. Navy. I attended the Naval Academy, served on five ships and numerous staffs, and have worked for some very tough bosses. I would gladly serve with Bix again at any time, in any place.

Leading an overseas staff through COVID while navigating the stresses of a demanding Ambassador and issues like 5G, Visa Waiver Program, military partnerships, and the war in Ukraine took an extraordinary leader, and Bix was a great leader through it all.

Please don't hesitate to contact me if you have any questions.

All the best,

Doug Factor, *Foreign Service Officer*

Letter from Anthony Pirnot, Former Political Counselor, U.S. Embassy, Warsaw, to Senator Cardin Supporting, B. Bix Aliu to be Ambassador to Montenegro

March 6, 2024

Senator Ben Cardin
Senate Foreign Relations Committee

Dear Chairman Cardin:

I am writing in support of Bix Aliu, nominee for Ambassador to Montenegro. I served as a Pearson Fellow for Senator Shaheen 2018-2019. Following that assignment, I was sent to Moscow and, after eight months, declared *persona non grata*. I quickly landed in Warsaw as the political counselor in July 2021. Bix was the *chargé d'affaires* when I arrived. As *chargé* for nearly a year, it was clear to me that he was ready to be an effective ambassador. He was a mentor to me and helped prepare me to run the Political Section as the war began in Ukraine and the importance and stress of our work expanded tremendously. Bix played the most important role in preparing Ambassador Brzezinski for his arrival until he departed post in May 2022.

Bix is as smart and hard-working as any foreign service officer I have worked with or for, and he set a standard for performance that proved important to us when Poland became the epicenter of humanitarian and lethal assistance for Ukraine. I have been distressed that he has waited so long without a hearing. I worked very closely with Bix for nearly a year and his intensity as a foreign service officer is the kind of trait that makes him a great candidate for an ambassadorship. He will be 100% committed, all the time, as he was in Warsaw. I urge the SFRC to give him a hearing. I would be happy to answer any questions anyone has.

Best Regards,

Anthony

Anthony Pirnot
Political Counselor
U.S. Embassy Warsaw

Letter from Cindy Biggs, Former Foreign Service Officer, U.S. Embassy, Warsaw, to Senator Cardin Supporting, B. Bix Aliu to be Ambassador to Montenegro

Dear Chairman Cardin,

I was fortunate enough to serve under Bix Aliu during the final tour of my foreign service career in Warsaw, Poland and was thrilled to learn that President Biden had nominated him to be the next ambassador to Montenegro. I can't imagine a person better suited for that role.

Bix is exactly the type of leader that made me so proud to serve as part of the foreign service for 24 years. He is an excellent communicator, humble, strategic, fearless, and a solutions-oriented leader who empowered and motivated his team and took responsibility for decisions that were made. That tour in Poland was an extremely challenging one, initiated by the outbreak of covid and punctuated by the invasion of Ukraine next door, but we knew we could count on Bix's support 100% of the time, no matter what the challenge. As I reflect back on that tour, it brings tears to my ears just thinking about his level of commitment to the mission. He helped make us proud of what we were doing and inspired and challenged us to be the best we could be as representatives of the US government. He sought out mental health resources for those who were struggling, found creative ways to keep us safe and engaged, such as organizing a virtual dinner with the ambassador at a time when we were all feeling isolated and lonely and generously sharing his time and resources whenever needed. We all knew that if we reached out to Bix, no matter the time of day or night, we would receive an almost instantaneous reply. Knowing we had a medical doctor at our helm at the onset of covid was extremely reassuring and his continual messaging kept us informed of the latest developments. Such was Bix' impact during his time in Poland that our local staff, completely unprompted, sent him an email that spoke volumes about the kind of leader he is, which said, in part:

"This message is to express our great appreciation for all the hard work and long hours you put in to make our Mission a success. You carried out the Mission with professional excellence and the highest ethical standards protecting America's interests and promoting American's values. You motivated employees, took tough decisions, supported your colleagues, and made sure there is equal opportunity at our Mission and no discrimination or harassment of any kind. We would like you to know that none of this has gone unnoticed, and we are grateful for your kindness, loyalty, and commitment to us. Thank you for giving us the sense of security by putting our health first, arranging vaccines for the entire Mission, active dialog with local employees, highlighting the importance of diversity and establishing a diversity committee, your courage and honesty to speak out no matter how controversial the subject was, transparency in your actions and views regarding Polish government and local politics, the time you took out of your busy schedule to participate in our offsite meeting, and for being patient, understanding and supportive."

I would be happy to discuss any questions that you may have and can be reached at the email and phone number below.

Sincerely,
Cindy Biggs

**Additional Material Submitted for the
Record by Senator James E. Risch**

**Submission for the
Nomination of Robert Forden
Added to the Record by
Senator James E. Risch**

Submission for Nomination of Robert Forden

1. **231130 – Blinken – Mission China COVID – Forden**
 - Letter sent to Secretary Blinken by Senator Risch (dated on November 30, 2023) that lays out Forden’s role in U.S. government failure to protect the privileges and immunities of U.S. diplomats and other government officials at Mission China during the COVID-19 pandemic.
2. **Forden Letter Attachment_Redacted**
 - Documentation and supporting evidence submitted with the November 30 letter.
3. **220420 – TO Blinken – Secretary of State – Mission China COVID Protocol**
 - Letter sent to Secretary Blinken by Senator Risch (dated April 20, 2022) regarding SFRC concerns about the failure to protect the privileges and immunities of U.S. diplomats and other government officials at Mission China during the COVID-19 pandemic.
4. **20-Beijing-2378.Mission China Lessons Learned-Ordered Departure 12102020_Redacted V2**
 - Front channel cable (dated December 10, 2020) from U.S. Embassy Beijing detailing lessons learned following the declaration of authorized and ordered departure from Mission China in January 2020.
 - **Significance:** Whistleblowers report lack of State Department with Mission China personnel from other agencies (e.g. DHS, DOD, DOJ) throughout COVID-19, despite reporting through official channels that they recognized the importance of open communication with non-State agencies.
5. **(2021) Li Zi No. 1 – PRC MFA**
 - Mandarin and English language versions of protocol document Li Zi No. 1 (2021) sent by the PRC Ministry of Foreign Affairs (MFA) to embassies and representative offices in China regarding testing and quarantine requirements for incoming diplomats.
 - **Significance:** Describes hospitalization of a U.S. Mission employee in a “designated hospital” during Forden’s tenure, and describes another case where a U.S. Mission member and his son refused to enter a Chinese hospital and departed China via a charter flight. The MFA requests that Mission personnel arriving in China after January 27, 2021 sign a written commitment to accept testing, “diagnoses, quarantine, and treatments by the Chinese side” for COVID-19 – allowing this would go beyond the 2020 limited waiver of inviolability agreed to the United States in September 2020.
6. **Records – DipNotes to China on COVID Issues (2020 – 2021)**
 - Excerpts from the ledger of diplomatic notes sent to the MFA by Mission China between June 2020 and July 2021, with line items related to U.S. personnel testing and quarantine in China highlighted.
 - **Significance:** Provides record of China separating parents and children during COVID-19 quarantine, requiring blood tests on U.S. diplomats (which the U.S. government eventually consented to despite protesting it originally), and other issues.

7. **Dip Notes re. detained family (SH and BJ)_Redacted**
 - Excerpts from the ledger of diplomatic notes sent to the MFA by U.S. Consulate Shanghai (4/27/2021) and Embassy Beijing (4/20/2021) regarding the “detention” of a redacted family.
 - Significance: Confirms the detention of a family in a fever hospital during Mr. Forden’s tenure, despite his attestation to SFRC that no one was forced into a fever hospital while he was in charge.
8. **Whistleblower Letter to Cardin and Risch – March 6 2024_Redacted**
 - Whistleblower letter signed by 6 U.S. government officials who served at Mission China, relating their concerns with Robert Forden’s failures of duty while serving as DCM and CDA of Mission China from July 2020 – July 2021.
 - Significance: Outlines Mr. Forden’s role and precise failures in leadership as Charge, and includes additional supporting evidence.
9. **20240308_Redacted**
 - Email thread obtained through the Freedom of Information Act with respect to China conduct anal swabs on multiple U.S. government employees to test for COVID-19.

BELMONT, NEW YORK
 ROBERT MENENDEZ, NEW JERSEY
 JAMIE SHAPIRO, NEW HAMPSHIRE
 CHRISTOPHER A. COONS, DELAWARE
 CHRISTOPHER MURPHY, CONNECTICUT
 TIM WAINE, VIRGINIA
 JEFF MERZLEY, OREGON
 CORY A. BOOKER, NEW JERSEY
 BRIAN SCHATZ, UTAH
 CHRIS VAN HOLLEN, MARYLAND
 TAMMY DUCKWORTH, ILLINOIS

JAMES E. RISH, IDAHO
 MARCO RUBIO, FLORIDA
 MIKE SCHUBERT, IOWA
 PETER RICHARDS, MISSISSIPPI
 RAND PAUL, KENTUCKY
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 JOHN BARRASSO, WYOMING
 TED CRUZ, TEXAS
 BILL HARTSOFF, TENNESSEE
 TIM SCOTT, SOUTH CAROLINA

United States Senate
 COMMITTEE ON FOREIGN RELATIONS
 WASHINGTON, DC 20510-6225

November 30, 2023

The Honorable Antony Blinken
 Secretary of State
 Department of State
 2201 C Street N.W.
 Washington, D.C. 20520

Dear Secretary Blinken:

I write with regard to nominees before the Senate Foreign Relations Committee and concerns I have about the protection of U.S. diplomats and other U.S. government officials at our diplomatic facilities in China.

In February, I stated publicly at the confirmation hearing for Richard Verma to be Deputy Secretary of State for Management and Resources that I would oppose moving forward any nominee that was significantly involved in developing or enabling policies that exposed U.S. government personnel and their families serving in the People's Republic of China (PRC) to extreme, unsafe, and degrading COVID-19 testing and treatment protocols by the PRC government. I believe the PRC's treatment of our diplomats has violated the privileges and immunities guaranteed to them under the Vienna Convention. As this letter will show, senior Department leadership, especially at Mission China, allowed such treatment to persist in a country that is an adversary of the United States and a high-risk counterintelligence threat.

After months of investigation, I have determined that Robert Forden, who served as Chargé d'Affaires and Deputy Chief of Mission at U.S. Embassy Beijing at various points from 2018-2021, played a central role in developing and implementing Mission China's policies. This included allowing mission personnel to be subjected to draconian PRC COVID-19 protocols. In addition, he was not forthcoming with the committee about the extent of his role or the situation U.S. personnel faced during his tenure.

Promoting the safety and security of Americans abroad is one of the most important duties for every U.S. ambassador. As outlined below, Mr. Forden's record in China is in contradiction to this paramount responsibility. Therefore, I will not consent to moving his nomination forward to U.S. ambassador to Cambodia.

Mr. Forden's, and more broadly, the Department's handling of these issues represents a fundamental failure to care for U.S. diplomats, their families, and other U.S. government personnel assigned to Mission China. Unfortunately, it is indicative of broader problems in U.S. policy towards the PRC. The United States continues to treat the PRC as though it is like any other country with which we have diplomatic relations.

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China is not like any other country; it is our greatest adversary and threat, as both the Biden and Trump Administrations have acknowledged. Time and again, the United States sacrifices its interests for the sake of maintaining smooth bilateral relations with the PRC. The PRC government knows this tendency and takes advantage of it. In this case, we sacrificed the health and security of U.S. public servants as a regrettable but necessary cost of maintaining a diplomatic presence in China.

The following contains my findings on the PRC's treatment of U.S. government personnel in China during Mr. Forden's tenure and his particular involvement.

2020 Limited Waiver of Inviolability

In September 2020, senior State Department leadership under the Trump Administration granted a limited waiver of inviolability (LWOI) of the privileges and immunities of U.S. diplomats in China to comply with the country's COVID requirements for entry and quarantine. Then-Ambassador Terry Branstad requested the LWOI in order to bring back U.S. diplomats after much of our mission was evacuated earlier that year. Mr. Forden served as Deputy Chief of Mission at the time of the request, and he signed off on the relevant front channel cable back to Washington (see Attachment 1).

The September 2020 LWOI request followed an effort by Mission China leadership (some of it during a period of absence from China by Mr. Forden) to press U.S. diplomats to waive their privileges and immunities voluntarily so that mission leaders could execute plans to re-staff the embassy. This is only one piece of evidence that mission leadership's goal was to return staff quickly, rather than to ensure that returning U.S. personnel would have sufficient protections.

The Department of State granted the LWOI, but made clear its very specific limitations (see Attachment 2). The cable back to Mission China stated the following:

- "2. (SBU) The Department understands that the testing and quarantine regime required by PRC authorities is:
 - Pre-departure COVID testing
 - COVID testing at the airport on arrival
 - COVID testing on day 13 of quarantine
 - 14 days of quarantine in a PRC-approved hotel
- "12. (SBU) This waiver of inviolability and authorization for exception to the Department's policy will remain in effect provided that the conditions listed in paragraphs 1 and 2 remain unchanged and post continues to recommend testing. Post should inform the Department via front channel cable if the conditions or post's recommendation changes." (emphasis in the original)

To summarize, the Department of State authorized Mission China personnel to undergo COVID tests in the United States, along with testing upon arrival and on day 13 of quarantine. The Department also approved a 14-day quarantine -- not one day more. Most importantly, the

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Department told Mission China that the exception to privileges and immunities was contingent on that "the conditions listed in paragraphs 1 and 2 remain[ing] unchanged."¹

The PRC government repeatedly violated diplomatic privileges and immunities by changing the testing and quarantine regime in ways that exceeded the LWOI. PRC authorities subjected U.S. diplomats and their families to more than the allowable number of COVID-19 tests, changing medical testing requirements (including blood tests), and quarantines that lasted longer than 14 days.

Various Department documents obtained by the committee and dating from Mr. Forden's tenure indicate that PRC authorities subjected mission personnel to testing on Day 7, Day 14, and then again on Day 21 at the end of a third week of quarantine not authorized by the 2020 LWOI. PRC health authorities also began to require additional testing on Day 28 after a fourth week of health monitoring. Finally, these documents show that mission personnel were tested at their port of entry and upon arriving in Beijing if that was their final destination (see Attachments 3, 4, and 5).

Personnel assigned to Mission China while Mr. Forden served as Deputy Chief of Mission or Chargé de Affaires reported to SFRC that they were tested as often as every other day in quarantine.² One individual also reported that in April 2021, PRC authorities required him to test upon his arrival in Beijing, even though his first port of entry into the PRC was at Shanghai. Mission personnel stated that by the time Mr. Forden left, embassy employees were undergoing 4-5 weeks of testing in country after their arrival.

Mission China senior leadership was aware of such changes (see Attachments 5, 6, and 7), yet did not inform the Department via front channel cable as required. In his interview with SFRC staff, Mr. Forden said that while the United States had a "basic agreement" with China's Ministry of Foreign Affairs at the national level, the embassy also had to negotiate with various local health authorities which imposed different COVID protocols. Subsequent to his interview, I submitted several questions to Mr. Forden pointing out discrepancies between the LWOI and the PRC's actual enforcement of COVID protocols (see Attachment 8). Mr. Forden confirmed that "the number of throat/nasal swabs and length of time in and location of quarantine sometimes varied depending on local Chinese health authorities, local outbreaks, or other shifts in China's assessment of the risk of COVID spread." However, he justified the lack of required notification to the Department by stating that "China's protocols for arrival testing and quarantine did not *fundamentally change* during my tenure" and that "China's *fundamental requirements*... did not change during my tenure" (emphasis added). As a result, Mr. Forden claimed the Department did not require submission of an updated front channel cable. During his interview, Mr. Forden also stated the PRC did not violate its agreements with the United States with respect to COVID protocols for U.S. diplomats during his tenure.

¹ Paragraph 1 of this cable is a list of the Department of State's understanding of the requirements for COVID-19 testing and quarantine imposed by the PRC government. It can be found in Attachment 2, but is not spelled out here for the sake of brevity.

² Mr. Forden was away from his post from October 2019 until July 5, 2020. Every example listed in this letter occurred while he was in the country serving as either Deputy Chief of Mission or Chargé d'Affaires. There are a few instances where I refer to events that occurred while he was out of the country, but that are connected to issues that did not change or improve under his leadership while he was in the country.

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Mission China was required to notify the Department via front channel cable if the “conditions” listed in the LWOI authorization changed, not if the “fundamental requirements” of PRC protocols changed. Mr. Forden’s carefully worded response to the committee appears to justify retroactively Mission China’s non-compliance with a clear Department directive. Even if China had not changed its requirements *de jure*, the conditions on the ground for embassy personnel were changed *de facto*. Our diplomats did not endure the PRC’s “fundamental requirements” – they endured what PRC authorities were actually doing to them.

This situation was made worse by a lack of candor from post leadership towards those arriving in China for their assignments. For example, U.S. personnel under Chief of Mission authority but employed by agencies other than the Department of State did not know about the 2020 LWOI. No one in embassy leadership informed them, meaning the only way to find out was to find the front channel cable from the Department authorizing the LWOI (Attachment 2). Other employees reported that as diplomats began to return in summer 2020, senior embassy officials could not and did not answer specific questions or provide clear assurances on potential family separation, being tested against one’s will, DNA collection, and other issues discussed below.

In his responses to SFRC staff, Mr. Forden represented that he kept Department officials back in Washington informed through other means of communication. If that is the case, it only expands the aperture of officials responsible; it does not exonerate Mr. Forden for his role. Unfortunately, Mission China leadership admitted the failure of the first LWOI not by pushing back against the PRC’s efforts to move the goalposts, but instead by asking the Undersecretary for Management for a second expanded LWOI in April 2022 that reflected China’s increasingly onerous and medically unjustified COVID protocols. In this way, the Department made PRC violations of the September 2020 LWOI acceptable under the April 2022 LWOI. Mr. Forden had by then departed and does not bear responsibility for the second LWOI itself. However, PRC violations of diplomatic privileges and immunities that led Mission China to seek a second LWOI occurred during Mr. Forden’s tenure through July 2021.

DNA Collection of U.S. Personnel via Blood Tests in the United States at Labs Chosen by the PRC Government

PRC COVID testing on U.S. embassy personnel initially consisted of nasal swabs. However, the PRC began to require an additional venous blood antigen test prior to departing the United States. These blood tests caused further concerns among personnel at Mission China about DNA collection by the PRC for intelligence gathering purposes, which they reported to Mission senior leadership. While the PRC pledged it would use samples collected only for COVID-19 tests, the Department had no way to verify whether Chinese government authorities honored that commitment. Additionally, the Department of State knew the PRC did not agree to anonymize and destroy collected samples (see Attachments 1 and 2).

Even worse, in December 2020, Mission China – under Mr. Forden’s leadership as Chargé – consented to another change to PRC protocols with respect to blood tests: U.S. personnel could only enter China if their pre-departure COVID-19 tests in the United States, including the required

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blood test, were conducted by a lab authorized by the Chinese embassy or one of its consulates. Mission China instructions to comply with these blood tests at PRC approved labs are shown in pre-departure documents provided to embassy personnel dated March and June 2021 (see Attachments 3, 4, and 9). SFRC also received written information from embassy personnel tested at such facilities about their experiences.

Embassy staff who traveled to China from Washington, D.C. had the option to test at a lab contracted by the State Department. My understanding is that for those traveling from any other city, a PRC government-approved lab was their only option.

It is beyond appalling that the Department of State allowed an adversary government known for unorthodox intelligence collection methods and an identified counterintelligence threat to determine where U.S. embassy personnel receive blood tests on U.S. soil. Furthermore, my understanding is that the United States has classified information about why the PRC required U.S. government employees to test at certain labs. Agreement to these tests is further confusing because the Department had previously informed incoming travelers that such a test was "imperfect" and "at present, not recommended as a screening tool for COVID infection" (see Attachment 10).

I asked Mr. Forden about any blood antigen test requirements and the implications of PRC misappropriation of DNA. He responded as follows: "As for blood tests, at no point during my tenure did we authorize USDH personnel or EFMs to submit to Chinese government-mandated blood tests *in China*" (emphasis added). Mr. Forden failed to mention that the embassy did tell Americans to submit to required blood tests at labs chosen by the PRC government in the United States (see question 2 in Attachment 8).

In interviews with the Department, including with Mr. Forden, SFRC staff expressed concerns about the collection of U.S. personnel DNA by China. More than one Department of State official, including Mr. Forden, responded that DNA samples are easily collected once a U.S. government person arrives in China. That may be a factual – albeit dismissive – statement, but the U.S. government should not formally consent to making it easier for the PRC to collect such data via medical tests on U.S. soil.

The Department fortunately warned U.S. personnel against consenting to anal swabs or stool samples for COVID testing, but that was only after several members of the diplomatic corps did consent to such tests because the Department failed to make them aware of their rights. In addition, a management notice sent in January 2021 noted that PRC health authorities would conduct "fecal sampling for children for whom the NAT [nucleic acid test] test is not practical" (see Attachment 5).

Quarantine Conditions and Surveillance

As stated previously, during Mr. Forden's tenure in Beijing, PRC authorities exceeded the 14-day quarantine permitted under the 2020 LWOI, forcing some U.S. personnel to stay in a combination of quarantine hotels and their residences for up to 22 days. In addition to restricting U.S. personnel's freedom of movement, PRC authorities then stopped allowing individuals to spend

The Honorable Antony Blinken
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part of the three-week quarantine at home, unless the home met certain specifications. The Department included these restrictions in pre-departure documents and management notices as requirements for U.S. diplomats (for example, see Attachments 3, 4, and 5).

To enforce the home quarantine, PRC health authorities required installation of a special camera outside and a door alarm on the front doors of U.S. personnel (see Attachments 11 and 12). The door alarms contained China Telecom SIM cards. In over a year of interviews and meetings, no Department of State official in a senior leadership role, including Mr. Forden, disclosed this issue to SFRC.

Mr. Forden also stated in writing and during his interview with SFRC staff that no U.S. mission personnel were placed in a fever hospital during his tenure. However, SFRC has learned that several individuals posted to Mission China did spend time in such a facility in the first half of 2021 during Mr. Forden's tenure.

Other U.S. personnel spent weeks in quarantine hotels, suffering from extremely poor and often unsanitary living conditions. There were no cleaning services available. The rooms had hair and nail clippings from the previous occupants. One member of the embassy team who returned to China in late summer 2020 stated that returnees had no idea prior to arrival that the quarantine facilities were in such a state of disrepair. Any effort to alleviate these living conditions required permission from PRC authorities. For example, the PRC government required the embassy to send a Diplomatic Note to the Ministry of Foreign Affairs if a quarantined individual wanted outside food. Pre-departure guidelines stated that "food deliveries" and "freshly prepared food" are "generally not allowed" (emphasis in the original) (see Attachment 3).

In addition, conflicting information raises serious concerns about whether Mr. Forden permitted the PRC to impose requirements to separate minor children ages 14 years and older from their parents during quarantine. A pre-departure FAQ email dated August 2020 (during Mr. Forden's tenure) assured parents that charter flights would not land in cities requiring parent-child separation, but then later stated separation could occur under "unusual circumstances" that were not defined (see Attachment 10). Furthermore, pre-departure guidance provided to U.S. embassy personnel in June 2021 (also during Mr. Forden's tenure) states: "Shanghai FAO [Foreign Affairs Office] does not permit adults or kids over age 14 to quarantine together" (see Attachment 3). Those returning on charter flights in late summer 2020 told SFRC that separation of teenagers from parents during quarantine did occur, and was a substantial concern for embassy families.

Culture of Compliance to PRC Demands

Throughout and beyond Mr. Forden's tenure, Mission leadership pressed employees to comply with PRC protocols, rather than fighting for alternatives that would have better protected U.S. diplomats' rights under the Vienna Convention.

A December 2020 cable signed by Mr. Forden is illustrative of the broader problem (see Attachment 13). The cable notes that the PRC had initiated mass COVID testing amid an increase in cases, and that the embassy "recommended compliance with local health instructions." The

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cable also stated Mission China leadership would send the following Management Notice to the Embassy community:

(U) If Chinese authorities ask members of Mission China to undergo COVID-19 testing as part of a response to a specific COVID-19 exposure or outbreak, the Mission encourages the community to comply with the request in the interest of supporting China's public health response and protecting our community from COVID infection. However, Mission China will not require such testing, but rather leave it as a personal decision. Mission staff and families should be aware that there may be consequences imposed by the Chinese authorities on persons refusing to comply with the testing request, including possible quarantine or other restriction of movement, and that these consequences may be unpredictable. In addition, the front office will consider whether a person declining to test during an outbreak situation may be restricted from coming to work or having other interactions with the Mission community in order to protect other Mission staff and families.

Mr. Forden and his leadership team called testing a "personal decision" but then told mission personnel that refusal to test would prevent their participation in ordinary activities like going to work or school, or buying food and water. That is hardly a choice. More specifically, this cable is in direct contradiction to the LWOI in place at the time.

The above Management Notice is also instructive in what the embassy did not do. The embassy did not tell its people it would push for exemption of U.S. diplomats from mass testing by PRC authorities to protect their privileges and immunities, or some other alternative such as anonymized reporting of test results. Instead, embassy leadership encouraged compliance with the PRC's onerous and evolving testing regime, and did so even after the PRC surpassed the number of tests that the 2020 LWOI explicitly stated U.S. personnel could undergo.

Furthermore, U.S. government employees in China at the time state that formal notices such as the above did not represent the informal directive that embassy leadership was actually pushing on employees: unquestioning compliance. No one stated that Mr. Forden himself told them they should either comply or curtail their assignment, but they do report that Ambassador Branstad and then-Minister Counselor for Management ██████████ did say this to employees in the fall of 2020.

Mission China leadership, including Mr. Forden, consistently made and enforced decisions that risked the health and safety of U.S. diplomats by pressing compliance with the PRC's ever-expanding and changing array of invasive COVID protocols. In addition to the health and counterintelligence risks, these restrictions devastated mission morale and shook employees' confidence in their leadership, including Mr. Forden. Sadly, the example set by Mr. Forden in facilitating compliance with the PRC's demands set a precedent for even worse decisions by his successors throughout 2021 and 2022, including the subsequent Chargé d'Affaires ██████████

A track record of bad decisions and poor judgement, an inability or unwillingness to stand up for one's employees, and deference to an authoritarian government are not qualities the United States

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should seek for an ambassador. I understand the difficult and challenging decisions that COVID presented to so many people, but the utter lack of honesty and candor to questions only reinforces the concerns noted above. For these reasons, I will not support Mr. Forden's nomination moving forward, and respectfully suggest that the President nominate a qualified individual to be our ambassador to Cambodia.

Finally, I sent a letter to you about the treatment of U.S. personnel at Mission China in April 2022 and called on the Department to conduct a thorough investigation (see Attachment 14). It is unfortunate that I have received no response directly from you, and it is clear from what I have received that these concerns are not taken seriously by the Department.

I continue to urge the Department to undertake a serious and thorough investigation. We need accountability for what happened to our diplomats and other U.S. government employees so that future Department personnel entrusted with leadership know that bowing to authoritarian controls is unacceptable.

Thank you for your attention to this matter.

Sincerely,



JAMES E. RISCH
Ranking Member
Senate Foreign Relations Committee

Attachment 1: MRN 20 BEIJING 1690

Attachment 2: MRN 20 STATE 92790

Attachment 3: TRAVEL TO CHINA: For Embassy Beijing Travelers Only (file name is dated 6.21.2021)

Attachment 4: Mission China Travel-to-China Checklist (file name is dated 06.03.2021)

Attachment 5: Management Notice to Embassy Beijing American Employees, January 29, 2021

Attachment 6: Email Thread on Travel to China Updates for U.S. Consulate Guangzhou, March 17, 2021

Attachment 7: SH Management Notice No. 40: Travel Guidance Update, June 10, 2021

Attachment 8: Follow-Up Questions for Robert Forden, Nominee to be US Ambassador to Cambodia, July 17, 2023

Attachment 9: SH Management Notice No. 15: Travel Policies, March 19, 2021

Attachment 10: Mission China Homecoming Task Force Complete FAQ Guide, Last updated August 28, 2020

Attachment 11: Photos of the extra installed COVID camera, and the normal building camera

Attachment 12: Photos of door alarm to enforce home quarantine

Attachment 13: MRN 20 BEIJING 2480

Attachment 14: Letter from Senator James E. Risch to Secretary of State Antony Blinken, April 20, 2022

ATTACHMENT 1



MRN: 20 BEIJING 199C
Date/DTG: Sep 11, 2020 / 111005Z SEP 20
From: AMEMBASSY BEIJING
Action: WASHDC, SECSTATE ROU/TWE
E.O.: 13526
TAGS: AMED, AMGT, APER, KLIG, KNCV, KFLO, CN
Captions: SENSITIVE
Subject: BEIJING: Request for an Exemption to Use Commercial Air

1. (SBU) Ambassador Branstad requests an exception to Department policy and limited waivers of personal inviolability for the Chief of Mission (COM) personnel and their family members assigned to Mission China to arrive on commercial flights.

People's Republic of China (PRC) COVID-19 Testing and Quarantine Policies

2. (SBU) On March 17, 2020, the Chinese government in Beijing authorized resumption of limited commercial air operations, with testing and quarantine requirements for arriving travelers. Personnel arriving to Mission China under these policies have relied on charter flights, with a biocontainment plane contracted by the Bureau of Medical Services (MED) available to remove any passengers who tested positive on arrival. Recognizing this model is not sustainable and cannot accommodate all of Mission China's travel needs, we plan to transition to commercial air travel and the standard arrival process for commercial travelers, with some mitigation measures. Regardless of travel mode, diplomatic missions are required to notify the Ministry of Foreign Affairs (MFA) 10 business days in advance of the arrival of any diplomatic personnel, family members, or TDY staff.

3. (U) All individuals lawfully entering China are subject to the following conditions:

- a) **Testing.** All individuals seeking to lawfully enter mainland China are subject to COVID-19 testing at the point-of-entry (POE) as part of the standard entry process. Current regulations also require a follow-up test 13 days after arrival prior to the release from quarantine. In addition, effective September 15, all passengers arriving from the United States on commercial flights will be required to provide proof of a negative COVID test taken within three days before boarding their flight. Travelers originating in the United States and certain other countries on a list continuously updated based on COVID risk must submit a negative COVID-19 test certificate along with passport and visa information to the Chinese embassy for verification prior to their flight and within the three-day window. The verification process takes approximately 24 hours.
- b) **Quarantine.** All individuals lawfully entering China are required to be in quarantine or self-isolation for a minimum period of 14 days.

4. (U) Diplomatic and technical staff of U.S. Mission China and their family members are not exempted

from the testing and quarantine requirements. Chinese authorities have approved, diplomatic and technical staff and their family members to quarantine in their USG provided residence or other U.S. Mission-selected residence if they land in their city of assignment.

PRC COVID-19 Testing Procedures

5. (U) China's current testing practices and protocols are as follows:

- a. **Type of Tests.** The Chinese health authorities use polymerase chain reaction (PCR) nucleic acid tests to determine whether an individual is currently infected with COVID-19. Additional analysis may be used to confirm positive cases, such as viral cultures and/or genetic sequencing for verification.
- b. **Requirements for Testing.** All individuals seeking to lawfully enter China are subject to COVID-19 testing on arrival and at the end of a 14-day quarantine. Arrival test samples are collected at the Chinese International POE. End-of-quarantine (EOQ) samples are collected either at the traveler's quarantine location or a local, government-approved testing center.
- c. **Testing Process.** The Chinese government employs trained health professionals to collect samples for both POE and EOQ tests. Biological samples are taken from the nose and/or throat via a swab, then sealed in a container and taken to a government laboratory. For the EOQ test, if small children cannot tolerate a nasal or throat swab, parents receive instructions to provide a stool sample. Obtaining a negative result on day 13 is the final step of completing the quarantine requirement and results in the individual obtaining an official Chinese government certificate stating their negative test results. Mission China staff, including the Regional Medical Officer (RMO), will have phone and electronic access to personnel going through the arrival and EOQ testing processes.
- d. **Quarantine Process.** Travelers arriving via commercial aircraft are transported to a local quarantine hotel to wait the results from the COVID-19 test on arrival. On receipt of negative arrival test results, travelers who are not considered close contacts of any positive case begin their 14-day isolation in their USG designated residence or location. After travelers complete the quarantine period and receive negative EOQ test results, local health officials issue them a quarantine completion certificate. Mission China staff, including the Regional Medical Officer (RMO), have continuous phone and electronic contact with our personnel throughout the quarantine process, regardless of the location of their quarantine.

6. (U) **Procedural Protections:**

- a. *Will HN allow post health unit staff to do the swabbing?* No.
- b. *Will HN destroy the samples after processing them?* Samples are processed in numerous locations, and Chinese authorities are unable to provide assurances that samples will be destroyed after processing in all cases.
- c. *Will the HN pledge that any sample(s) collected will be used ONLY to test for the virus that causes COVID-19?* Yes. According to relevant authorities, biological samples collected for COVID-19 testing are only used to test for the virus that causes COVID-19 and not used for other purposes.
- d. *Will HN anonymize the testing?* Samples are processed in numerous locations, and Chinese authorities are unable to provide assurances that samples will be anonymized.
- e. *Will HN agree to not detain the individual while s/he awaits results?* All commercial travelers, including arriving USG personnel, await test results in a designated hotel or area of the airport.

¹ If IJIN requires detention while the individual awaits test results, please provide specifics, such as time, place and access by mission personnel during the detention. To minimize the risk of close contacts, adults are assigned their own room while awaiting test results, while children will room with a parent. The waiting period is usually a few hours up to a maximum of one overnight in the hotel, and the hotel delivers meals to the room. Mission China staff, including the Regional Medical Officer (RMO), have continuous phone and electronic contact with our personnel during this waiting period.

Consequences of a Positive COVID-19 Test

7. (U) Under current procedures in China, individuals who test positive for COVID-19 are taken to the designated local hospital where they undergo further lab testing to first verify if the positive result was a "true positive." This includes viral culture and genetic sequencing to see if the individual is still infectious or not. If the individual is found to be truly positive, there are two different pathways, depending on whether the individual is symptomatic:

- a. If asymptomatic, but positive, the concern is the individual is still possibly infectious. Therefore, he/she will remain in the hospital until the following conditions are met: two negative PCR tests, separated by 24 hours, normal temperature for three days and a normal CT Scan. Mission China RMO will have phone and electronic access to our personnel during the evaluation process and any observation period.
- b. Symptomatic patients will be treated according to Chinese national health standards and practices. Individuals have the right to refuse any aspect of treatment. Mission China staff, including RMO, will have phone and electronic access to the individual throughout the treatment process.

8. (U) A positive test result at any Chinese POE may also impact other passengers arriving on the same flight. If a passenger on the aircraft tests positive after arrival at the POE, the Chinese health authorities will analyze the manifest seating layout and determine who qualifies as a "close contact" of the individual who tested positive. Those close contacts are then transported to the designated "close contact" quarantine hotel for further observation, but no further testing at that time. Mission China staff will have phone and electronic access to our personnel throughout the quarantine period in the designated close contact quarantine hotel.

Alternatives to the PRC COVID-19 Testing Requirement

9. (SBU) There are currently no alternatives to the Chinese COVID-19 testing and quarantine requirement. Despite repeated attempts by post to negotiate alternatives, the PRC currently will not accept pre-testing results conducted by the USG either in the U.S. or at post. Additionally, the Chinese government also does not accept private sector test results or testing conducted outside China. The only remaining option currently is for COM personnel and their family members to be tested by Chinese medical personnel on arrival. In addition to Mission China's own negotiations with PRC officials, we have consulted extensively with other missions and foreign companies who have attempted, also unsuccessfully, to obtain Chinese approval for exceptions or approved alternatives. Mission China is sure there are no other options available that would allow us to avoid submitting US personnel to host nation testing.

Mission China Mitigations to the PRC COVID-19 Testing Requirement

10. (SBU) Mission China proposes the following mitigation strategies to ensure continuous contact and

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sustained security for USG personnel traveling to Mission China.

- a) **Pre-flight testing:** Pre-flight COVID testing provided by MED has significantly reduced the chances of a positive test on arrival of our charter flights to China. Mission China will continue to require all inbound travelers to obtain a COVID test within three days of departure, both to protect our travelers and to satisfy Chinese requirements for commercial flights. We will encourage travelers who have access to reliable commercial labs to obtain the tests commercially whenever practical to reduce the burden on MED.

Assured MEDEVAC for personnel who test positive for COVID-19. Chinese authorities confirmed Mission China retains the ability to medevac positive cases back to the United States. Based on discussions with relevant authorities, Embassy Beijing estimates it would take less than 24 hours to receive expedited flight clearances for a medevac flight, and a Guam-based MED asset could potentially medevac a traveler within 48 hours. This assurance applies to quarantine at USG-provided residences, testing and observation in hospitals or while staying in quarantine hotels.

MED and the individual collaborate to make decisions. Chinese government authorities have assured Mission China that if USG personnel are placed in close contact quarantine hotels or taken to a medical facility for testing and observation, MED and relevant Embassy personnel will maintain continuous contact and have input into treatment and follow-on movement decisions.

- d) **Residential quarantine for most USG personnel.** If U.S. diplomatic travelers land in their own city of assignment, and there are no positive COVID-19 test results on the flight, they may quarantine at a USG provided residence.
- e) **MED assessment of appropriate care.** Mission China will only authorize personnel to fly into cities where MED assesses the quality and safety of evaluation and treatment in facilities used for individuals who test positive are adequate for our personnel.

Additional PRC Quarantine Requirements

11. (SBU) The PRC has demonstrated a strong will to control any potential COVID-19 outbreaks. Per prior case outbreaks in Beijing, Xinjiang, and several northeastern provinces, individuals who attempt to travel out of regions experiencing an outbreak may have difficulty gaining entry to the province at their domestic destination. Mission China will mitigate this concern by reminding all personnel to research the risk level of their destination before domestic travel and by not approving travel to or from districts labeled as "high risk" until the district's rating is downgraded.

Overall Assessment

12. (SBU) Embassy Beijing believes allowing the Chinese government to test incoming personnel is in the best interest of the USG, given the protocols and assurances provided to the U.S. Mission in China regarding our ability to quarantine, isolate, and treat any COVID-positive diplomatic or technical staff and their eligible family members. Nearly all diplomatic missions in China have resumed arrivals by commercial air travel; their experience increases our confidence commercial arrivals can be managed safely and effectively. The Embassy health unit has assessed the Chinese government's sample collection and PCR/nucleic test to be medically effective and safe. Compliance with PRC arrival testing requirements does not present any security concerns beyond those already addressed under Post's existing security rating for the Mission or its personnel and/or family members.

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13. (SBU) For these reasons, Ambassador Branstad recommends the Department grant a limited waiver of personal inviolability.

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MINIMIZE CONSIDERED

Signature: BRANSTAD

Drafted By: BEIJING [REDACTED]
Cleared By: EXEC: [REDACTED]
MGT: [REDACTED]
MGT: [REDACTED]
MGT: [REDACTED]
Approved By: EXEC:Forden, Robert W (Beijing)
Released By: EXEC:Branstad, Terry E (Beijing)
Info: BEIJING [REDACTED]

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SBU

ATTACHMENT 2

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SBU

MRN: 20 STATE 82790
Date/DTG: Sep 18, 2020 / 181905Z SEP 20
From: SECSTATE WASHDC
Action: BEIJING, AMEMBASSY ROUTINE
E.O.: 13526
TAGS: APER, AMGT, AFIN, AEMR, KNCV, KFLO, ASEC, KLIQ, AID, CASC, CN
Captions: SENSITIVE
Reference: A) 20 BEIJING 1090
 B) 20 STATE 80472
Subject: CHINA: Authorization to Allow COVID-19 Testing of U.S. Government Personnel and their Family Members by Host Nation Authorities and/or Authorization of Limited Waiver of Personal Inviolability

This cable is sensitive but unclassified. Please handle accordingly.

1. (SBU) In refel A, post requested authorization to allow host nation authorities to perform COVID-19 testing on incoming U.S. government personnel under Chief of Mission authority and their Eligible Family Members. Post stated that China requires testing by local authorities in order for U.S. government personnel and their family members to enter China. Post also determined that:

- the host nation government's policy involves mandatory testing for all persons entering the country, including diplomats accredited to (or transiting) China;
- the host nation government's test has been assessed by post health unit to be medically effective and safe;
- the host nation government does not allow post medical staff to perform the swabbing involved in the test;
- the host nation government has not agreed to anonymize and destroy the samples collected during the tests;
- the host nation government has pledged that any sample(s) collected will be used ONLY to test for the virus that causes COVID-19; and
- the host nation will require individuals await the results of the test at the airport or at a quarantine hotel.

2. (SBU) The Department understands that the testing and quarantine regime required by PRC authorities is:

- Pre-departure COVID testing
- COVID testing at the airport on arrival

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- COVID testing on day 13 of quarantine
- 14 days of quarantine in a PRC-approved hotel

3. (SBU) Post stated that if an individual tests positive, the following measures will apply:

(U) Under current procedures in China, individuals who test positive for COVID-19 are taken to the designated local hospital where they undergo further lab testing to first verify if the positive result was a "true positive." This includes viral culture and genetic sequencing to see if the individual is still infectious or not. If the individual is found to be truly positive, there are two different pathways, depending on whether the individual is symptomatic:

- a. If asymptomatic, but positive, the concern is the individual is still possibly infectious. Therefore, he/she will remain in the hospital until the following conditions are met: two negative PCR tests, separated by 24 hours, normal temperature for three days and a normal CT Scan. Mission China staff, including RMO, will have phone and electronic access to our personnel throughout the evaluation process and any observation period.
- b. Symptomatic patients will be treated according to Chinese national health standards and practices. Individuals have the right to refuse any aspect of treatment. Mission China staff, including RMO, will have phone and electronic access to our personnel throughout the evaluation process and any observation period.
- c. In the event a child tests positive, a parent will be permitted to accompany them into the hospital, as long as the parent is willing to be treated as a "close contact" or likely positive case after exposure in the hospital.

(SBU) A positive test result at any Chinese port of entry (POE) may also impact other passengers arriving on the same flight. If a passenger on the aircraft tests positive after arrival at the POE, the Chinese health authorities will analyze the manifest seating layout and determine who qualifies as a "close contact" of the individual who tested positive. Those close contacts are then transported to the designated "close contact" quarantine hotel for further observation, but no further testing at that time. Mission China staff will have phone and electronic access to our personnel throughout the quarantine period in the designated close contact quarantine hotel.

(SBU) Chinese authorities confirmed Mission China retains the ability to medevac positive cases back to the United States, and local officials would provide a negative pressure ambulance, if needed, to transport the individual. Based on discussions with relevant authorities, Embassy Beijing estimates it would take less than 24 hours to receive expedited flight clearances for a medevac flight, and a Guam-based MED asset could potentially medevac a traveler within 48 hours. This assurance applies to quarantine at USG-provided residences, testing and observation in hospitals, or while staying in quarantine hotels.

(SBU) In the event that an individual needs to be hospitalized, Mission China must convey an additional diplomatic note with the language noted below for any individual who is to be hospitalized. This note must be sent separate and apart from the note containing the waiver to allow testing.

4. (SBU) Post outlined its prior efforts to obviate the need for host nation testing requirements.

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including repeated attempts by post to negotiate alternatives. The PRC currently will not accept pre-testing results conducted by the USG either in the U.S. or at post. Hence, there are currently no alternatives to the Chinese COVID-19 testing and quarantine requirements. Additionally, the Chinese government also does not accept private sector test results or testing conducted outside China. The only remaining option currently is for COM personnel and their family members to be tested by Chinese medical personnel on arrival. In addition to Mission China's own negotiations with PRC officials, Post consulted extensively with other missions and foreign companies who have attempted, also unsuccessfully, to obtain Chinese approval for exceptions or approved alternatives. Mission China is sure there are no other options available that would allow us to avoid submitting US personnel to host nation testing.

5. (SBU) Mission China proposes the following mitigation strategies to ensure continuous contact and sustained security for USG personnel traveling to Mission China:

- a. **Pre-flight testing:** Pre-flight COVID testing provided by MED has significantly reduced the chances of a positive test on arrival of our charter flights to China. Mission China will continue to require all inbound travelers to obtain a COVID test within three days of departure, both to protect our travelers and to satisfy Chinese requirements for commercial flights.
- b. **Assured MEDEVAC** for personnel who test positive for COVID-19. Chinese authorities confirmed Mission China retains the ability to medevac positive cases back to the United States. Based on discussions with relevant authorities, Embassy Beijing estimates it would take less than 24 hours to receive expedited flight clearances for a medevac flight, and a Guam-based MED asset could potentially medevac a traveler within 48 hours. This assurance applies to quarantine at USG-provided residences, testing and observation in hospitals or while staying in quarantine hotels.
- c. **MED and the individual collaborate to make decisions.** Chinese government authorities have assured Mission China that if USG personnel are placed in close contact quarantine hotels or taken to a medical facility for testing and observation, MED and relevant Embassy personnel will maintain continuous contact and have input into treatment and follow-on movement decisions.
- d. **Residential quarantine** for most USG personnel. If U.S. diplomatic travelers land in their own city of assignment, and there are no positive COVID-19 test results on the flight, they may quarantine at a USG provided residence.
- e. **MED assessment of appropriate care.** Mission China will only authorize personnel to fly into cities where MED assesses the quality and safety of evaluation and treatment in facilities used for individuals who test positive are adequate for our personnel.

6. (SBU) As outlined in 20 STATE 60472, as a matter of policy, the Department is generally not authorizing travel by U.S. government personnel under Chief of Mission (COM) authority and traveling on government travel orders, or their family members, to a post, if, upon arrival in the foreign state, the employee or family member would be subject to any form of COVID-19 testing (oral, nasal, blood) by foreign government officials or quarantine in a foreign government controlled facility (institutional quarantine). This policy applies regardless of whether the individual enjoys personal inviolability under international law.

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7. (SBU) Furthermore, Diplomatic agents and members of administrative and technical staff at Embassies, as well as the family members forming part of their household in China enjoy personal inviolability under Article 29 and 37 of the Vienna Convention on Diplomatic Relations from the moment they arrive in country where they are either accredited or where they intend to be accredited. Because personal inviolability attaches when diplomats and their family members enter the country, the host government authorities cannot perform any sort of invasive testing on an individual who enjoys personal inviolability absent a waiver of personal inviolability. Likewise, transiting diplomatic agents to a third country, enjoy full personal inviolability while in transit under Article 40(1) of the Vienna Convention on Diplomatic Relations.

8. (SBU) The Under Secretary for Management may authorize exceptions to these policies.

9. (SBU) Further, consistent with 2 FAM 221.5, the Department may authorize a limited waiver of personal inviolability. The Department considers waiver requests for COVID-19 testing purposes where the post has requested a waiver and stated that it believes the test to be safe and effective, post and the regional bureau recommend the waiver and determine that a waiver will not in any way be contrary to U.S. interests and will not pose a security problem for the Mission and its personnel.

10. (SBU) Given the facts and circumstances provided by post and the regional bureau, the Office of the Under Secretary for Management authorizes an exception from Department policy generally precluding testing of all U.S. government personnel under COM authority and their family members, irrespective of whether such persons enjoys personal inviolability, provided that persons to be tested are consulted prior to their departure about the HN requirement and consent to have the test performed.

11. (SBU) Moreover, as post and the regional bureau recommend the COVID-19 test be permitted on U.S. Government personnel and their families entering China and as post has determined that an exception to the Department's policy and a waiver of personal inviolability will not in any way be contrary to the U.S. government's interests and will not pose any security problem for the Mission or its personnel or family members, the Department authorizes a limited waiver of personal inviolability for purposes of testing for COVID-19, provided that persons to be tested are consulted prior to their departure about the host nation requirement and consent to have the test performed.

12. (SBU) This waiver of personal inviolability and authorization for exception to the Department's policy will remain in effect provided that the conditions listed in paragraphs 1 and 2 remain unchanged and post continues to recommend testing. Post should inform the Department via front channel cable if the conditions or post's recommendation changes.

13. (SBU) In order to establish the proper waiver framework, post should send the Foreign Ministry a diplomatic note that includes the points below. Post must follow this procedure for each subsequent arrival of new and transiting personnel and their family members enjoying personal inviolability for whom post wishes to waive personal inviolability to

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allow for COVID-19 testing. One diplomatic note to the Foreign Ministry contains a waiver that may cover asymptomatic individuals, but no individual who enjoys full personal inviolability should be tested by the host nation before a diplomatic note containing the waiver of the individual's personal inviolability is sent.

NOTE: If post has questions about whether certain personnel enjoy full personal inviolability, post may consult with (U/DL) [REDACTED] END NOTE

- It is the position of the United States that pre-departure testing of such individuals in the United States combined with residential quarantine would be sufficient to meet the public health goals of the PRC government. However, in light of the extraordinary circumstances brought on by the COVID-19 pandemic and in the spirit of cooperation, the United States government waives any personal inviolability which is enjoyed by the above-mentioned individuals listed above for the sole and limited purpose of allowing them to be given a swab test for COVID-19 upon their arrival in China and then again on day 13 at the end of the residential quarantine period.
- The United States government understands that in the event any of the above-mentioned individuals test positive for COVID-19 upon their arrival in China, the Chinese government, if requested, will expedite clearances for a U.S. government-chartered air ambulance and permit the individuals to be medically evacuated to the United States. Furthermore, if any of the above-mentioned individuals test positive for COVID-19 at any other time, they will be allowed to isolate in their residence until such time as a specially chartered air ambulance can be sent to remove them from China.
- The United States understands that the testing will be performed in an anonymous manner and that any oral saliva or other specimen taken from these individuals will be immediately destroyed after their use for the sole purpose specified above and the privacy of the above-mentioned diplomats will be preserved and respected.

14. (SBU) In the event that an individual needs to be hospitalized, Mission China must convey an additional diplomatic note with the language noted below for any individual who is to be hospitalized. This note must be sent separate and apart from the note containing the waiver to allow testing.

- [Refer to the initial waiver that allowed the testing as well as to the COVID-19 positive status of the individual]
- It is the position of the United States that residential isolation of asymptomatic or mildly symptomatic COVID-19 cases meets the public health goals of the PRC government. However, in light of the extraordinary circumstances brought on by the COVID-19 pandemic and in the spirit of cooperation, the United States government waives any personal inviolability which is enjoyed by the above-mentioned individual(s) listed above for the sole and limited purpose of allowing [them/him/her] to be placed in XYZ hospital until the soonest of Mr./Ms. [INSERT NAME OF DIPLOMAT] being found negative for COVID-19 or being medically evacuated via a specially chartered ambulance, whichever is sooner.

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- The United States government understands that during Mr./Ms. [name of diplomat] stay at [NAME OF HOSPITAL], s/he will be allowed to contact the Embassy Health Unit and have unimpeded phone and electronic access to Mission China staff. Mission China staff will also have input into treatment and follow-on movement decisions.
- The United States understands that any additional testing will be performed in an anonymous manner and that any oral saliva or other specimen taken from these individuals will be immediately destroyed after their use for the sole purpose specified above and the privacy of the above-mentioned diplomats will be preserved and respected.
- The United States government understands that in the event any of the above-mentioned individuals test positive for COVID-19 in China, the Chinese government, if requested, will expedite clearances for a U.S. government-chartered air ambulance, facilitate their transport to the airport in a negative pressure ambulance, and permit the individuals to be medically evacuated to the United States.

15. (U) Please consult with L/DL should you have any questions about the language of the waiver as well as on each subsequent diplomatic note containing a waiver. Please send to L/DL a copy of the English text of post's final diplomatic note each time post sends a note for the arrivals of additional personnel. L/DL can be reached at [REDACTED]

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Signature: Pompeo
 Drafted By: [REDACTED]
 Cleared By: EAP [REDACTED]
 #AP/EX [REDACTED]
 EAP/EX [REDACTED]
 EAP/EX [REDACTED]
 LD [REDACTED]
 LEAN [REDACTED]
 HR/DGHR [REDACTED]
 M [REDACTED]
 CG/RCL [REDACTED]
 ME [REDACTED]
 DS/DSS [REDACTED]
 DS/JP [REDACTED]
 Approved By: MM Clearance
 Released By: EAP [REDACTED]
 Info: [REDACTED]

Ask Evacuations ROUTINE; GUANGZHOU, AMCONSUL ROUTINE;
 SHANGHAI, AMCONSUL ROUTINE; SHENYANG, AMCONSUL ROUTINE

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ATTACHMENT 3



TRAVEL TO CHINA

For Embassy Beijing Travelers Only



INTRODUCTION: This step-by-step guide was designed by GSO Beijing to help U.S. government travelers and families to navigate the Covid-era procedures for traveling to Beijing. It is continually updated to reflect new rules and guidance. Please read it carefully and we welcome your feedback-updated on June 21

China Travel Team, Embassy Beijing

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4 to 6 weeks prior to departure	Contact Information Travel Order Valid Visa	Emergency Contact Information Obtain approved Travel Orders Obtain "W" diplomatic visa for China
	Ticket Bookings	Note: when booking tickets: 2-3 days layover in the last departure city in the USA (Dallas / Detroit / Seattle / San Francisco)
15 days prior to departure	Notify Beijing GSO VIP at least 15 days prior to arrival	Send confirmed itinerary and biodata to Beijing GSO's China Travel Team who must notify Chinese authorities of travelers' arrival Suggested Packing List
48 hours prior to boarding the plane	Pre-Flight testing & Health Declaration Code (HDC)	Both NAT and IgM tests must be administered in approved labs within 48 hours prior to boarding the plane Testing Requirements Chinese Health Declaration Certificate Website: How-To Guide
0	Departure	Fill out online Customs Declaration Form and submit while at check-in counter
Day 1	Arrival in China	Shanghai Airport Arrival Process Quarantine Hotel Information Day 1 COVID test at airport and then transport to quarantine hotel
Day 1 - 14	Quarantine in Shanghai	Day 7 Notify/Contact Beijing GSO VIP for tickets back to assignment city and transportation to/from airports Day 12/13 COVID NAT test at hotel Day 14 release from Shanghai hotel; travel to assignment city on Day 14/15
Day 15 - 21	Quarantine in Beijing	Day 20 BeijingMotorPool@state.gov will contact you for transportation to/from test site Day 21 COVID NAT test
Day 22	Completion	Day 22 Receive test result. Arrival quarantine process is complete!

Emergency Contact Information

(use +01186 instead of +86 if dialing from a U.S. phone) ('10' is city code for Beijing; '21' is city code for Shanghai)

U.S. Embassy Beijing (also serving ConGen Wuhan travelers)	
Embassy Beijing Switchboard	
Embassy Beijing Duty Officer	
Embassy Beijing Post One	
Embassy Beijing Health Unit	
Embassy Beijing Medical Duty Phone	
Meiya Travel Agency (travel management center) Meiya Beijing: usembassy@meiya.com	
U.S. Consulate General Shanghai	
ConGen Shanghai Switchboard	
ConGen Shanghai Health Unit	
ConGen Shanghai Med Duty Cell	
State Department's China Desk (EAP/CM) Bilateral	
China Desk (EAP/CM)	
EAP/EX:	

Obtain approved Travel Orders

- IF TDY, submit eCC (country clearance authorization request) to Post well in advance.
- Make sure you have enough budget in your approved travel order
- For PCS, check Travel Orders (TM4 or "Post Assignment Travel Authorization" for State Dept) to ensure there is budget for 2 or 3 days of hotel/M&IE in U.S. departure city for COVID testing, 2 or 3 weeks of quarantine hotel/M&IE in arrival city and that there is sufficient funding for air travel (from origin point to departure/testing city to arrival city to post). Airfare budget per person should be \$7,000 (minimum; subject to change).

Obtain "W" diplomatic visa for China

- Obtain "W" (diplomatic visa) for China. With few exceptions, China is not currently issuing other visa types.
- All visa applicants must visit SIA's official website for application instructions. The website is very informative and constantly updated.
<https://travel.state.gov/content/special-issuance-agency-home/en/spec-issuance-agency/official-diplomatic-visa-information/china.html>
- If you have specific questions that need to be individually addressed, you may contact SIA at [redacted]
- Though China has suspended the entry into China by foreign nationals holding visas or residence permits since March 26, 2020, entry with diplomatic, service, courtesy or C visas will not be affected. Also, entry by foreign nationals with visas issued after this announcement will not be affected. See more details through https://www.fmprc.gov.cn/mfa_eng/wjbxw/t1761867.shtml. Please explain this to the airlines check-in staff if you're rejected to check-in because your visas were issued before March 26, 2020.

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Note: when booking tickets: 2-3 days layover in the last departure city in the USA (Dallas / Detroit / Seattle / San Francisco)

- Though you may see flights to Beijing listed online, China has not authorized any direct flights into Beijing from the United States in over a year. Most countries' airlines are only allowed only one flight to China per week. Currently the primary paths to mainland China for U.S. diplomats assigned to Beijing are:
 - o **Dallas** to Shanghai by American Airlines (Flight #: AA127)
(Travelers coming from Washington D.C. and New York areas should use government fare AA flights)
 - o **Detroit** to Shanghai by Delta Airlines (Flight #: DL283)
 - o **Seattle** to Shanghai by Delta Airlines (Flight #: DL289)
 - o **San Francisco** to Shanghai by United Airlines (Flight #: UA857) and from Shanghai to Beijing by AirChina *(Travelers coming from SFO should use government fare UA-CA flights)*
- The above flights all have a "tech stop" in Seoul for crew change. No one deplanes in Seoul, however, so it's not considered a transit point and these routes are fine to use. (Normally, passengers must re-test at transit points; but this is a tech stop, not a transit.)
- When booking tickets, please include a minimum of a two-full-day layover in the last departure city for the COVID NAT and IgM tests, and time to get results and submit to Chinese Embassy/Consulate for review.
- If you want to book the Shanghai-Beijing ticket together with the US-Shanghai ticket, please check [the guidance below](#) before you choose the Shanghai-Beijing flight.

Send confirmed itinerary and biodata to Beijing GSO's China Travel Team who must notify Chinese authorities of travelers' arrival

Information below should be sent to "China Travel" **at least 15 days** in advance as it is needed to officially notify MFA and FAO by diplomatic note of your arrival date, time, and flight number. Please notify us if your arrival date/time/flight changes as we must inform MFA and FAO of any such changes.

- Send the biodata form below to: [REDACTED]

Item	Traveler 1	Traveler 2	Traveler 3
Surname (on passport)			
First Name and Middle Name (on passport)			
Sponsor, if EFM (name of EFM's USDH spouse/parent)			
Diplomatic Title at Post (1 st secretary, 2 nd secretary, ect.)			
Origin Point in U.S.			
Gender			
Date of Birth (MM/DD/YYYY)			
Passport Nationality (if other than USA)			
Passport Type (dip, official, etc.)			
Passport Number			
PP Issue Date (MM/DD/YYYY)			
PP Expiry Date (MM/DD/YYYY)			
Visa Type			
Visa Number			
Visa Issue Date (MM/DD/YYYY)			
Visa Expiry Date (MM/DD/YYYY)			
Type of Orders (PCS, R&R, etc.)			
Agency/Section at Post			
Diplomatic ID (red card) (for returnees only)			
Home Unit No. in Beijing			
Family in Residence When Return			

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(YES/NO, for returnees only)				
Email Address (Official & Personal)				
WeChat Account (YES/NO)				

Suggested Packing List

- Re-usable plates, bowls, cups and cutlery – you may only receive chopsticks and a spoon for each meal at the quarantine hotel; bring lightweight cutlery to re-use
- Condiments to spice up your meals – salt and pepper, hot sauce, soy sauce, mustard
- Beverages other than water – coffee, tea, soda, other
 - Instant coffee, pour-over coffee, travel coffee press & ground coffee, sugar & creamer
- Food – especially if you have dietary restrictions or picky eaters
 - Popular choices: granola bars, chocolate, dried fruit, nuts, jerky, peanut butter, Nutella, instant noodles, crackers, tuna/chicken packets, fruit snacks,
- First Aid Kit – chronic/routine medications, digital thermometer, melatonin, Benadryl, Imodium, vitamins, etc.
- Cleaning supplies – cleaning wipes, dishwashing liquid, laundry detergent (no laundry service)
- Exercise Equipment – resistance bands, yoga mat, downloaded exercise videos, jump rope
- Entertainment – HDMI cable, laptop/tablet with downloaded movies/TV shows, Kindle/books, hobbies, puzzles, Chinese study materials
- Electronics – Phone pre-loaded with WeChat, international/China SIM, downloaded VPN(s), non-Gmail email account (in case VPN doesn't work), chargers, plug adapters, translation apps
 - Chinese SIM cards are available for purchase via sites like Amazon or NiHaoMobile
- Kid Stuff – toys, diapers, kid-friendly food (applesauce, cereal, fruit snacks, etc.)
- Contact information – supervisor, office and social sponsor, travel tech, CDO, travel agency, etc.

Both NAT and IgM tests must be administered in approved labs within 48 hours prior to boarding the plane

- A negative PCR test and a negative antibody (IgM) test will result in a green code. You must get a green QR code from the HDC webform to check in for your flight.
- Per China's rules, the test must have been administered within 48 hours prior to boarding the direct flight from the U.S. to China and must be done by one of the approved labs listed on Chinese Embassy/Consulate website.
- Some labs in the U.S. may require you to take both the IgM "S" (Spike protein) and the IgM nucleocapsid test if you have been vaccinated. You may need to get the S test first, then if you are positive AND have been vaccinated, to test for the N. There are additional costs for the N test, so you need to prepare accordingly. You should wait for the result of IgM test which comes out very fast.
- Links to the approved lab lists can be found on [Chinese Health Declaration Certificate Website: How-To Guide](#)

Testing Requirements

- Details can be found on Chinese Embassy website: <http://www.china-embassy.org/eng/notices/t1841416.htm>
- If you have been vaccinated against COVID-19, please request the IgM nucleocapsid test (IgM-N) at the laboratory when scheduling your appointments. Only certain laboratories at the departure cities offer this type of IgM test.

Chinese Health Declaration Certificate Website: How-To Guide

Overview:

This guide is intended to help U.S. government employees and their families who are travelling to the People's Republic of China (PRC) on official orders. Before boarding a flight to China, the PRC government requires that all passengers age three and above must first get a Health Declaration Certificate/Code (HDC) via the following PRC Ministry of Foreign Affairs (MFA) website: <https://hrhk.cs.mfa.gov.cn/H5/>.

Note: It could take a while to register the HDC account successfully, so set up your HDC account in advance.

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The information you submit will be reviewed by the Chinese embassy or consulate whose district includes your testing location. Upon approval, you should receive a green QR code with "HDC" symbol. Passengers must present the code (electronic or printed) to airline staff during flight check-in and/or boarding. If you need urgent assistance (still no green code and time is running out), USG travelers and family may request help from the State Department's China Desk; contact info can be found at the end of these instructions.

Approved Labs:

As of December 23, 2020, China only accepts lab results from certain labs listed on the corresponding Chinese embassy or consulate's web site. Below are links to the lists, prepared by the Chinese embassy and its consulates, of approved labs in/near each of the six cities currently with direct flights to the PRC. The list appears as the "Appendix" link below each of these list notices.

Note: Lab lists are periodically updated.

Some labs may only accept cash. Please check with the lab you'll use in advance about the payment method. Ask the lab if you are required to self-drive or if taxi/Uber-type vehicle is viable.

- Dallas:** <http://www.china-embassy.org/eng/notices/>
 o Notice posted: 2021/04/21 <http://www.china-embassy.org/eng/notices/t1870474.htm>
 o Lab List: <http://www.china-embassy.org/chn/lszj/zytz/P020210420801553510835.doc>
- Los Angeles:** <http://losangeles.china-consulate.org/eng/lghd/>
 o Notice posted: 2021/01/06 <http://losangeles.china-consulate.org/eng/lghd/t1844902.htm>
 o Lab List: <https://docs.qq.com/sheet/DSExicEdBeUFiWFpw?tab=BB08J2>
- New York:** <http://newyork.china-consulate.org/eng/tzgg/>
 o Notice posted: 2021/04/29 <http://newyork.china-consulate.org/eng/tzgg/t1872671.htm>
 o Lab List: <http://newyork.china-consulate.org/eng/tzgg/P020210430180325927904.pdf>
- San Francisco and Seattle:** <http://www.chinaconsulatesf.org/eng/zytz/>
 o Notice posted: 2021/04/30 Testing and Health Code Application Requirements for Vaccinated Personnel Traveling to China (chinaconsulatesf.org)
 o Notice posted: 2020/12/21 <http://www.chinaconsulatesf.org/eng/zytz/t1841576.htm>
 o Lab List: <http://www.chinaconsulatesf.org/eng/zytz/P020201223479242383271.pdf>
- Detroit:** <http://www.chinaconsulatechicago.org/eng/zytz/>
 o Notice posted: 2020/12/20 <http://www.chinaconsulatechicago.org/eng/zytz/t1841520.htm>
 o Lab List: <http://www.chinaconsulatechicago.org/eng/zytz/P020210427203095822048.xlsx>

China requires all air travelers arriving from the United States to have a negative PCR test and a negative antibody (IgM) test to get a green code, even if vaccinated for COVID-19. There are multiple types of antibody tests; the two relevant to this process are known as IgM - S and IgM - N. The more common test, a spike protein test (IgM-S), will likely show a positive result if you were vaccinated for COVID-19 within the last few weeks and in some cases even longer periods. If this occurs, the Chinese embassy/consulate will not issue you a green code. If you were COVID-19 vaccinated (especially within the last three weeks), do not get the spike protein test. Instead, you should get the nucleocapsid IgM antibody test (IgM-N). Typically, the IgM-N will not show a positive result due to recent vaccination. It is your responsibility to communicate with the lab and make sure you are receiving the correct antibody test (i.e., nucleocapsid, if you were vaccinated recently). Do not upload positive test results.

Challenges with the MFA's HDC Webform:

Many passengers have reported difficulties getting green approval status on the first try. This how-to guide consolidates lessons-learned on how to successfully apply for and obtain green approval status.

Passengers must go online (using smartphone or computer) to fill in their information, declare their health status, and upload documents, including test results, passport and visa information, and itinerary. Uploaded information and documents are examined by a team at the Chinese embassy/consulate in the United States. If information and documents

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do not satisfy all requirements, the team will reject the application and the applicant will see a red or orange code. Common reasons for rejection are illegible documentation and handwriting on lab reports – to the extent they should be entirely typed.

According to the Chinese embassy team, when an application is rejected, they try to provide a very short explanation of why the application was rejected. In almost all cases, this means the applicant can immediately try again with missing or revised documents/information. They encourage applicants to **promptly resubmit** applications in response to the embassy's feedback.

How to Complete the HDC Form:

The MFA webform is designed to be completed on a smartphone, but nearly any web browser will do. To complete the form on a computer, we recommend using Chrome browser. (In a test performed by Mission China, Internet Explorer would not process the application.) Have ready the following items for you and each traveler in your family requesting the Health Declaration Certificate/Code (HDC). The Chinese embassy applies these requirements strictly. Please read before submitting your application.

You will need:

1. Picture (.jpg/.jpeg) of **biodata/photo page** of your diplomatic/official passport
2. Picture (.jpg/.jpeg) of **Chinese visa** in your passport
3. Picture (.jpg/.jpeg) of full report of the **negative COVID NAT results**
 - The results must specify a **negative NAT or NAAT PCR or RT-PCR** and test sampling method: (1) **pharyngeal swab**; (2) **nasopharyngeal swab**; (3) **other**.
 - Patient's name, date of birth (DOB), test type, **date of sample collection**, test result, name and contact info of test institution (including address & phone number) must be present in the results.
 - Lab reports should be printed, not handwritten, though a small amount of handwriting may pass.
4. Picture (.jpg/.jpeg) of full report of the **negative IgM antibody test results** (Must be **nucleocapsid antibody test** if vaccinated)
 - The results must specify – explicitly – whether the IgM test was “venous” or “fingertip.” China will no longer accept fingertip testing as of December 23. Applications that fail to state what method was used will likely be denied; testing methods include: (1) colloidal gold; (2) chemiluminescence; (3) enzyme-linked immunosorbent assay; (4) other.
 - Patient's name, DOB, test type, **date of sample collection**, test result, and name and contact info of test institution must be present in the results. Full contact info for the lab must include address & phone number.
5. **Photo (.jpg/.jpeg) of testing site:** Upload a self-portrait (selfie) of you/family at testing facility showing the facility's sign/logo as proof that you used an approved testing site. (Lab may have a suggested spot.)
6. **Picture (.jpg/.jpeg) of flight itinerary:** Should display your whole itinerary to Shanghai/Guangzhou. Include your flight number and departure date for your flight from the U.S. to China (e.g., DFW-PVG or LAX-CAN)
 - Upload itinerary together with the test reports. Include screenshot from airline website as well.
 - Note: Several airlines' flights to China make one- or two-hour tech stops in Seoul (ICN). A tech stop is not considered a transit point because passengers must remain on the plane during the stop. A **transit stop** would require a second round of Covid tests in the transit city, but no re-testing is involved for a **tech stop**.
7. Picture (.jpg/.jpeg) of your vaccination card if you have been **fully vaccinated**.
8. **Letter of Commitment on COVID-19 Vaccination** should be signed by you and uploaded as a picture in .jpg/.jpeg.
 - Reminder: As for the Commitment letter when you submit the HDC application, please use the commitment letter sent by Post with the legal responsibility, liabilities crossed. The Chinese Embassy/Consulate is OK with our version of the commitment letter.

*Note: All documents uploaded in the application process should be in .jpg/.jpeg. You may need to use a photo editor (or take screenshots) to resize your pictures to under 10 mb (which is the maximum size of a file permitted by the Chinese Embassy/MFA webform).



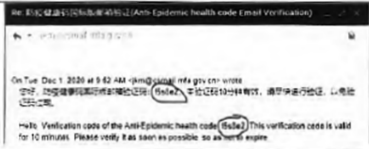


Children Under 3:

Kids under age three do not need either of the pre-flight tests NOR do you need to complete a health declaration form for them. Kids under 3 will get a COVID test when they land in China (likely by check swab).

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Step by Step Guide to Requesting Your HDC from Chinese MFA via Chinese Embassy/Consulate:


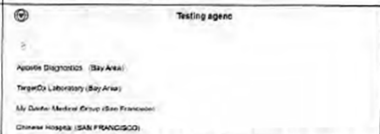
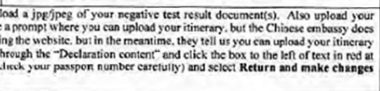
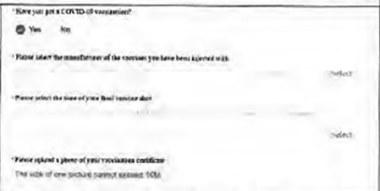
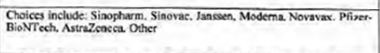
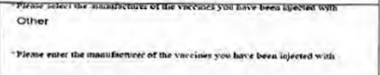
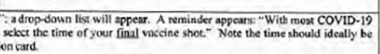
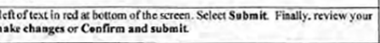
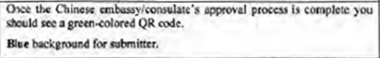
[Reminder: Only negative test results should be submitted to the Chinese government. Do not submit positive results even if you've been vaccinated – without first consulting with U.S. Embassy Beijing or the State Department's China Desk.]

<p>From a web browser on a smartphone or computer, go to: https://hbh.cs.mfa.gov.cn/15/ (Chinese MFA website)</p> <p>Click on Register Now below the Login button.</p> <p>Email account must be typed in as lowercase letters.</p> 	<p>Enter an email address you can access immediately, select the box to the left of information and privacy protection policy, and then select Get the verification code (text in blue). (It does not accept capital letters either in the email address field or in the security questions field)</p> 
<p>Go to your email account to retrieve the code, then enter the code you received in the "Email verification code" field of the webform (copy-paste may not work). The code is only active for 10 minutes, so you need to do this step fairly quickly. The email you will receive from bjm@cs.mfa.gov.cn will look something like this. -</p>	
<p>After you enter the code, click on The Next Step.</p> <p>You will encounter a few verification screens during this process to confirm you are not an automated device of some kind (for example, by sliding a puzzle piece into place).</p>	
<p>Create a password (enter it twice) and select Registration.</p>	

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<p>Select the "Foreign Passengers apply for Health Declaration Form" and then select confirm.</p> <p>Select Confirm again on the pop-up saying, "Attention: Once the application of this account is submitted it cannot be modified. Please confirm your selection before you submit it?".</p>	<p>Please select file access to proceed</p> <p><input checked="" type="radio"/> Foreign Passengers apply for Health Declaration Form</p> <p><small>*Please confirm your selection for Health Declaration Form</small></p>	<p>Attention</p> <p>Once the application of this account is submitted it cannot be modified. Please confirm your selection before you submit it.</p> <p>Cancel Confirm</p>
<p>Provide answers to the security questions for your account. Select submit.</p> <p>(There is no need to provide real information, but carefully make note of your answers in a place you can find them easily because you will need them to retrieve the results the next day.)</p> <p>Select Confirm on the pop-up that says, "Attention: Security questions are very important as information for authentication. Please check the answers to security questions carefully. Are you sure to submit?".</p>	<p>Fill in the security questions</p> <p>1 What is the name of your first teacher? Please enter your answer</p> <p>2 What is your father's birthday? Please enter your answer</p> <p>3 What's your mother's name? Please enter your answer</p>	<p>Attention</p> <p>Security questions are very important as information for authentication. Please check the answers to security questions carefully. Are you sure to submit?</p> <p>Cancel Confirm</p>
<p>Select Apply for health declaration form.</p>	<p>Application Form</p> <p>Apply for health declaration form</p> <p><small>*Please select appropriate health declaration form</small></p>	
<p>Once you have established your account (which is what you have done if you have made it this far in the process), you are able to upload the data and JPGs required for you and all members of your family. The next screen offers you the option to enter either your data/JPGs or your family member's data/JPGs. You return to this screen later, if need be.</p> <p>Select Apply for my health declaration form.</p> <p>Enter the requested data in each field. Select Passport for Type of Document.</p>	<p>Apply for health declaration form</p> <p><input checked="" type="radio"/> Apply for my health declaration form</p> <p><input type="radio"/> Apply for health declaration form for others</p>	
<p>Once you select Tested negative for both COVID-19 NAT and the COVID-19 serum IgM antibody test, two more prompts will appear on the screen.</p> <p>Reminder: Do not upload positive test results. Contact [redacted] your own agency, or the State Department's Bureau of Medical Services (MED) for advice on positive test results. If this delays your departure, be sure to notify your supervisor/CDO, HR at post, GSO [redacted] of the delay.</p> <p>If you have been vaccinated, you should have taken IgM-N test instead of IgM-S test because the IgM-S test typically yields a positive result in people vaccinated with Pfizer, Moderna, J&J vaccines. Conversely, the IgM-N test does not react to the vaccine.</p>	<p>Apply for my health declaration form</p> <p>COVID-19 TEST RESULTS</p> <p>* Please select your right answer for this question</p> <p><input checked="" type="radio"/> COVID-19 test results are negative</p> <p>* Please select the date of your last test</p> <p>2020-12-02</p> <p>* Please select the COVID-19 test type and method</p> <p><input checked="" type="radio"/> IgM-N test results for COVID-19</p> <p>* Please select your COVID-19 serum IgM antibody test result</p> <p><input checked="" type="radio"/> I have not been vaccinated / I have not been vaccinated</p> <p>* Please select the date of your COVID-19 serum IgM antibody test</p> <p>2020-12-02</p> <p>* Please select a date (IgM antibody test)</p> <p>2020-12-02</p> <p>* Please select a date (IgM antibody test)</p>	



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<p>Click on Select next to the "Please choose a nucleic acid testing agency" field. The first drop-down list of options asks for your Country or Region (you can enter "United States" and search for it quickly). The second list of drop-down options is looking for your "Testing Agency."</p> <p>Note: Chinese rules require that the Covid testing site(s) you use must be in or near the city from which you fly to China. At present (January 2021), direct flights from the United States to China fly from six cities: Los Angeles, San Francisco, Seattle, New York, Detroit and Dallas only. However, the Los Angeles and New York flights are on non-U. S. airlines.</p>	
<p>Next to the "Please select a serum IgM antibody testing agency" field, click on Select and a drop-down list of testing agencies will appear.</p>	
<p>Enter your test date for the NAT and IgM antibody tests. Then upload a jpg/jpeg of your negative test result document(s). Also upload your itinerary (.jpg/.jpeg) at this point. The website does not currently have a prompt where you can upload your itinerary, but the Chinese embassy does require it. The Chinese embassy says their MFA is working on updating the website, but in the meantime, they tell you you can upload your itinerary at this stage of the process. Select Submit. Next you need to read through the "Declaration Content" and click the box to the left of text in red at the bottom of the screen. Select Submit. Finally, review your data (check your passport number carefully) and select Return and make changes or Confirm and submit.</p>	
<p>Next, you'll need to answer, "Have you got a COVID-19 vaccination?" If you select "Yes", two more prompts will appear on the screen.</p> <p>Reminder: As for the Commitment letter when you submit the HDC application, please use the commitment letter sent by Post with the legal responsibility, liabilities text crossed out. The Chinese Embassy/Consulate has indicated they will accept this version of the commitment letter.</p>	
<p>Click on Select next to "Please select the manufacturer of the vaccines you have been injected with", a drop-down list will appear. Please select the one you use.</p>	
<p>If you select "Other", a prompt will appear with "Please enter the manufacturer of the vaccines you have been injected with". Please fill in the actual manufacturer of the vaccine you have been injected with.</p>	
<p>Click Select next to "Please select the time of your final vaccine shot"; a drop-down list will appear. A reminder appears: "With most COVID-19 vaccines, you will normally need two shots for them to work. Please select the time of your final vaccine shot." Note the time should ideally be accurate to the minute. You will also upload a photo of your vaccination card.</p>	
<p>Next, read through the "Declaration Content" and click the box to the left of text in red at bottom of the screen. Select Submit. Finally, review your data (check your passport number carefully) and select Return and make changes or Confirm and submit.</p>	
<p>Once you select Confirm and submit, you should receive a note that indicates your application for a health declaration form has been submitted successfully.</p>	



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Return to the home screen and select "View and show your health declaration form."

Immediately after submitting your data and forms, you will see an orange/yellow-colored QR code.

Green background for family members (not myself).

See color key for the QR colors. If all goes well, the color of your QR code will turn from orange/yellow to green once you are approved.

Green – eligible to board the flight. Please take note of the validity date of your HDC and make sure to board within the validity period. Please have your HDC ready for pre-boarding screening by the airline.

Red – Your HDC did not pass verification due to the following reasons

Grey – Your HDC has expired. Please re-submit your HDF and test certificates within the required period before boarding.

Yellow (Orange) – you have submitted your HDF and test certificate. Please wait for verification.

If you are unable to get to green after following this how-to guide, please contact EAP Go to Green Task Force [REDACTED] In your message, provide your current location, QR code status, phone number(s), email address and flight time frame.

Fill out online Customs Declaration Form and submit while at check-in counter

- Before checking in for the flight departing the U.S., travelers will need to fill out a customs form (<http://health.customsapp.com/home/pages/index/index.html>) and then get the customs code. This code is valid for only 24 hours and it must still be valid when travelers enter China.
- For your reference when it comes to below two questions on the application form:
 - Contact persons and their phone numbers in China: Please list yourself and your China SIM phone number or possibly the social or office sponsor's phone number. As a last resort, you can list the embassy switchboard: [REDACTED]
 - Address in China: Your residence in China; otherwise, the quarantine hotel address.

Shanghai Airport Arrival Process

- Starting April 1st, all in-bound passengers will deplane as regular travelers. Airport staff will direct diplomatic arrivals to shuttles to the quarantine location for diplomats (Wyndham Hotel).
- The quarantine hotel in Shanghai for diplomats is Wyndham Grand Plaza Royale Oriental Shanghai (上海兴荣温德姆至尊豪华酒店 Shanghai XingRong Wendemu Zhizun Haoting Jiudian). Please double check before you get on the shuttle- Address below.
- Note: Anyone who has not been properly notified to Shanghai FAO by Diplomatic Note in advance will be directed to a district-based quarantine location. So please do contact Post in advance with your travel schedule.

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Quarantine Hotel Information

1. Hotel Name in English: Wyndham Grand Plaza Royale Oriental Shanghai
in Chinese: 上海兴荣温德姆至尊豪廷酒店
in Pinyin: Shanghai XingRong Wendemu Zhizun Haoting Jiudian
 2. Hotel Address in English: No. 2288 Pudong Ave, Pudong Xinqu, Shanghai.
in Chinese: 上海市浦东新区浦东大道2288号
in Pinyin: Shanghai Shi Pudong Xinqu Pudong Dadao 2288 Hao
 3. Hotel phone number: 021-5852-6666
- Room rate is RMB 350 per night and base meal cost is RMB 100 per day. You will pay your total charges at check-out. Be prepared with more than one credit card or even more than one type of credit card (example: a Visa card and a MasterCard, etc.) in case your WeChat Wallet and/or Alipay do not cooperate. Quarantine hotel deliveries may be very limited-this is controlled by Chinese CDC. Please pack accordingly.
 - Shanghai FAO does not permit adults or kids over age 14 to quarantine together.
 - If families have 2 parents, parents will be separated; families can divide up the kids as they see fit: 1 kid with each parent, 2 kids with one parent, etc. (Please let GSO know in advance of any special considerations.)
 - No adjoining/connecting rooms available at Wyndham Hotel.
 - At check-in, fill in all required information truthfully under the instruction of the staff.
 - You will receive a bag of supplies from the front desk. It contains a thermometer and a white medicine bottle containing chloride disinfectant tablets. Do not eat the tablets! How to use: put 10 tablets into the toilet after each bowel movement, put down the toilet lid, close the washroom door and flush after 30 minutes.
 - Do not leave your room once you are checked in. All the hallways and staircases in the hotel are monitored by CCTV cameras 24/7.
 - **Kuai-di** deliveries (online shopping delivery like Taobao or Jingdong) and packages from your family are generally allowed. The hotel will only deliver packages to your room once every day, normally at 17:00. Please have your full name and room number marked on your packages.
 - **Wai-mai** (restaurant delivery like Shermas, Eleme, Meituan, JSS) food deliveries, freshly prepared food, alcohol, cigarettes, flammables, explosives, and high-power electrical appliances are generally **not allowed**. (Only factory-sealed/packaged items allowed.) The hotel will sanitize all the delivered items by spraying disinfectant. Travelers will take full responsibility for anything delivered from outside by signing a waiver upon check-in.
 - Bottled water is not free. You may call the Front Desk to buy water – 1 case (24 bottles) costs 36 RMB (\$5.50 USD). You will be charged at check out.
 - Cleaning service/housekeeping is **not** available. You may call the Front Desk to request clean towels and bedding to your door every 3 days. After you change the linens yourself, you can place the used ones outside the door.
 - Medical staff will visit your room at 09:00 and 14:00 daily to take your temperature. Please be prepared at the specified time. **We recommend bringing your own digital thermometer for ease of use.**
 - On Day 4, 7, 12 or 13, a second COVID test (NAT swab) will be conducted. Currently the tests are free of charge for diplomats and their family members.
 - Hotel staff will inform you about the exact checkout time the day before your quarantine ends. You will get a phone call reminder again about 30 minutes before your checkout time. Please pack your personal belongings and follow the instructions of the hotel staff to go through checkout procedures.
 - On Day 14, a paper certificate will be issued indicating you completed 14-day quarantine.
 - Meals: RMB 100/day is for the Chinese-style meal including breakfast, lunch and dinner. If you choose the Chinese-style meal at check-in, this selection will be the default for the entire 14 days. Conversely, you will also be able to order from Western-style and Muslim-style menus (price varies by dish and you will be charged at checkout).
 - To access the hotel's **Wi-Fi**, you can have a confirmation code sent to a Chinese mobile phone number. If you don't have a Chinese phone number, it should also be possible to use the hotel room number, if entered exactly, to access hotel wi-fi. Just in case, consider bringing an alternative to hotel wi-fi like a Google Fi SIM (activated while in USA) or a T-Mobile SIM with international data plan.

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Day 1 COVID test at airport and then transport to quarantine hotel

- NAT swab of both nostrils upon arrival. Travelers don't need to wait for the result at the airport.
- Shanghai Foreign Affairs Office will have arranged airport shuttle to hotel as well as hotel rooms in advance per Post's notification in advance.
- Please send a message to [REDACTED] and [REDACTED] with your room number at the hotel as soon as possible.

Day 7 Notify/Contact Beijing GSO VIP for tickets back to assignment city and transportation to/from airports

- Please confirm your flight information with GSO VIP to arrange your airport drop off and pick up service.
- Please reach out to GSO VIP for transportation to Beijing when you are half-way through the quarantine in Shanghai. When arriving in Beijing, Beijing quarantine policy requires travelers to do another 7-day centralized hotel quarantine (Hotel Maxmelim Beijing) or home quarantine (depending on Embassy housing availability).
- Estimated release time will be the actual arrival time of the direct flight plus 14 days+/- . We suggest at least 3 hours gap between the release time and the flight departure time from Shanghai. See samples as below:

Depart USA from	Direct Flight #	ACTUAL Arrival Time	Estimated Release Time	Suggested Flight Departure Time (SH to BJ)
[REDACTED]	[REDACTED]	14:50 on May 1	14:50 on May 15	After 17:50 on May 15
[REDACTED]	[REDACTED]	06:00 on May 1	06:00 on May 15	After 09:00 on May 15
[REDACTED]	[REDACTED]	06:45 on May 1	06:45 on May 15	After 09:45 on May 15
[REDACTED]	[REDACTED]	17:25 on May 1	17:25 on May 15	After 20:25 on May 15

Day 12/13 COVID NAT test at hotel

Day 14 release from Shanghai hotel; travel to assignment city on Day 14/15

- Post will coordinate with Motor Pools on transportation to/from airports in advance:

Transportation	Provided by
Quarantine Hotel --> Shanghai Airport	Shanghai Motor Pool
Beijing Airport --> Quarantine Hotel/Home	Beijing Motor Pool

- You might be needed to register in the airport as they want to keep the record for the ones who has been in China for 14 days but less than 21 days.
- If you have family members in your residence or your residence doesn't pass the China CDC quarantine evaluation, you may stay in the Beijing quarantine hotel for the 3rd week at very low cost and be reimbursed later.
- Please reach out to your home quarantine residence POC in advance to coordinate your arrival and further daily temperature reporting. The POC will notify you of the day-21 test time and location.
- Must remain inside of your home or hotel in Beijing for the third week, and must test negative for COVID-19, in order to be released from quarantine by the Chinese CDC on day 22.

Residence Compound	POC	Cell Phone
Grand Fortune Garden(GFG)	[REDACTED]	[REDACTED]
Guangming (GM)	[REDACTED]	[REDACTED]
King Stone(KS)	[REDACTED]	[REDACTED]
LiangmaQiao - C (LMQ - C)	[REDACTED]	[REDACTED]

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Park View(PV)			
River Garden(RG)			
Mixion			

*Search for the POC's cell phone number in WeChat.

Day 20 BeijingMotorPool@state.gov will contact you for transportation to/from test site if you are living in Shunyi District

- After receiving your test schedule from your residential POC, please send the details (time, date, location) to Beijing Motor Pool. Please contact GSO VIP if you are unclear on the test details. GSO VIP will verify with Beijing FAO accordingly.
- If you are quarantined in the hotel, you will be notified by the hotel.

Day 21 COVID NAT test in your residence if you are living in Chaoyang District

- You will be notified by your residence Manager on the scheduled COVID NAT test in your residence.
- You will be notified by the hotel on the scheduled COVID NAT test in your room.
- Please show the card to the CDC doctor before he/she administers the test.

<p><input checked="" type="checkbox"/> COVID nose/throat swab - ok ✓</p> <p><input checked="" type="checkbox"/> Xanal swab/fecal sampling - not permitted ⊙</p> <p><input checked="" type="checkbox"/> X environmental swab/sampling - forbidden ⊙</p> <ul style="list-style-type: none"> ■ Hello! As a U.S. diplomatic personnel or family member (diplomatic passport holder), I (we) have special privileges and immunities. ■ I (we) have consented to undergo a nose/throat swab today (for nucleic acid testing for COVID-19) as a condition of my (our) arrival/quarantine in China. However, that is the only test I (we) can allow you to administer. ■ These are the only tests the U.S. government permits diplomatic personnel to undergo as part of the arrival/quarantine process. ■ In addition, this home is considered a diplomatic residence and is therefore inviolable. This means you are not permitted to swab anything or any surface inside this home. ■ If you have any questions, you should contact the Beijing Foreign Affairs Office or the PRC Ministry of Foreign Affairs. Thank you for your understanding. 	<p><input checked="" type="checkbox"/> 新冠肺炎 鼻/咽拭子-好的 ✓</p> <p><input checked="" type="checkbox"/> X 肛门拭子/粪便取样-不允许 ⊙</p> <p><input checked="" type="checkbox"/> X 环境棉签/取样-禁止 ⊙</p> <ul style="list-style-type: none"> • 您好! 作为美国外交人员或家庭成员 (外交护照持有人), 我 (我们) 享有特权和豁免权。 • 作为我 (我们) 到达中国以及在中国隔离的条件, 我 (我们) 今天同意接受鼻/咽拭子检测 (用于 COVID-19 的核酸检测)。然而这是我 (我们) 唯一允许的检测。 • 这些检测是美国政府允许外交人员接受的唯一检测以作为抵达/隔离程序的一部分。 • 此外, 该住宅被视为外交官邸, 因此是不可侵犯。这意味着您不能在此房屋内擦拭任何东西或任何表面。 • 如有任何疑问, 请联系北京外事办公室或中华人民共和国外交部。感谢您的理解。
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Day 22 Receive test result. Arrival quarantine process is complete!

Other Notes	If a traveler tests positive for COVID in China, s/he will be moved to a hospital. Medevac may be arranged following consultation with Post's Health Unit and MED (State Department's Bureau of Medical Services) and/or your agency.
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ATTACHMENT 4

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Mission China Travel-to-China Checklist

<p>SUMMARY:</p> <ul style="list-style-type: none"> • Passport, Visa, Travel Orders, eCC (if TDY) • Fly to departure city for NAT & IgM test • HDC code green prior to China flight • NATs on Day 1, 4, 7, 13, 16*, 21 • Two weeks hotel quarantine in arrival city • 3rd week of quarantine if Beijing-bound. • Four weeks quarantine if Shenyang-bound • After 21 days in China, no restrictions (apart from temp scans and QR code scans) 	<p>RULES BEHIND THE PROCEDURES:</p> <ul style="list-style-type: none"> • Must do pre-flight tests (NAT & IgM) in/near the city from which direct flight to China departs no more than 48 hours before departure. Must use Chinese MFA webform to report results to Chinese embassy or consulate and then need green QR code response to board flight. • Two-week quarantine in the arrival city. Additional 7 days for Beijing-bound travelers; additional 14 days for Shenyang-bound. • U.S. Embassy/Consulate must send Diplomatic Note to MFA and FAO 10+ business days in advance of your flight to China. • No airline authorized to operate direct flights from the U.S. to Beijing, Wuhan, or Shenyang. No direct flights from Washington DC to China.
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Advance Planning: 4 to 6+ weeks in advance of departure

- If TDY, submit eCC (country clearance authorization request) to Post well in advance.
- Send email to BeijingVIPVisits@state.gov (or similar if assigned to a Consulate) to request up-to-date travel procedures, how-to guidance, and to provide travelers' biodata GSO needs to officially notify MFA (by Diplomatic Note) of arrival plan.
- Obtain "W" (diplomatic visa) for China. With few exceptions, China is not currently issuing other visa types.
- For PCS, check Travel Orders (TM4 or "Post Assignment Travel Authorization" for State Dept) to ensure there is budget for 2 or 3 days of hotel/M&IE in U.S. departure city for COVID testing, 2 or 3 weeks of quarantine hotel/M&IE in arrival city, and that there is sufficient funding for air travel (from origin point to departure/testing city to arrival city to post). Airfare budget may need to be increased drastically (as some itineraries exceed \$7,000 per person).
- Notify your CDO, Beijing/Consulate's HR, CLO, and GSO of any changes to your arrival date and travel plan. [Note: GSO must notify MFA and FAO if your arrival date deviates from that provided in the original Diplomatic Note.]

Pre-Departure Preparation: 1-2 weeks in advance of travel

- Check with U.S. Embassy/Consulate's GSO/VIP team for process updates and confirm readiness to travel.
- Schedule PCR NAT and IgM tests in departure city at testing site approved by PRC (lists on PRC embassy/consulate website).
- Print key guidance to carry including HDC form assistance POCs and key U.S. Embassy/Consulate POCs.
- If COVID vaccinated, ensure you have physical copies of the vaccine certificate and related documentation.

Testing and Boarding: 48 hours prior to boarding the plane at the departure city for a direct flight to China

- Complete RT PCR NAT and IgM COVID tests at departure city.
- Submit test results and other documents (via Chinese MFA's HDC application) for PRC embassy/consulate review.
 - o See HDC (Health Declaration Code) instructions in the U.S. Embassy's Travel Handbook for guidance.
- At airport, green HDC code required to check in and board. Start the online China Customs form early; submit at airport.

Arrival in China

- Day 1 COVID test (NAT) at airport; transport (arranged by local FAO officials) to quarantine hotel for 14 days.
- COVID tests at quarantine hotel on Days 4, 7, and 13.
- Day 14/15, release from hotel; Shanghai Motor pool transport to Shanghai airport. Travel to Post city. Motor pool pickup.
- Additional 7-day quarantine in Beijing under Beijing's 14+7 policy.
- Day 16 COVID test if still in Shanghai.
- Day 21 COVID test for Beijing-bound travelers. If in Beijing; transport by Motor Pool to/from test site.
- Day 22 release from quarantine.

Other Notes	<ul style="list-style-type: none"> - If a traveler tests positive for COVID in China, s/he will be moved to a hospital. Medevac may be arranged following consultation with Post's Health Unit and MED (State Department's Bureau of Medical Services) and/or your agency. - Quarantine hotel deliveries may be very limited. This is controlled by Chinese CDC. Please pack accordingly.
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Last updated 6/3/2021

ATTACHMENT 5

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[REDACTED] "UNCLASSIFIED" [REDACTED] Page 1 of 3
From: (b)(6) [REDACTED]@state.gov>
To: (b)(6) [REDACTED]@state.gov>
Subject: FW: No. 024 - Updated Quarantine Policy for Beijing-bound Travelers Arriving from Overseas.pdf
Date: Tue, 6 Apr 2021 [REDACTED]

Here's the latest official guidance on quarantine etc. in China for US diplomats.

[REDACTED] SENSITIVE BUT UNCLASSIFIED
From: (b)(6) [REDACTED]@state.gov>
Sent: Wednesday, March 3, 2021 [REDACTED]
To: (b)(6) [REDACTED]@state.gov>
Subject: No. 024 - Updated Quarantine Policy for Beijing-bound Travelers Arriving from Overseas.pdf

(b)(6)

Thanks for sending the last notice. I pulled this one from Beijing's internal site. You have it on the high side now too.

(b)(6)

[REDACTED] SENSITIVE BUT UNCLASSIFIED
Sender: (b)(6) [REDACTED]@state.gov>
Recipient: (b)(6) [REDACTED]@state.gov>

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MANAGEMENT NOTICE

American Embassy Beijing

Notice No: 024

January 29, 2021

TO: Embassy Beijing American Employees

FROM: Minister Counselor for Management [REDACTED]

SUBJECT: Updated Quarantine Policy for Beijing-bound Travelers Arriving from Overseas

As part of Beijing municipality's efforts to curb the spread of COVID-19, a new quarantine policy for Beijing-bound overseas travelers went into effect January 19, 2021. The new "14+7+7" model comprises 14 days centralized hotel quarantine, 7 days of home isolation or centralized quarantine, and 7 days of health monitoring, as well as an updated testing regime during the 14+7+7 period. [Only diplomatic travelers are afforded opportunity for the home quarantine in limited circumstances (and only during the third week). Non-diplomatic travelers are automatically subject to 21 days of centralized hotel quarantine.] It is also important to note that varying rules for quarantine at the city of arrival can impact where travelers may spend the third week of quarantine. The parameters governing this new policy result in two different scenarios for implementation.

Scenario 1: If everyone on your flight (as well as surfaces inside the plane) tests negative upon arrival, after 14 days of centralized quarantine in a designated hotel you may be able to spend the third week of quarantine at home. COVID-19 nucleic acid tests (NAT) will be administered at your hotel room during quarantine at Day 7 and Day 14. After the 14-day quarantine and a negative NAT result, you may proceed directly to Beijing for 7 days of strict home isolation at an embassy residence (if available and if pre-approved by Beijing CDC). Another NAT will be conducted around Day 21. After Day 21 and a negative NAT result, you will do 7 days of health monitoring in Beijing. During this 7-day health monitoring period, you may reside at home, go to the office, and follow normal routines, but must avoid large gatherings. You will be asked to report your temperature twice daily and to report any abnormal health conditions to your local community liaison. An additional NAT test will be conducted on Day 28 at an outside clinic. The quarantine/monitoring process ordinarily ends at Day 28.

Note 1: Arriving traveler(s) cannot use their own residence for the third week of quarantine if the residence is already occupied (e.g., by other family members). In this case, travelers will spend the third week in centralized quarantine hotel in Beijing or at another vacant residence that has been approved for quarantine, if available. After Day 21, travelers may return home (even to an occupied residence) to complete the week of health monitoring (during which you may conduct normal home and work activities in Beijing but must report your temperature twice daily and avoid gatherings/crowds).

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Note 2: Some housing has not been approved for quarantine by China CDC (e.g., LMQB and QJY). If alternate quarantine housing is not available, travelers will spend the third week of quarantine in a centralized quarantine hotel in Beijing. At Day 21, travelers may return home to complete the week of health monitoring (during which you may conduct normal home and work activities in Beijing but must report your temperature twice daily and avoid gatherings/crowds).

Scenario 2: If someone on your flight (or objects on the plane) tests positive upon arrival and you are identified as a close contact, you will be required to spend the entire 21-day quarantine period in a designated hotel. COVID tests (NAT) will be administered at your hotel room during the 21-day quarantine at around Days 7, 14, and 21. You will be allowed to travel to Beijing with a negative test result on/after Day 21. Once you arrive in Beijing, you will need to remain in Beijing for 7 days of health monitoring. During the 7 days of health monitoring, you may reside at home, go to the office, and follow normal routines, but must avoid gatherings/crowds. You will be asked to report your temperature twice daily and to report any abnormal health conditions to your local community liaison (usually the residence manager). An additional NAT test will be conducted at Day 28 at an outside clinic. The quarantine/monitoring process normally ends at Day 28.

Important Note on Testing: As you may have seen in media reports, the Chinese authorities have introduced two new testing methods: anal swab /fecal sampling and residence environmental testing (swabbing surfaces inside homes). From what we have seen so far, requests for these types of test are occurring around Day 21 of the quarantine/monitoring process. U.S. diplomatic personnel and their family members should not under any circumstances accede to these types of testing. Approved COVID tests for diplomatic personnel and their families in China are the NAT test via nasal or throat swab (fecal sampling for children for whom the NAT test is not practical). If you are requested to take any other kind of test, please decline and notify [REDACTED] for tracking and follow-up.

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From: [REDACTED]@state.gov
 To: [REDACTED]@state.gov
 Subject: FW: Travel to China Updates
 Date: Wed, 24 Mar 2021 [REDACTED]

Hey there! hope you've been enjoying your trip home!

Several of the attachments are way overboard for you, but wanted to share the latest version of our "China Travel Prep" and the HDC how-to guide so you are ready for your flight back here. See also the notes below -- no more home quarantine! This email went out to our incoming PCSers so there is a ton of guidance on tech, phones, etc.

Let me know if you have questions!

[REDACTED]

From: [REDACTED]@state.gov
 Sent: Wednesday, March 17, 2021 [REDACTED]
 To: [REDACTED]@state.gov
 Cc: [REDACTED]@state.gov; [REDACTED]@state.gov
 Subject: Travel to China Updates

Hello! US Consulate Guangzhou is looking forward to your arrival in Guangzhou in the coming months. We wanted to provide you with some updates to travel regulations and ensure you have the latest guidance available as you prepare for your trip to China. Please keep in mind that the travel regulations are changing regularly-- we will do our best to inform you of all updated requirements as we get clarification from local authorities.

GZ Quarantine Updates

First, some good news! Guangzhou just eliminated +7 days of home quarantine! When you land in Guangzhou, you will still complete 14 days of hotel quarantine. Once you receive a negative NAT COVID test on day 13, you should be released on day 14 and are free to move around Guangzhou. Local CDC officials have indicated they will schedule a day 21 NAT COVID test with all incoming personnel and family members even though there is no more +7 home quarantine. In summary, arriving travelers should expect to have NAT COVID tests upon landing and on days 7, 13, and 21.

Vaccinations:

Our medical officer [REDACTED] encourages eligible individuals to receive a COVID-19 vaccination if they have the opportunity to do so before leaving the United States. If you are able to get a vaccination, please alert the GZ Commercial Arrivals team [REDACTED] so we can include that information in our dipnotes to the MFA and FAO. You will need to travel with copies of your vaccination certificate (should include the name of manufacturer and date administered). The PRC's Health Declaration Code (HDC) process also includes a field for you to provide any vaccination data, so they are

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factoring in that information when processing your HDC code. We have had several vaccinated travelers enter China successfully in the past few months.

The Department of State released 21 STATE 205a6 (OpenNet link) on March 12, 2021 outlining the opportunity for anyone typically serviced by MED's pre-travel clinic and who has confirmed reservations to PCS to post in March or April of this year to receive the Johnson & Johnson COVID-19 vaccination at MED HART in Washington, DC. If you meet this criteria and are interested in receiving this vaccination, please email (b)(6)@state.gov.

Attestation/Affidavit

For a brief period of time around Chinese New Year, the Chinese government was asking all travelers, including diplomats, to sign an affidavit agreeing that if they test positive at any point during the arrival or quarantine period, they agree to be treated in China, agree to pay all expenses of such treatment, and/or will be medevacked back to their originating country. Diplomats were not permitted to sign such an affidavit, and there was a temporary hold on U.S. diplomatic travel to China as a result. That issue has been resolved; there is no longer an area on the HDC Website requesting travelers to agree to those terms.

COVID Testing in China

On a videoconference with the MFA on March 9, 2021, host country officials confirmed that all foreign mission representatives "...will only be subjected to PCR NAT COVID-19 testing upon arrival and during the quarantine and observation period. Anal swabs and stool sample tests are not permitted for diplomatic personnel. Should travelers be asked to submit to these tests at any time, diplomatic personnel should refuse the testing and the embassy Management Officer will notify the MFA Protocol office." Note that in Guangzhou, adults will have NAT COVID tests in both nostrils and possibly a throat and/or cheek swab as well; children under 14 should only have a throat and/or cheek swab.

China Travel & Arrival Prep

The Guangzhou HR team recently issued updated TMTHREEs to all incoming personnel. Please review that document carefully for instructions on how to apply for housing, shipping considerations, visa application instructions, and more. The TMTHREE also directs everyone to the GZ Commercial Arrivals team to initiate conversations on travel to post. When you are ready to research flight options, please reach out to (b)(6)@state.gov. I am attaching the current Travel to China Prep documents CLO sends to incoming officers and families so everyone has a good idea of the current processes for traveling to China. We certainly hope these processes simplify in the coming months – we will update all materials as needed when notified of changes by PRC authorities. There is a lot of content in these documents (apologies for clogging up your inbox!), but it's all rather helpful as you plan your pack-outs, make UAB vs HHE decisions, stock-up on must-have items for China, and allocate space in your suitcases. I recommend you start with the "China Travel Preparations" document for a thorough review of the pre-flight and arrival processes. I've also attached a "Departure from US to China Checklist" for a one-page checklist of key action items with timelines leading up to your departure.

Questions?

CLO and the GZ Commercial Arrivals teams are always happy to answer your questions – please email us at (b)(6)@state.gov or (b)(6)@state.gov. Additionally, we are hosting WebEx calls with incoming personnel and family members to review all pre-flight testing and arrival processes and give you the chance to ask us questions. Expect to receive WebEx invitations for an early May call, as well as monthly calls throughout the summer transfer season.

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Life has been relatively normal here in Guangzhou with extremely rare cases of COVID reported in the province over the past nine months. While the processes to get here require a lot of effort and focus, our day-to-day life allows for many social freedoms like indoor dining, group gatherings, and in-person attendance at school – we hope you are looking forward to it! We can't wait to welcome you all in person!

Kind regards,

(b)(6)
CCO Guangzhou
(b)(6) @state.gov
WeChat ID: [REDACTED]

Sender: (b)(6) @state.gov>
Recipient: (b)(6) @state.gov>

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Hello, travelers! Please take some time to read through this email and all attachments as you prepare for your trip to China. While we know the process to get to China is arduous, we think you will find our Chinese counterparts are very professional and eager to make your arrival and quarantine as smooth as possible. Your team here in Guangzhou is also standing by to support as needed – do not hesitate to reach out to us with any questions or issues you may have.

Obviously, everyone needs to take every precaution in the weeks leading up to your departure to avoid exposure to COVID. We can't wait to greet you in person when you get out of quarantine and arrive safely in Guangzhou!

Travel Bookings & Questions

Everyone assigned to Guangzhou should direct all China travel, arrival, and quarantine questions to the Guangzhou Commercial Arrivals team or our Meiya travel consultants here at post. At this time, only Shenyang, Shanghai, and Guangzhou are permitted to receive diplomatic travelers in China. We strongly encourage all Guangzhou-accredited travelers to fly directly to Guangzhou as it has been the most successful route for our travelers. Send all questions and comments to Guangzhou Commercial Arrivals at [REDACTED]@state.gov, or for flight questions, Meiya at [REDACTED]@meiya.com.

Pre-Flight Testing

As of November 6, China requires all travelers entering the country to have a negative nasal swab (NAT COVID test) and negative blood test (for IgM antibodies) approved by the Chinese Embassy/Consulate within 48 hours of travel to China from an approved lab in the city of departure for China. Click [here](#) to review the test requirements. Note also that the Chinese government will only accept lab results from their approved list. Click [here](#) to find links to the Chinese Embassy/Consulate Websites for your departure city to China (search for the approved labs list on those sites).

For travelers entering China on the LAX (Los Angeles, CA) – CAN (Guangzhou's Baiyun International Airport) route on China Southern, we strongly recommend the lab just outside the LAX airport (Airport Diagnostic Institute) – click [here](#) to find contact information for all lab options for the Los Angeles region. The Bureau of Medical Services (MED) will issue doctor's orders for lab tests at outside labs in multiple states, if needed. Contact MED by email or phone: [REDACTED]@state.ca or [REDACTED].

Should anyone test positive on either the NAT COVID test or the IgM antibody test, please email or call MED directly: [REDACTED]@state.ca or [REDACTED] for further guidance and instructions.

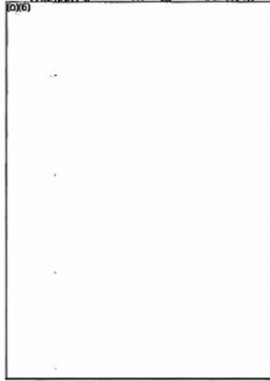
Once you have test results, you have to apply for a green Health Declaration Code (HDC) through the PRC Webform. Please see the attached "Health Declaration Webform How To" guide for explicit directions on how to complete this process. You need to read very carefully and follow every step in this guide. The Website is not intuitive, YOU SHOULD REMAIN AS ISOLATED AS POSSIBLE BETWEEN TESTING AND DEPARTURE TO AVOID EXPOSURE TO COVID. We cannot stress this enough – avoid all crowds or enclosed spaces with persons outside your immediate family group, wear a mask, and maintain all COVID-prevention practices.

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Note that once you arrive at the airport for your flight to China, the airline may ask you to fill in an additional online form at: <http://health.customsapp.com/>. This is a Chinese Website – it appears to perform best from a Smartphone browser or Chrome on a desktop. The site is the Chinese "Exit/Entry Health Declaration Form," and will produce another QR code which some airlines have required travelers to show before boarding. In addition to your basic travel information, passport/visa data, you will provide a brief travel history over the last two weeks. You also need a contact person in China; please use my name and phone number (86) [REDACTED]. For your address, use your assigned residence for Guangzhou. Assuming you have limited your exposure to anyone with COVID symptoms leading up to your departure, you should indicate "No" for the COVID questions. Once you complete this form, you will receive another QR code (see below). Complete the form for each member of your family and be sure to save the QR code images to your device so you can produce them easily when boarding the plane. Each QR will have the passenger name below the code (name not pictured below). If you do not complete this step in the US before departure, you will likely have to complete it upon landing in the airport. Chinese CDC officials will help you through the latest process, as it has changed several times in the past six months.



Red QR Code

After following all guidance and steps outlined, if you are unable to get a "Green" Health Declaration Code from the Chinese Embassy/Consulates for travel, please email the EAP-EX China Desk for assistance ASAP. They have a rotating duty officer program, and someone will be monitoring the mailbox throughout weekends, off hours, etc. The email address is:

[REDACTED]@state.gov

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Please copy [REDACTED] on any communication to the China Desk: [REDACTED]@state.gov. Additionally, if you are not able to catch your flight for any reason, please let us know as early as possible. We need to inform the Chinese authorities of all changes. Please email [REDACTED]@state.gov and email or call Melya directly to reschedule before the flight takes off to avoid a no-show penalty. Thank you!

24/7/365 Travel Contact Information for Melya (Mission China travel agency contractor):

After-Hours Hotline:

Within China: [REDACTED] (Both Chinese and English)

Outside China: [REDACTED] or [REDACTED] (Both Chinese and English)

Email address: [REDACTED]

Hotel Quarantine

All travelers coming to both Guangzhou and Shanghai will land and be transported to a quarantine hotel where they will complete a mandatory 14-day quarantine period. Hotel rooms are basic with no frills; most hotels do not offer suites nor family-style accommodations. Hotels often do not have microwaves, laundry service, English TV channels, or strong Wi-Fi; and outside restaurant/fresh food deliveries are usually not allowed (each hotel decides whether or not food delivery is permitted so experiences will vary in Guangzhou where we have several quarantine hotels). Packing food/snacks (especially for those with children and/or food allergies) and entertainment is highly encouraged to make the stay as comfortable as possible. Please read through the attached document written by a Guangzhou colleague, Thaha Diffey, who was on Charter Flight 1 and quarantined alone in Tianjin this spring. She provides some great suggestions on what to pack and how to weather the two-week stay. Also attached is a "Travel to China Checklist," which was prepared for subsequent Guangzhou charter arrivals.

If you have food allergies or medication that requires cold storage, please email [REDACTED]@state.gov and we will work with FAO contacts to address.

Guangzhou

The Guangdong Province has designated many quarantine hotels in Guangzhou. The FAO will assign travelers to their quarantine hotels based on incoming travel volume and hotel occupancy. You do not have to make a hotel reservation in advance. Most of the quarantine hotels are 4-star Chinese hotels with average room rates of 400 RMB per room, per night; hotel meals are approximately 100 RMB per person, per day). Travelers will provide a credit card at check-in, pay all hotel expenses at check-out, and seek reimbursement using PCS or other official travel orders/allowances. Room rates will vary based on the room type to which you are assigned. Per diem rates are very high for Guangzhou (approximately \$250 per hotel room night) - the room rates at quarantine hotels do not typically exceed this amount, but confirm pricing with your hotel at check-in.

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The FAO will notify US Consulate Guangzhou of the assigned quarantine hotel for each of our travelers the morning of your arrival, so it is unlikely we will be able to give you your hotel name before you depart the US. We will remain in contact with the FAO throughout your arrival, hotel check-in, and quarantine. Keeping families together is not guaranteed, however Guangzhou hotels have also been more flexible to accommodate families staying together depending on the availability of family suites or connecting rooms.

In Guangzhou, the ability to have food delivered from outside the hotel will vary by hotel so everyone should pack snacks, coffee, and other food to supplement the options available from the hotel menu. Most hotels are permitting outside deliveries but will bring such deliveries to your room during the hotel's set delivery time windows.

When you land, officials will direct you through customs and baggage claim -- you will take your arrival COVID test in the airport. Adults will have a NAT COVID test in both nostrils and possibly a throat and/or cheek swab as well; children under 14 should only have a throat and/or cheek swab. Local officials will then transport you to your assigned COVID hotel where you will wait 24-48 hours for your COVID results. If you test negative, you will remain in your assigned COVID hotel for the duration of quarantine. If anyone on your plane tests positive, and you are deemed a close contact, officials will transport you to a close contact quarantine hotel, where you should expect to have 2-3 additional COVID tests over the duration of your quarantine.

All travelers will take a final COVID test (approximately day 13), and authorities will officially release them once they receive a negative test result. Results have been returned within 24 hours to date, but the FAO has suggested results may take up to 48 hours if labs are overwhelmed. Even after your 14 days are up, you cannot leave your quarantine hotel until you have been officially released by the Chinese authorities. They will send regular communications and stay in touch with you and with us here at post; always reach out to us if you have any questions or concerns. Quarantine rules are strictly monitored and enforced.

Should anyone test positive upon landing, the FAO will notify post and we will coordinate with our MED team for continued collaboration with the treating COVID hospital to which they send positive travelers. COVID hospitals will do additional COVID testing to ensure the last test result was not a false positive and will treat you accordingly based on symptoms and continued test results. Our MED team in Guangzhou encourages anyone who receives a positive COVID test result while in China to contact them directly at:

- MED Duty: [REDACTED]
- (86) [REDACTED]
- (86) [REDACTED]

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Shanghai

If you are travelling to Shanghai, local authorities will transport you to the Wyndham Grand Plaza Royale Oriental Shanghai (aka, Wyndham Pudong) 上海兴荣温德姆至尊豪华酒店 (No. 2288 Pudong Avenue) for quarantine. US Consulate Shanghai has informed us that they are not able to facilitate any special services for travelers at the Wyndham other than emergency or medical services. You do not have to make a hotel reservation in advance. The room rate is 350 RMB per room, per night; the cost for meals is 100 RMB per day, per person (breakfast, lunch, and dinner with both Western and Chinese options). All adults in a family group will quarantine in separate rooms; child(ren) under the age of 14 years old will quarantine with one of the parents. The hotel does not have joint rooms, and all quarantine room type will be either a King bedroom or a twin bedroom. Each room does have a refrigerator at this hotel.

The Wyndham Pudong does not permit food delivery from outside the hotel. Travelers will provide a credit card at check in, pay all hotel expenses at check out, and seek reimbursement us. InqCS or other official orders/allowances. Be prepared with more than one credit card or even more than one type of credit card (example: a Visa card and a MasterCard, etc.) in case your WeChat Wallet and/or Alipay do not cooperate. Please do not call the Wyndham Pudong nor the US Consulate Shanghai team for special accommodations or services. Direct all questions to [REDACTED]@state.gov. Additional notes for the Wyndham Pudong:

- Shanghai FAO does not permit couples to quarantine together.
- If families have 2 parents, parents will be separated; families can divide up the kids as they see fit: 1 kid with each parent, 2 kids with one parent, etc. (please let GZCommercialArrivals know in advance of any special considerations)
- No adjoining/connecting rooms available at Wyndham Hotel.
- Kuaididi (online shopping delivery like Taobao or Jingdong) deliveries are generally allowed, but delivery to your door is not possible every day.
- Wal-mal (restaurant delivery like Sherepas, Elmer, Meituan, JSS) food deliveries are generally not allowed (only factory-sealed/packaged items are permitted, i.e., instant noodles).
- Bottled water is not free. You may call the Front Desk to buy water – 1 case (24 bottles) costs 36 RMB (\$5.50 USD). You will be charged at check out.
- Cleaning service/housekeeping is not available. You may call the Front Desk to request clean towels and bedding to your door every 3 days. After you change the linens yourself, you can place the used ones outside the door.
- Report your temperature daily. A mercury thermometer will be provided. Report temperature twice a day at set times. Scan the QR code provided in the room and upload your temperature data via mini-app. In addition, you may be asked to put the thermometer outside the room (on a stool/table in front of each door), so the medical staff can check the temperature. We recommend bringing your own digital thermometer for ease of use.
- On Day 12 or 13, officials will conduct a second COVID test (NAT swab).
- On Day 14, officials will issue a paper certificate indicating you completed 14-day quarantine.
- To access the hotel's Wi-Fi, you can have a confirmation code sent to a Chinese mobile phone number. If you don't have a Chinese phone number, it should also be possible to use the hotel room number, if entered exactly, to access hotel wi-fi. Just in case, consider bringing an alternative to hotel wi-fi like a Google Fi SIM (activated while in USA) or a T-Mobile SIM with international data plan.

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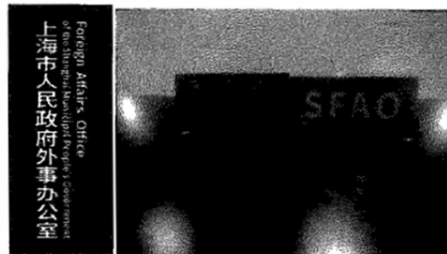
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When you arrive in Shanghai, please adhere to the following processes provide by the US Consulate Shanghai:

1. **Plane arrives at Shanghai's Pudong Airport (PVG)**
 - Remain in your seat on the plane while Customs/Health officers board plane in full PPE
 - Passengers allowed to deplane in small groups; could take 90 minutes
 - An official will confirm names and have you scan a QR code in WeChat; then you can deplane
2. **At airport, proceed to Customs Health interview station** (Health Declaration Forms, etc.)
3. **At airport, proceed to testing area for 1st COVID test** (NAT swab of both nostrils)
4. **Proceed to China Customs**
 - a. Embassy and Consulate employees alike should use Diplomatic Access lane
 - a. If arriving at PVG Terminal 1 (T1), please take access lane 28 & 29
 - b. If arriving at PVG T2, please take access lane 47 & 48
 - Security personnel will wait until you pass through Customs
 - After passing through Customs, staff will escort you to FAO's service desk.
 - o Note: Foreign Affairs Office (FAO) is a provincial/municipal government agency analogous to the national-level Ministry of Foreign Affairs (MFA)
5. **Proceed to Baggage Claim** to retrieve baggage. You will have to manage your own luggage.
6. **Proceed to reception area, find FAO's service desk and wait for further assistance and guidance.** "SFAO" is Shanghai FAO.
 - a. FAO staff will arrange your transportation from airport to quarantine hotel
 - b. Arrival passengers not assigned to Shanghai will be transported to **Wyndham Hotel** (Wyndham Grand Plaza Royale Oriental Shanghai 上海兴亚道铂瑞至尊豪华酒店 (No. 2288 Pudong Avenue) [Note: passengers assigned to ConGen Shanghai are taken to other hotels])

See pictures below to help find Shanghai FAO's service desk at the airport.



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Suggested Packing List for Hotel Quarantine

- Cutlery – you may only receive chopsticks and a spoon for each meal; bring silverware to re-use
- Re-usable plates, bowls, cups
- Condiments to spice up your meals – salt and pepper, hot sauce, soy sauce, mustard
- Beverages other than water – coffee, tea, soda, other
 - Instant coffee, pour-over coffee, travel coffee press & ground coffee
 - Sugar & creamer
- Food – especially if you have dietary restrictions or picky eaters
 - Popular choices: granola bars, chocolate, dried fruit, nuts, jerky, peanut butter, Nutella, instant noodles, crackers, tuna/chicken packets, fruit snacks.
- First Aid Kit – chronic/routine medications, digital thermometer, bandages, melatonin, Benadryl, Imodium, vitamins, etc.
- Cleaning supplies – cleaning wipes, dishwashing liquid, laundry detergent (no laundry service)
- Exercise Equipment – resistance bands, yoga mat, downloaded exercise videos, jump rope
- Entertainment – HDMI cable, laptop/tablet with downloaded movies/TV shows, Kindle/books, hobbies, puzzles, Chinese study materials
- Electronics – Phone pre-loaded with WeChat, international/China SIM, downloaded VPN(s), non-Gmail email account (in case VPN doesn't work), chargers, plug adapters, translation apps
 - Chinese SIM cards are available for purchase via Amazon or GZgrocery.cn
- Kid Stuff – toys, diapers, kid-friendly food (apple sauce, cereal, fruit snacks, etc.)
- Contact information – supervisor, office and social sponsor, travel tech, CDO, CLO, etc.

Ongoing Updates to Quarantine Regulations

With a small uptick in COVID cases in Northern China prior to Chinese New Year, quarantine regulations for travelers entering China tightened in almost every province. Regulations still vary slightly by province and district, but for the Guangdong Province (which includes Guangzhou), current regulations DO NOT include any additional home quarantine or self-monitoring after travelers successfully complete 14 days of hotel quarantine. Post will coordinate all transportation from the quarantine hotel to your residence, and your social sponsors are able to assist with supplies and making sure your apartments are prepared.

Please note that in addition to 14 days of hotel quarantine, travelers will have additional NAT COVID tests upon arrival and again on days 7 and 14. Additionally, local CDC officials have indicated they will schedule a day 21 NAT COVID test with all incoming personnel and family members even though there is no more +7 home quarantine. In summary, arriving travelers should expect to have NAT COVID tests upon landing and on days 7, 13, and 21.

While in the US

To ensure you do not contract COVID, please be extremely cautious in all interactions and take preventative measures to avoid exposure to the virus, including frequent hand washing and sanitizing, social distancing, and mask wearing. Travelers will ideally self-quarantine for two weeks before departure.

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In the weeks leading up to your departure, take some time to check and prep your mobile phone (and international service plan if you have one), in addition to downloading and installing some valuable apps for use in China. We also recommend you bring 2000RMB in cash if your bank is able to supply Yuan.

Mobile Phones

When you arrive in China, you will not have access to a cashier, bank, or ATM before going into hotel quarantine. See attached for recommendations on phone services and carriers recommended by Guangzhou personnel if you intend to keep a US number.

Historically the Chinese government required you to have a Chinese bank account in order to get a Chinese service plan and phone number (and you had to be present at the store with your passport). Just this year, you can purchase a Chinese SIM card from GZGrocery.cn or Amazon for a new expat service provider called Nihao Mobile. Nihao is the first network operator providing personalized network services for expats living in China authenticated by Chinese government. This service provides you with a Chinese number and short-term calling plan, which may be helpful if you cannot get WeChat to work while in the US – sometimes WeChat will only work with a Chinese phone number. So, if you are in this scenario and your hotel allows you to have food delivered, Nihao Mobile is an option for you. Note that it is not your best long-term Chinese mobile plan, however, as it is priced for the expat market (expensive relative to the larger networks here).

VPNs

While our residences in Guangzhou all provide a Virtual Private Network (VPN) along with their internet services, many personnel and family members install additional VPNs on their devices. Popular VPNs include Vypr, Astrill, and Nord. Install these apps before you land in China.

WeChat & Ali Tour Pass

WeChat is an essential application in China serving as a primary social communication tool, a mobile payment solution, and launchpad to a range of services (including food ordering/delivery, mobile phone payments, ticket reservations, etc.). You can download WeChat in the U.S. and initiate a new account there. Approximately half of our incoming personnel and families have had success getting their WeChat account verified and operational prior to arriving in China; the other half, were not successful until they arrived in China. Please attempt to download and create an account before you depart—if you are unsuccessful getting your account verified, we'll help you once you get here. Having access to WeChat while in quarantine will make it easier to stay connected to post in real-time. See the attached document for more information on creating your WeChat account. Note: if you absolutely cannot get WeChat to work for you while you are from the US or while in quarantine, we can communicate by email and your hotel phone as needed. You will not be able to use WeChat Pay until you have a local bank account. WeChat installation instructions are attached.

The best payment solution while in quarantine is Ali Tour Pass, which allows you to use an international credit card to fund Alipay on your mobile phone. Alipay is also regularly accepted by vendors all over China. The Ali Tour Pass is intended for visitors to China and has a 90-day expiration date as well as limits on the amount of RMB you can load onto the Tour Pass. Instructions for setting up your Ali Tour Pass are [here](#) and attached.

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[REDACTED]

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Should neither of these options work for you, please coordinate with your social sponsor or post for assistance. You can Venmo USD to your sponsor, and they can place orders for you, assuming your quarantine hotel permits deliveries.

Luggage

Your PCS or travel orders/allowances allow you to travel with two checked bags for each leg of your trip. If your flight does not include two checked bags for free, you should pay for your luggage and your travel orders/allowance will reimburse you for two bags.

For those who are PCSing to China, the current luggage allowance is as follows according to 20 STATE 42508: In light of logistics supply chain challenges during COVID-19 and limited airline freight capacity, GTM/EX will allow employees and dependents listed on an employee's PCS travel authorization (TA) to request two additional pieces of checked luggage (up to 50lbs each) for up to two travelers on each TA in lieu of an unaccompanied air baggage shipment, which is a total of up to four extra pieces of checked luggage per TA. Employees must verify with the airline whether they will permit excess luggage. Employees should contact their HR technician or email [REDACTED]@state.gov to make the request to amend their TA.

Reminders from MED

The Guangzhou MED unit reminds travelers to bring prescription medication, as well as a supply of over-the-counter medications, when traveling to China. Please call the Guangzhou MED team early if you or your family members have any minor/routine physical health questions:

- MED Duty: [REDACTED]
- (b)(6) [REDACTED]
- (b)(6) [REDACTED]

Emergency Situations: If you have a health situation while in quarantine that requires any kind of emergency response, you need to dial China's equivalent of 911 from your hotel room: 120. That is the emergency number for ambulance response in China. After that, please call Beijing's Duty line, and walk them through the emergency situation – they will facilitate all response from the Shanghai Consulate and/or Guangzhou. Beijing's medical duty line is [REDACTED].

Should you need any emotional support, our RMOP for China is [REDACTED] Email or call him at [REDACTED]@state.gov or [REDACTED] (mobile).

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SUBJECT: Travel Guidance Update

APPROVED:

(b)(6)

Management Officer

This notice supersedes Management Notice No. 29 from April 26, 2021. Please follow all guidance for your specific travel and email [GSO Travel and Visitors Unit](#) with questions.

OUTBOUND TRAVEL CHINA-US

1. COVID-19 Testing: The CDC requires a negative COVID-19 test within 72 hours of arrival into the United States or documentation of recovery from COVID-19. This policy applies to all arrivals into the U.S. from all countries.
<https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-air-travel.html>

Below are some COVID testing options in Shanghai. Please email _____@state.gov with patient's full name, date of birth and cell phone number to set up the appointment.

Shanghai United Family Hospital:

No. 699 Ping Tang Rd, Changning District, Shanghai
every Monday, Wednesday, Friday and Saturday from 8:30 to 16:20
280 RMB/per person
The result can be received the next day before 5:00 pm.

Parkway Health Shanghai Center Clinic:

203-204 West Retail Plaza, Shanghai Center, 1376 Nanjing Xi Rd, Jing'an District, Shanghai
Every Monday to Saturday from 9:30 to 14:15
280 RMB/per person
The result can be received in 24 hours.

2. Additional Requirements: Masks are required on planes, buses, trains, and other forms of

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public transportation traveling into, within, or out of the U.S. and in all transportation stations and airports. Furthermore, all federal buildings in DC fall under the Executive Order mandating mask wearing.

3. Quarantine: Follow local guidelines and check with office contacts in DC to determine expectations prior to starting work at DC-based offices or other locations.
4. Pets: Ensure that all pets are registered with local police authorities and that you have the required paperwork for departure. Many airlines do not allow pets, so options are limited. [GSO Customs & Shipping](#) will help you understand and navigate the process. For cost reasons, we recommend only traveling with pets during PCS travel.

INBOUND TRAVEL US-CHINA

1. Mandatory Notification to Chinese Ministry of Foreign Affairs and Shanghai Foreign Affairs Office: Post must have details for your travel submitted to China MFA and Shanghai FAO at least 10 business days in advance of your arrival. You must submit passport, visa and flight details for all travelers to [Management](#), [GSO Travel and Visitors Unit](#), and [ADS](#). If your flights change, please notify post ASAP as the request to FAO must be updated to match the correct flight information. Overall communication with post should begin as early as possible, but no less than 21 days in advance of your arrival.
2. COVID-19 Testing in US: Prior to arriving in China, all travelers ages 3 and up must complete COVID-19 testing (pharyngeal swab or nasopharyngeal swab and intravenous puncture IgM antibody test) within 48 hours of their flight into Shanghai. Rapid tests, antigens tests, self-sample kits or fingertip blood sampling will not be accepted. Testing must take place in the final city of departure corresponding with the direct flight into Shanghai (e.g. for an itinerary from Washington, D.C. into Shanghai with a stopover in Dallas, the final city of departure is Dallas and testing must take place there). Approved testing sites are discussed in the "Health Declaration Instructions" attachment.
3. Flight Routing: Most itineraries currently include a technical stopover in Seoul. Passengers do not deplane; it is a stop to switch out crew and does not add to the testing requirements. Flight schedules on airline sites are not always accurate. Many airlines have "ghost flights" as fillers in the schedule; these flights are not approved for operation and will eventually be removed from the schedule. The travel contractors know which flights are currently approved. Don't expect to have the same availability when working with the Travel Management Center (TMC) compared to what you might find online.

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4. Letter of Commitment on COVID-19 Vaccination; complete attached letter with vaccination details, if applicable.

5. Vaccinated Travelers:

(1) For passengers who have received inactivated vaccines:

If the nucleic acid test result is negative and the IgM antibody test result is positive due to inoculation of a China-made vaccine, the applicant can apply for the health code following normal procedures. Please download the Statement of COVID-19 Vaccination, fill it out truthfully, sign and upload it together with the "dual-tests" certificates and vaccination certificates through the application website.

(2) For passengers who have received non-inactivated vaccines:

a. Pfizer, Moderna and Johnson & Johnson are all non-inactivated vaccines. The following procedures apply only to passengers who have completed the prescribed number of inoculations.

b. Positive IgM test results may occur after vaccination. In order to distinguish between vaccination and infection, passengers to China who have been inoculated with non-inactivated vaccine are advised to follow the following procedures:

When testing in the designated facilities, fill out the Health Declaration Form truthfully, declare your inoculation, and orally express and present your vaccination certificates to the testing agency staff, and consent that the agency will automatically add the N protein test when your IgM test result comes out positive.

Those who have been inoculated of non-inactivated vaccine and have positive IgM results should submit, in addition to the air ticket or itinerary, the "dual-tests" + N protein test report (which can be displayed in one report), the Statement of COVID-19 Vaccination, together with necessary vaccination certificates when applying for the health code. The certificates should be authentic and include the necessary information to help identify the individual, the type of vaccine and the status of vaccination.

6. Test Results: All testing results must be submitted to the Chinese Embassy or Consulate associated with the testing city. Use the attached "Health Declaration" PDF to navigate the process to get the required green health declaration code. Approved labs are listed by city in the PDF as well.

7. Lab Selection: Travelers schedule their own testing appointments at one of the approved labs.

8. **Funding Official Travel:** Prior to traveling, all travelers on Home Leave or PCS travel should work with their HR tech to get funding for per diem and M&IE for the days at the testing locations. Furthermore, if the quoted airfare for your routing is more than 20% and \$1000 over the allotted amount in your orders, an amendment will be needed to cover the additional funding. If the quoted fare is over the allotted funding, but does not surpass the threshold mentioned above, no amendment is needed.
9. **Changes to Plans:** If anything changes with your flight scheduling or you miss your flight, please let Shanghai Management and the Shanghai GSO Travel and Visitors Unit know immediately as FAO must be notified.
10. **Arrival Process:** Upon arrival in China all travelers will be walked through the processes of testing, customs, immigration, and movement to the designated quarantine location. No arrangements need to be made by the travelers. Travelers should only undergo nasal or throat swab testing during the quarantine timeframe. If you are asked to submit a stool sample or provide an anal swab, refuse and report this to your post.
11. **Special Needs:** If you have special needs related to the quarantine hotel please let Shanghai GSO Travel and Visitors Unit know to see if accommodations can be made. Know that the quarantine protocols are very strict. Requests for joint rooms, family suites, and special diets cannot be met by the quarantine hotel. Adults should expect to quarantine separately. This has only been waived in a situation where one adult had a serious medical condition needing monitoring by another adult. Contact your airline directly for flight arrangements related to medical accommodations.
12. **Funding Official Travel:** All travelers on official travel (Home Leave, PCS, medevac, EVT, and R&R) should request funding for per diem and M&IE related to the quarantine timeline. Funding should also be requested for the testing stopover days in the US. This should be requested by communicating directly with your HR tech for funding in a TMFOUR for Home Leave and PCS or should be included on the Travel Authorization in E2 for other types of travel. If a TMFOUR has already been issued, the orders should be amended to include the funding. E2 Travel Authorizations can also be amended if this funding was not already included.
13. **Funding Personal Travel:** All travelers on personal travel will be responsible for all expenses related to quarantine and testing.
14. **Quarantine Timelines:** Current Shanghai policy is 14 days quarantine with 7 additional days of community monitoring for diplomat travelers, but this policy can change at any time.

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- a. **Hotel and In-Home Quarantine:** Although diplomats have typically been approved for 7 days quarantine in the designated hotel followed by 7 days of in-home quarantine, in-home quarantine is not guaranteed. All diplomats and their family must be prepared to quarantine 14 days in the designated quarantine hotel. Because residential CDC district rules vary, not all residences are approved for in-home quarantine. Travelers should be prepared for 14 days hotel quarantine, though some travelers have had to complete 21 days in central quarantine. Deliveries to the hotel and residences can be received during quarantine and this is an option for travelers who have special dietary needs. Please coordinate with the hotel front desk and your social sponsor to work through the delivery process and funding options.
- b. **Community Monitoring Period:** The additional 7 days of community monitoring will also be completed at home with the expectation that you will not go to crowded spaces, attend school, or participate in work activities. Newly arrived employees will not begin work until after the community monitoring period ends. In-person orientation and onboarding will not occur until after day 21. Additional COVID testing on day 16 and day 21 may also be required. The diplomat's CDC contact while in quarantine will provide information on which hospital to go to for testing on these days.
15. **COVID-19 Testing in China:** all travelers will be tested with a nasal/throat swab upon arrival, at 5-6 days, 12-13 days, day 16 and day 21. Testing negative on each test typically means that travelers will follow the quarantine policy shared above. Testing positive at any time will result in hospitalization and the option to medevac immediately. As stated previously, all tests conducted on travelers should be limited to nasal or throat swabs. Refuse any testing involving anal swabs or stool samples and report this to post.
16. **Leave Status:** if on official travel, all days in quarantine are covered by Weather and Safety Leave.
17. **Flight Arrangements:** travelers may work with Meiya in Shanghai or CWT Sato Travel in DC to make flight arrangements. Please ensure that you have the required stopover for testing in the final US city. The travel contractor may not automatically know that this is required.
18. **Pets:** no pets should arrive with travelers at this time. Instead, all pets should arrive using a pet shipper after the traveler has completed quarantine. This is because all pets will be separated from the travelers for their own quarantine and travelers will not be able to meet the needs of the pet during the quarantine timeframe.

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19. COVID Vaccinations: Mission China has been able to provide vaccines for community members ages 12+, but the supply will expire before summer transfer season ends. Future shipments have not yet been scheduled or announced. All inbound travelers with access to vaccines at another post or in the US should be vaccinated prior to arrival. Travelers who have already been vaccinated at another post or in the US will not have any of the requirements for testing or quarantine waived at this time.

POST-TO-POST TRAVEL

1. Each case will be very individualized. Please work with Shanghai GSO Travel and Visitors Unit to make necessary arrangements.

IN-COUNTRY R&R TRAVEL

1. Cost Construct Cap: All R&R travel is subject to the cost construct cap of \$1800. Travelers may visit multiple cities and business class travel is authorized. For cruise travel, the cost of the most economical air fare matching the cruise route may be authorized.
2. Medium/High-Risk Areas: Check reputable sources regularly for updates on areas to avoid during travel. If you are in an area with a sudden outbreak that requires quarantine, this may be covered by Weather and Safety Leave.

PERSONAL TRAVEL

1. Within China: Travel within China should follow guidance from the Mission China EAC. Current travel guidelines recommend avoiding all medium- and high-risk areas.
2. Outside China: Travelers on personal travel are responsible for all quarantine expenses and must use personal leave for all quarantine, expected or not. Rules and regulations are constantly changing, and travelers could become stranded in another location for extended periods without financial support to cover expenses and needing to use LWOP if the situation cannot be resolved before annual leave is exhausted.

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SENSITIVE BUT UNCLASSIFIED

Sender: (b)(6) ██████████@state.gov;
(b)(6) ██████████@state.gov;
Recipient: (b)(6) ██████████@state.gov;
(b)(6) ██████████@state.gov;
(b)(6) ██████████@state.gov;

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Mission China Shanghai Travel to China Checklist UNCLASSIFIED	
SUMMARY: <ul style="list-style-type: none"> • Travel Orders, eCC, Passport, Visa • Fly to departure city for NAT & IgM test • HDC code green prior to China flight • NATs on Day 1, 6, 13, 20 • 14+7 quarantine policy: <ul style="list-style-type: none"> -7 days hotel quarantine -7 days home quarantine (or hotel, if residence not approved), for 14 full quarantine days -7 days community monitoring 	RULES BEHIND THE PROCEDURES: <ul style="list-style-type: none"> • Must do pre-flight tests (NAT & IgM) in/near the city from which flight to China departs, no more than 48 hours before departure. Must report results to Chinese embassy/consulate prior to flight using MFA webform. • Two-week quarantine in the arrival city (Shanghai-bound 7 days hotel, 7 days home). Additional 7 days Shanghai community monitoring. • U.S. Embassy/Consulate must send Diplomatic Note to MFA and FAD 10+ business days in advance of your flight to China with full passport, visa, and flight details. • No airline authorized to operate direct flights from the U.S. to Beijing, Wuhan, or Shenyang. No direct flights from Washington DC to China.

Advance Planning: 4 to 6+ weeks in advance of departure

- If TDY, submit eCC (country clearance authorization request) to Post well in advance.
- Send email to ShanghaiGSOTravelVisitorsUnit@state.gov to request up-to-date info on travel procedures, how-to guidance, and to provide travelers' biodata needed for GSO to officially notify MFA of arrival plan (by Diplomatic Note).
- Set up WeChat account, if possible, and share your account name with GSO, CLO and your sponsors.
- Obtain "W" (diplomatic visa) for China. With few exceptions, China is not currently issuing other visa types.
- All visa applicants must visit SIA's official website for application instructions. The website is very informative and constantly updated.
- <https://travel.state.gov/content/special-issuance-agency-home/en/special-issuance-agency/official-diplomatic-visa-information/china.html>
- If you have specific questions that need to be individually addressed, you may contact SIA at ca-ppt-sia-visa-unit@state.gov.
- Though China has suspended the entry into China by foreign nationals holding visas or residence permits since March 26, 2020, entry with diplomatic, service, courtesy or C visas will not be affected. Also, entry by foreign nationals with visas issued after this announcement will not be affected. See more details through https://www.fmprc.gov.cn/mfa_eng/wjbxw/t1761867.shtml. Please explain this to the airlines check-in staff if you're rejected to check-in because your visas were issued before March 26, 2020.
- For PCS, check Travel Orders (TM4 or "Post Assignment Travel Authorization" for State Dept) to ensure there is budget for 2 or 3 days of hotel/M&IE in U.S. departure city for COVID testing, 2 or 3 weeks of quarantine hotel/M&IE in arrival city, and that there is sufficient funding for air travel (from origin point to departure/testing city to arrival city to post). Airfare budget per person should be \$7,000 (minimum); subject to change).
- Notify your CDO, Shanghai HR, CLO, and GSO of any changes to your arrival date and travel plan. [Note: GSO must notify MFA and FAO if your arrival date deviates from that provided in the original Diplomatic Note.]

Pre-Departure Preparation: 1-2 weeks in advance of travel

- 10 Business Days:** finalized flights, visa and passport information must be submitted to Shanghai GSO, and Management to notify MFA and FAO.
- Check with Consulate's GSO TVU team for process updates and confirm readiness to travel.

Last updated 5/28/2021

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- Schedule PCR NAT and IgM tests in departure city at testing site approved by PRC (lists on PRC embassy/consulate website). "UNCLASSIFIED" Page 10 of 12
- Print key guidance to carry including HDC form assistance POCs and key U.S. Embassy/Consulate POCs.
- If COVID vaccinated, ensure you have physical copies of the vaccine certificate and related documentation.

Testing and Boarding: 48 hours prior to boarding the plane at the departure city for a direct flight to China

- Complete RT PQR NAT and IgM COVID tests at departure city.
- Submit test results and other documents via HDC application for PRC embassy/consulate review.
 - o See 6-page HDC Instruction guide if you need help.
- At airport check-in, green HDC code required to check in and board. Complete online China Customs form.

Arrival in China

- Day 1 COVID test (NAT) at airport; transport (arranged by local officials) to quarantine hotel for 7 days.
- Day 6 COVID test at quarantine hotel before being moved to in-home quarantine.
- Day 13 COVID test at home (or hotel if home quarantine was not approved).
- Day 14/15, release from quarantine
- Days 15-21 community health monitoring, no work or school permitted

Other Notes	- If a traveler tests positive for COVID in China, s/he will be moved to a hospital. Medevac may be arranged following consultation with Post's Health Unit and MED (State Department's Bureau of Medical Services) and/or your agency. - If you report a previous case of Covid, the airport authorities will divert you to the hospital instead of the hotel. Ask to be moved to the hotel to await your results and notify post immediately so that we can intervene in the movement to the hospital, if possible. - Quarantine hotel deliveries may be very limited. This is controlled by Chinese CDC. Please pack accordingly.
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Emergency Contact Information

(use +01186 instead of +86 if dialing from a U.S. phone) ('21' is city code for Shanghai)

Travel Management Centers	
CWT Sato Travel DC DOSTA@owtsatotravel.com 1-866-654-5593	Meiya Travel Agency Meiya Shanghai: consulatesha@meiya.com +86 21 8011-2311 Meiya After-hours Hotline (both Chinese and English): From within China: 4008-272761 From outside China: +86 159-1070-0558
U.S. Consulate General Shanghai	
ConGen Shanghai Switchboard	
ConGen Shanghai Health Unit	(during normal office hours) or
	@state.gov
ConGen Shanghai Med Duty Cell	after hours cell phone)
State Department's China Desk (EAP/CM) Bilateral Affairs Unit	
China Desk (EAP/CM)	@state.gov
EAP/EX	@state.gov

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Suggested Packing List

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- Re-usable plates, bowls, cups and cutlery – you may only receive chopsticks and a spoon for each meal at the quarantine hotel; bring lightweight cutlery to re-use
- Condiments to spice up your meals – salt and pepper, hot sauce, soy sauce, mustard
- Beverages other than water – coffee, tea, soda, other
 - Instant coffee, pour-over coffee, travel coffee press & ground coffee, sugar & creamer
- Food – especially if you have dietary restrictions or picky eaters
 - Popular choices: granola bars, chocolate, dried fruit, nuts, jerky, peanut butter, Nutella, instant noodles, crackers, tuna/chicken packets, fruit snacks,
- First Aid Kit – chronic/routine medications, digital thermometer, melatonin, Benadryl, Imodium, vitamins, etc.
- Cleaning supplies – cleaning wipes, dishwashing liquid, laundry detergent (no laundry service)
- Exercise Equipment – resistance bands, yoga mat, downloaded exercise videos, jump rope
- Entertainment – HDMI cable, laptop/tablet with downloaded movies/TV shows, Kindle/books, hobbies, puzzles, Chinese study materials
- Electronics – Phone pre-loaded with WeChat, international/China SIM, downloaded VPN(s), non-Gmail email account (in case VPN doesn't work or set up email forwarding to a non-Gmail account), chargers, plug adapters, translation apps
 - Chinese SIM cards are available for purchase via Amazon
- Kid Stuff – toys, diapers, kid-friendly food (applesauce, cereal, fruit snacks, etc.)
- Contact information – supervisor, office and social sponsor, travel tech, CDO, travel agency, etc.

Shanghai Airport Arrival Process

- Starting April 1st, all in-bound passengers will deplane as regular travelers. Airport staff will direct diplomatic arrivals to shuttles to the quarantine location for diplomats (Wyndham Hotel). Look for someone with a placard with your name right when you deplane.
- The quarantine hotel in Shanghai for diplomats is Wyndham Grand Plaza Royale Oriental Shanghai (上海兴莱温德姆至尊豪华酒店 Shanghai Xingfeng Wendemu Zhizun Haoting Jiudian). Please double check before you get on the shuttle - Address below.
- Note: Anyone who has not been properly notified to Shanghai FAO by Diplomatic Note in advance will be directed to a district-based quarantine location. So please do contact Post in advance with your travel schedule.

Quarantine Hotel Information

1. Hotel Name in English: Wyndham Grand Plaza Royale Oriental Shanghai
in Chinese: 上海兴莱温德姆至尊豪华酒店
in Pinyin: Shanghai Xingfeng Wendemu Zhizun Haoting Jiudian
 2. Hotel Address in English: No. 2288 Pudong Ave, Pudong Xinqu, Shanghai.
in Chinese: 上海市浦东新区浦东大道 2288 号
in Pinyin: Shanghai Shi Pudong Xinqu Pudong Dadao 2288 Hao
 3. Hotel phone number: 021-5852-6666
- Room rate is RMB 350 per night and base meal cost is RMB 100 per day. You will pay your total charges at check-out. Be prepared with more than one credit card or even more than one type of credit card (example: a Visa card and a MasterCard, etc.) in case your WeChat Wallet and/or Alipay do not cooperate. Quarantine hotel deliveries may be very limited - this is controlled by Chinese CDC. Please pack accordingly.
 - Shanghai FAO does not permit adults to quarantine together.
 - If families have 2 parents, parents will be separated; families can divide up the kids as they see fit: 1 kid with each parent, 2 kids with one parent, etc. Please let GSO know in advance of any special considerations. Children ages 15+ will be separated from parents for hotel quarantine.
 - No adjoining/connecting rooms available at Wyndham Hotel.

Last updated 5/28/2021

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- At check-in, fill in all required information truthfully under the instruction of the staff.
- Do not leave your room once you are checked in. All activities and stays in the Room are monitored by CCTV cameras 24/7.
- Kuaidi deliveries (online shopping delivery like Taobao or Jingdong) and packages from your family are generally allowed. The hotel will only deliver packages to your room once every day, normally at 17:00. Please have your full name and room number marked on your packages. For all delivery requests, please work with your sponsor.
- Wal-mal (restaurant delivery like Shermas, Eleme, Meituan, JSS) food deliveries, freshly prepared food, alcohol, cigarettes, flammables, explosives, and high-power electrical appliances are generally not allowed. (Only factory-sealed/packaged items allowed.) The hotel will sanitize all the delivered items by spraying disinfectant. Travelers will take full responsibility for anything delivered from outside by signing a waiver upon check-in.
- Bottled water is not free. You may call the Front Desk to buy water - 1 case (24 bottles) costs 36 RMB (\$5.50 USD). You will be charged at check-out.
- Cleaning service/housekeeping is not available. You may call the Front Desk to request clean towels and bedding to your door every 3 days. After you change the linens yourself, you can place the used ones outside the door.
- Medical staff will visit your room at 09:00 and 14:00 daily to take your temperature. Please be prepared at the specified time. We recommend bringing your own digital thermometer for ease of use.
- Hotel staff will inform you about the exact check-out time the day before your quarantine ends. You will get a phone call reminder again about 30 minutes before your check-out time. Please pack your personal belongings and follow the instructions of the hotel staff to go through check-out procedures.
- If you choose the Chinese-style meal at check-in, this selection will be the default for the entire 14 days. Conversely, you will also be able to order from Western-style and Muslim-style menus (price varies by dish and you will be charged at check-out).
- To access the hotel's Wi-Fi, you can have a confirmation code sent to a Chinese mobile phone number. If you don't have a Chinese phone number, it should also be possible to use the hotel room number, if entered exactly, to access hotel Wi-Fi. Just in case, consider bringing an alternative to hotel Wi-Fi like a Google Fi SIM (activated while in USA) or a T-Mobile SIM with international data plan.

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FOLLOW-UP QUESTIONS FOR
ROBERT FORDEN, NOMINEE TO BE
US AMBASSADOR TO CAMBODIA

Submitted by Sen. James Risch

Senate Foreign Relations Committee (Minority Staff)

July 17, 2023

1. When you signed off on the September 11, 2020 cable (MRN: 20 BEIJING 1690) requesting an exception to Department policy and limited waivers of personal inviolability for Mission personnel and their family members, did you know that the Mission sections responsible for the health and safety of Mission personnel (MED, RSO, GSO) had never actually visited and assessed any of the PRC fever hospitals?

I arrived at US Mission Beijing on July 18, 2018, to assume the position and duties of Deputy Chief of Mission. I departed post on medical evacuation to the U.S. on October 4, 2019, and resumed my duties in Beijing on July 4, 2020. Upon the departure of Ambassador Branstad on October 4, 2020, I became Chargé d'Affaires. I departed Post and that position on July 15, 2021.

During my tenure, nothing was a higher priority for me than the health, safety, and security of the more than 2,800 employees in Mission China, including our Embassy in Beijing and five consulates. This was an enormously challenging period which saw the rapidly emerging and changing COVID pandemic sweep across the world, sporadic outbreaks within China, the evacuation to the U.S. of 2/3 of Mission China's staffing and nearly all family members in Winter 2020, the return to China in Summer/Fall 2020 of many of those staff and families, and the sudden closure and evacuation of our Consulate in Chengdu in August 2020.

During my tenure no US Direct Hire (USDH) personnel nor Eligible Family Members (EFMs) in China contracted COVID, nor were any involuntarily admitted or confined to a local hospital for COVID-related reasons.

In 20 Beijing 1690 (September 11, 2020) Post reiterated China's mandatory COVID protocols for those entering the country and the Mission's mitigation measures which the Department had already approved for the first ten charter flights and requested the Department's approval to continue this approach with commercial flights as well. The

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cable did not request any limited waiver that would allow China, under the protocols in place, to involuntarily hospitalize Mission personnel.

At the time 20 Beijing 1690 requested permission to utilize commercial flights in addition to charter flights, the Mission had already successfully returned more than 1,000 U.S. Direct Hire (USDH) staff and eligible family members (EFMs) to China via ten charter flights, complying with the Department's guidance to narrowly allow only nasal/throat swab COVID tests upon entry and during any quarantine. In 20 Beijing 1690, Mission China requested that, in addition to continuing charter flights, it be permitted to use commercial flights that had restarted and became available, so we could provide greater flexibility for incoming USDH staff and EFMs. Many incoming USDH staff and EFMs had complained of the difficulties of having to fly to Washington to test and wait for the small number of Department-arranged charter flights. Others needed to transfer to China at times when there were only a handful of staff traveling to China, making a charter flight unfeasible. 20 Beijing 1690 sought to add a more flexible option of utilizing commercial flights.

At that time, conditions in China's hospitals that were designated to treat COVID patients were not a material or critical issue as to Mission personnel as we maintained the ability and the policy to seek medical evacuation (MEDEVAC) out of China should any USDH staff/EFM test positive for COVID. This was the practice throughout my tenure in Beijing until I departed post on July 15, 2021. During that time, we had a small number of USDH staff/EFMs test positive for COVID upon arrival in China via charter aircraft and all of them were removed immediately from China on the MED charter flight upon which they arrived. For those arriving on commercial air, the Department ensured a MEDEVAC charter aircraft was available outside China at the time of their arrival in China so the aircraft could provide MEDEVAC should a USDH staff member or EFM need it, but there were no such cases during my tenure. To the best of my recollection, no USDH staff/EFMs already residing/posted in China during my tenure tested positive for COVID or were admitted to Chinese hospitals for COVID-related reasons.

· Were you aware that MED never actually visited the hospitals in order to certify the safety of the facilities their procedures?

As noted in the answer to the first question, during my tenure in US Mission Beijing we did not allow any USDH Mission personnel nor EFMs to be admitted to a Chinese hospital for COVID-related treatment.

· In the context of our discussion on COVID, you stated in your interview with SFRC staff, you discussed the RMO visited medical facilities in the PRC. Do you

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**recall when these visits took place and what the purposes of the visits were?
Were these visits documented?**

On June 12, 2020, our RMO and our Health Unit Local Physician toured Ditan Hospital, the sole hospital in Beijing designated to treat COVID patients. Their 75-minute visit included a briefing by the hospital of their procedures in dealing with COVID patients and a tour of some of the facility, but hospital protocols did not allow them to physically tour the rooms for COVID patients. The purpose of the visit was to assess the procedures and conditions of the hospital. The visit was documented in an internal memo. After I returned to my duties in China on July 5, 2020, I discussed this visit with our then-RMO.

We had a new RMO arrive in August 2020, and she also visited Ditan Hospital in Beijing in the early Fall of 2020 and toured its emergency facilities and the outside of the COVID ward space. But hospital protocols at that time prohibited visitors from entering the COVID hospital rooms.

During the summer of 2020, I had discussions with our RMO, CDC and HHS doctors about conditions in China's healthcare facilities in general, including testing and treatment centers for COVID. My understanding from these medical experts and public health personnel was that the conditions varied from region to region and depended heavily on the number of patients present at any given moment.

To reiterate, during my tenure, we did not permit any USDH staff or EFMs who tested positive for COVID to be admitted to a local hospital for treatment and instead removed them to the United States.

· Did the RMO warn you in January 2020 that the PRC fever hospitals represented a health and safety risk?

I was away from post on MEDEVAC beginning in October 2019 and did not return to my duties in Beijing until July 4, 2020, and received no such warning.

· If you were aware of these details, why did you sign off on a cable that claimed "Mission China will only authorize personnel to fly into cities where MED assesses the quality and safety of evaluation and treatment in facilities used for individuals who test positive are adequate for our personnel?"

Our medical staff in Beijing cleared this cable and I relied on their judgment. As mentioned previously, we did not have any reason at that time to believe that China's hospitals posed an operational risk to our USDH staff/EFMs given that we maintained our ability to immediately seek MEDEVAC of any USDH staff/EFMs who tested

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positive for COVID or needed other urgent medical care, whether the individual was in quarantine at USG-provided residences, testing and observation in hospitals or while staying in quarantine hotels.

· Do you believe the PRC's COVID evaluation and treatment facilities and procedures were adequate or acceptable for Mission China personnel?

Given the fact that during my entire tenure we could and did remove from China any USDH staff or EFM who tested and were confirmed positive, I was confident that we could maintain the safety of our staff. My top priority throughout this period was to ensure that we kept our staff safe and minimized the risk of exposure to COVID. I worked with my team every day to review and assess the ever-changing situation in China with respect to COVID and China's public health response and ensure that our approach minimized risk to our staff. Our cross-Mission task force, led by two of my most senior staff and including many dozens of staff across the Mission, worked day and night throughout this period to arrange, implement, monitor, and problem-solve, every step we took to bring staff back to China. I remained available to my staff 24-hours a day to address as needed any issues that emerged and to suspend the return of staff to China should the situation change in ways that risked their safety or security.

· If you were not aware, do you believe that you were misled by the personnel who reported to you? Why did you not perform any due diligence that would have revealed this information? When you did learn these details, what actions did you take?

I do not believe I was misled regarding the conditions in hospitals. I believe our medical staff and the Department's MED Bureau provided the best possible assessments, given the rapidly changing situation and imperfect information we had. As for due diligence, we did everything we could to assess and report on the COVID outbreak in China, China's public health response, and the risks our staff faced in returning to China. We did everything we could to mitigate risks to our returning staff, including having a senior-led task force dedicated to addressing any issues for those returning and in quarantine and ensuring throughout my tenure that we maintained the ability to remove from China any USDH staff/EFMs who tested and were confirmed positive, which we did. The actually meaningful and critical due diligence and action was that which we did to ensure we could promptly evacuate out of China any US personnel affected by COVID.

2. According to MRN: 20 STATE 92790, "Post should inform the Department via front channel cable if the conditions or post's recommendation changes." The conditions reportedly changed a lot during your tenure as part of Mission China's leadership team, yet there do not appear to be any front channel cables

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documenting those changes. For example, the Mission reportedly went from two Covid tests authorized in the 2020 cable for entry into the country to six or seven tests. In addition, the hotel quarantine time reportedly went from 14 days allowed in the 2020 cable to 22 days with no apparent authorization from the State Department. Furthermore, the testing protocol reportedly went from simple nasal swabs to blood antigen tests. It was these tests that sparked concerns, which are still unresolved, about DNA data being misappropriated by the PRC.

· Why did the Mission under your leadership fail to follow Department guidance under State cable (MRN: 20 STATE 92790)?

As noted in our cable (20 Beijing 1690) to the Department, the testing and quarantine requirements for entry into China that we described were those currently in effect at that time. The number of throat/nasal swab tests and length of time in and location of quarantine sometimes varied depending on local Chinese health authorities, local outbreaks, or other shifts in China's assessment of the risk of COVID spread. China's protocols for arrival testing and quarantine did not fundamentally change during my tenure – one or more throat or nasal swab tests were required upon arrival and during the quarantine period and the quarantine period ranged from 1-3 weeks and could be completed at designated commercial hotels or residences depending on local conditions. More importantly, throughout my tenure our ability to promptly evacuate USDH personnel and EFMs prior to any attempt at forced admission to a local hospital was maintained without fail.

As for blood tests, at no point during my tenure did we authorize USDH personnel or EFMs to submit to Chinese government-mandated blood tests in China.

· Why was there no front channel cable noting changes by the PRC to their testing and quarantine requirements?

Variations in the testing and quarantine requirements upon entry to China were notified to the Department immediately via official emails and discussed during regular conference calls. As the pandemic evolved, China and the rest of the world's public health responses to it adapted, we learned more from the experiences of each flight that arrived with USDH staff/EFMs, and we were consulting the Department and making adjustments round the clock. My team had almost daily emails, phone calls throughout the night, and weekly conference calls with the Department to discuss conditions and experiences with the arrivals of staff/EFMs, testing, and quarantine protocols.

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Critically, these updates were also notified to all USDH staff/EFMs in pre-departure briefings so that all travelers would know what to expect and could opt out of returning to China or accepting new assignments in China if they desired.

Since China's fundamental requirements for entry into the country – one or more throat or nasal swab tests at the port of entry and during the 1-3 week quarantine period, and post's recommendation in 20 Beijing 1690 that commercial flights be utilized in addition to charters, did not change during my tenure, the Department did not require us to submit a front-channel cable to renew its approval for us to utilize commercial carriers.

· Why was the Mission allowing its personnel to be subjected to these violations of their privileges and immunities without a valid waiver from the Undersecretary for Management? (To SFRC's best knowledge, the second waiver of privileges and immunities was not granted until April 2022.)

During my tenure at post, we authorized USDH staff and EFMs to submit only to Chinese government testing and quarantine requirements that were consistent with the Department's instructions for a limited waiver of diplomatic inviolability. As mentioned above, per guidance from the Department we allowed arriving USDH personnel and EFMs to submit to one or more throat or nasal swab tests as a condition of entry into the country and to be allowed to complete a quarantine period. We did not authorize USDH staff or EFMs to submit to any other mandatory measures in China.

3. How many diplomats and their family members were placed into fever hospitals under your leadership? In your previous SFRC staff meeting, you claimed no one had been placed into a fever hospital. Do you stand by that claim or would you like to revise it?

None. In every case in which a USDH or EFM was confirmed positive for COVID during my tenure, they were removed from China on a MED charter aircraft. Moreover, there were no cases of COVID among our USDH staff or EFMs already residing/posted in China during my tenure.

4. How many sought MEDEVAC but were denied because the State Department did not want to pay the cost even though the September 18, 2020 cable assured that everyone at the Mission would have the right to MEDEVAC if they wanted to avoid the PRC fever hospitals? (See MRN: 20 STATE 92790)

None to my knowledge.

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5. Did you or anyone else on your management team tell personnel who did not want their privileges and immunities waived that their only option was to curtail? Does this account for the significant reduction in Mission staffing, including during your tenure as DCM and Acting COM, or are there other reasons as well? Do you believe this situation reflects well on post leadership?

Neither I nor, as far as I am aware, any of my management team told personnel in China that they must curtail if they did not want to comply with the health protocols of China for the narrow purpose of allowing COVID nasal/throat swabs upon entry into China and during the quarantine process.

USDH staff and EFMs outside the country who were incoming staff or preparing to return to post were informed by the Department and in Mission pre-briefings for returning and new personnel that China required the COVID nasal or throat swabs as a condition of entry into the country and, despite our strong and on-going efforts to get China to waive that requirement for diplomats and their families, it was unclear if or when that would change. There was no way for any USDH staff or EFMs to enter China without submitting to these tests and quarantine measures. USDH staff and EFMs were advised that if they or their family members were uncomfortable with, or believed they could not comply with, China's arrival testing and quarantine requirements, they had the option to seek a curtailment or cancellation of their assignment and seek a reassignment elsewhere. During that period, the Department had a policy that anyone who did decide to curtail or cancel an assignment for those reasons would be automatically approved for transfer without prejudice and would be reassigned.

After COVID became a pandemic, including in China, we did have some personnel request curtailment or to cancel their upcoming assignments. The numbers of curtailments were minimal, but I believe those who cancelled upcoming assignments were more. I never heard anyone cite the narrow need for nasal swab testing as a reason for seeking curtailment or cancellation of assignment. The top reasons I heard were concerns about children's schooling (the international schools in China were operating with part or full-time tele-schooling); concerns about the COVID situation in China in general and worries about family members contracting COVID and facing uncertain healthcare conditions in China; and, concerns that the lengthy testing and quarantine process to enter China would make it difficult for personnel assigned to China to depart and return to the country for vacations or to visit family in the U.S.

Ambassador Branstad and I (and our spouses) were keenly aware of the unpleasantness of China's COVID testing and quarantine requirements for entry into the country. We both travelled out of the country and returned (Ambassador Branstad in August 2020 via a charter with other staff, and I in June 2020 and March/April

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2021 via commercial flights), complying with China's requirements in effect at the time.

6. While you were COM, why did the U.S. government and the leadership of the Mission in China not push back against the PRC's requirements, including those that are exceeded what was agreed to in September 2020, and refuse to comply, and instead demand that the PRC live up to their agreements in the Vienna Convention on diplomatic privileges and immunities and the original understanding reached in September 2020.

During my tenure in Beijing as CDA, we did push back regularly and forcefully against China's testing and quarantine requirements, demanding that China waive them for diplomats and family members, citing both the Vienna Convention and internationally recognized medical views that such procedures were unnecessary. We did this in regular interactions with the Ministry of Foreign Affairs (MFA), in nearly every diplomatic note we submitted to the MFA regarding arrivals of our staff and EFMs into China, with Chinese health authorities, and by working to build pressure on China with like-minded third country embassies.

Whenever we encountered a situation in which China's testing and quarantine requirements were applied by a local health authority in ways different than those described to us by the MFA, we immediately protested and, in most cases, were able to quickly, with MFA assistance, get local authorities to back down. In cases where we encountered resistance, we stopped arranging incoming USDH staff and EFMs to that port of entry until we were able to negotiate with the local health authority commitments to follow the appropriate procedures.

Ultimately, two successive Administrations had to decide, strategically, whether to minimize risks to our personnel from Chinese mandatory entry requirements to the fullest extent possible, which was done, or close the Mission at a critical time for US national security. My team did all it could and was highly effective in reducing risks to our personnel and China's required COVID protocols to the bare minimum and getting anyone who wanted out of China, out of China.

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From: (b)(6) <[redacted]@state.gov>
 To: (b)(6) <[redacted]@state.gov>
 CC: (b)(6) <[redacted]@gmail.com>
 Subject: FW: SH Management Notice No.15: Travel Policies
 Date: Tue, 13 Apr 2021

Here is the latest guidance from Shanghai on what to expect for travel and quarantine...

SENSITIVE BUT UNCLASSIFIED

From: Shanghai, MGT <[redacted]@state.gov>
 Sent: Sunday, March 21, 2021
 To: Shanghai All Consulate <[redacted]@state.gov>
 Subject: RE: SH Management Notice No.15: Travel Policies

Dear colleagues,
In addition to SH Management Notice No. 15, please refer the attachment for Health Declaration Instructions.

Thank you very much.
Management

SENSITIVE BUT UNCLASSIFIED

From: Shanghai, MGT
 Sent: Friday, March 19, 2021
 To: Shanghai All Consulate <[redacted]@state.gov>
 Subject: SH Management Notice No.15: Travel Policies



TO:	All Consulate	DATE:	March 19, 2021
		NO.:	15
SUBJECT:	Travel Policies	APPROVED:	(b)(6) Management Officer

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These are the current travel policies and regulations. Please follow all guidance for your specific travel and check with Shanghai GSO Travel and Visas Unit for any changes or updates as things are constantly changing.

OUTBOUND TRAVEL CHINA-US

1. COVID-19 Testing: The CDC requires a negative COVID-19 test within 72 hours of arrival into the United States or documentation of recovery from COVID-19. This policy applies to all arrivals into the US from all countries.
<https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-air-travel.html>

Testing options in Shanghai – work with MED to set up an appointment

Shanghai United Family Hospital:	Address: No. 699 Ping Tang Rd, Chengning District, Shanghai every Monday, Wednesday, Friday, and Saturday from 8:30 to 16:20 280 RMB/per person The result can be received the next day before 5:00 pm.
Sino United Shanghai Center Clinic	Address: No. 1376 West Nanjing Rd, West Tower, 6 Floor Suite 601, Jing'an District, Shanghai Every Monday to Saturday from 9:00 to 11:50 240 RMB/per person The result can be received the next day around 12:00.

2. Additional Requirements: Masks are required on planes, buses, trains, and other forms of public transportation traveling into, within, or out of the United States and in all transportation stations and airports. Furthermore, all federal buildings in DC fall under the Executive Order mandating mask wearing.
3. Quarantine: follow local guidelines, check with office contacts in DC to determine expectations prior to starting work at DC-based offices or other locations.
4. Pets: ensure that all pets are registered and that you have the required paperwork for departure. Flight routes are restricted for those traveling with pets due to some airlines not allowing pets. [GSO Customs & Shipping](#) will help you understand and navigate the process.

INBOUND TRAVEL US-CHINA

1. Flight Routing: Most itineraries currently include a technical stopover in Seoul. Passengers do not deplane; it is a stop to switch out crew and does not add to the testing requirements. Flight schedules on airline sites are not always accurate. Many airlines have "ghost flights" as fillers in the schedule; these flights are not approved for operation and will eventually be removed from the schedule. The travel contractors know which flights are currently approved. Don't expect to have the same availability when working with the Travel Management Center (TMC) compared to what you might find online.

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2. COVID-19 Testing in US: Prior to arriving in China, all travelers must complete COVID-19 testing (nasal swab and antibody test) within 48 hours of their flight into Shanghai. Testing must take place in the final city of departure corresponding with the direct flight into Shanghai (e.g. for an itinerary from Washington, D.C. into Shanghai with a stopover in Dallas, the final city of departure is Dallas and testing must take place there).
3. Test Results: All testing results must be submitted to the affiliated Chinese Embassy or Consulate of the testing city. Use the attached "Health Declaration Instructions" PDF to navigate the process to get the required green health declaration code. Approved labs are listed by city in the PDF as well.
4. Lab Selection: Travelers schedule their own testing appointments at one of the approved labs.
5. Funding Official Travel: Prior to traveling, all travelers on Home Leave or PCS travel should work with their HR tech to get funding for per diem and M&IE for the days at the testing locations. Furthermore, if the quoted airfare for your routing is more than 20% and \$1000 over the allotted amount in your orders, an amendment will be needed to cover the additional funding. If the quoted fare is over the allotted funding, but does not surpass the threshold mentioned above, no amendment is needed.
6. Changes to Plans: If anything changes with your flight scheduling or you miss your flight, please let Shanghai Management and the Shanghai GSO Travel and Visitors Unit know immediately as FAO must be notified.
7. Arrival Process: Upon arrival in China all travelers will be walked through the processes of testing, customs, immigration, and movement to the designated quarantine location. No arrangements need to be made by the travelers. Travelers should only undergo nasal or throat swab testing during the quarantine timeframe. If you are asked to submit a stool sample or provide an anal swab, refuse and report this to your post.
8. Special Needs: If you have special needs related to the quarantine hotel please let Shanghai GSO Travel and Visitors Unit know to see if accommodations can be made. Know that the quarantine protocols are very strict. Requests for joint rooms, family suites, and special diets cannot be met by the quarantine hotel. Adults should expect to quarantine separately. This has only been waived in a situation where one adult had a serious medical condition needing monitoring by another adult. Contact your airline directly for flight arrangements related to medical accommodations.
9. Funding Official Travel: All travelers on official travel (Home Leave, PCS, medevac, EVT, and R&R) should request funding for per diem and M&IE related to the quarantine timeline. Funding should also be requested for the testing stopover days in the US. This should be requested by communicating directly with your HR tech for funding in a TMFOUR for Home Leave and PCS or should be included on the Travel Authorization in E2 for other types of travel. If a TMFOUR has already been issued, the orders should be amended to include the funding. E2 Travel Authorizations can also be amended if this funding was not already included.
10. Funding Personal Travel: All travelers on personal travel will be responsible for all expenses

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related to quarantine and testing.

11. Quarantine Timelines: current Shanghai policy is 7 days central quarantine followed by 7 days home quarantine (7+7) for diplomat travelers, but this policy can change at any time. Travelers should be prepared for 14 days quarantine, though some travelers have had to complete 21 days in central quarantine. Deliveries can be received during quarantine and this is an option for travelers who have special dietary needs.
12. COVID-19 Testing in China: all travelers will be tested with a nasal/throat swab upon arrival, at 5-6 days, and again at 12-13 days. Testing negative on each test typically means that travelers will follow the 7+7 quarantine policy shared above. Testing positive at any time will result in hospitalization and the option to medevac immediately. As stated previously, all tests conducted on travelers should be limited to nasal or throat swabs. Refuse any testing involving anal swabs or stool samples and report this to post.
13. Leave Status: if on official travel, all days in quarantine are covered by Weather and Safety Leave.
14. Communication with Post: please communicate with post as early as possible, but no less than 21 days in advance, to give enough time for FAO notifications and approvals to be completed. Send emails to [Shanghai Management](#) and the [Shanghai GSO Travel and Visitors Unit](#) with expected arrival date to start the process.
15. Flight Arrangements: travelers may work with [Meiya](#) in Shanghai or CWT SatoTravel in DC to make flight arrangements. Please ensure that you have the required stopover for testing in the final US city. The travel contractor may not automatically know that this is required.
16. Pets: no pets should arrive with travelers at this time. Instead, all pets should arrive using a pet shipper after the traveler has completed quarantine. This is because all pets will be separated from the travelers for their own quarantine and travelers will not be able to meet the needs of the pet during the quarantine timeframe.
17. COVID Vaccinations: Mission China does not currently have a timeframe for administration of vaccines. Travelers who have already been vaccinated at another post or in the US will not have any of the requirements for testing or quarantine waived at this time.

POST-TO-POST TRAVEL

1. Each case will be very individualized. Please work with [Shanghai GSO Travel and Visitors Unit](#) to make necessary arrangements.

IN-COUNTRY R&R TRAVEL

1. Cost Construct Cap: All R&R travel conducted in China will be subjected to the cost construct cap of \$1800. Travelers may visit multiple cities and business class travel is authorized. For cruise travel, the cost of the most economical air fare matching the cruise route may be

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authorized.

2. Medium/High-Risk Areas: Check reputable sources regularly for updates on areas to avoid during travel. If you are in an area with a sudden outbreak that requires quarantine, this may be covered by Weather and Safety Leave.

PERSONAL TRAVEL

1. Within China: travel within China should follow guidance from the Mission China EAC. Current travel guidelines recommend avoiding all medium- and high-risk areas.
2. Outside China: It is not currently advisable to travel outside China on personal travel as the traveler will be responsible for all quarantine expenses and personal leave will be required for any quarantine situation that arises, expected or not. Additionally, rules and regulations are constantly changing, and travelers could become stranded in another location without financial support to cover expenses and the need to use LWOP if the situation cannot be resolved before annual leave is exhausted.

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Sender: [REDACTED]@state.gov>
Recipient: [REDACTED]@gmail.com>
[REDACTED]@gmail.com>

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Get to Green

Chinese Health Declaration Certificate Website: How-To Guide

Overview:

This guide is intended to help U.S. government employees and their families who are travelling to the People's Republic of China (PRC) on official orders.

Before boarding a flight to the PRC, the PRC government requires that all passengers age three and above must first get a Health Declaration Certificate/Code (HDC) via the following PRC Ministry of Foreign Affairs website: <https://hrhk.cs.mfa.gov.cn/H5/>. The information you submit will be reviewed by the Chinese embassy or consulate whose district includes your testing location. Upon approval, you should receive a green QR code with "HDC" symbol. Passengers must present the code (electronic or printed) to airline staff during flight check-in and/or boarding. If you need urgent assistance (still no green code and time is running out), you may request help from the State Department's China Desk; contact info at the end of these instructions.

Approved Labs:

As of December 23, 2020, the PRC only accepts lab results from certain labs listed on the corresponding Chinese embassy or consulate's web site. Below are links to the lists, prepared by the PRC embassy and its consulates, of approved labs in/near each of the six cities currently with direct flights to the PRC. The list appears as the "Appendix" link below each of these list notices. *Note: Lab lists are periodically updated.*

- Dallas: <http://www.china-embassy.org/eng/notices/>
 - List posted 2021/01/05: <http://www.china-embassy.org/eng/notices/11844606.htm>
- Los Angeles: <http://losangeles.china-consulate.org/eng/lghd/>
 - List posted 2021/01/06: <http://losangeles.china-consulate.org/eng/lghd/11844902.htm>
 - ("Click here" = <https://docs.google.com/spreadsheets/d/5XicEdBcUFiWFpw?tab=BB08D>)
- New York: <http://newyork.chineseconsulate.org/eng/lstfws/>
 - List posted 2021/02/17: <http://newyork.chineseconsulate.org/eng/lstfws/11854631.htm>
- San Francisco and Seattle: <http://www.chinaconsulatesf.org/eng/zytz/>
 - List posted 2020/12/21: <http://www.chinaconsulatesf.org/eng/zytz/11841576.htm>
- Detroit: <http://www.chinaconsulatechicago.org/eng/zytz/>
 - List posted 2020/12/20: <http://www.chinaconsulatechicago.org/eng/zytz/11841520.htm>
 - (click on 驻芝加哥总领馆指定检测机构.xlsx)

Challenges with the MFA Webform:

Many passengers have reported difficulties getting green approval status on the first try. This how-to guide consolidates lessons-learned on how to successfully apply for and obtain green approval status.

Passengers must go online (using smartphone or computer) to fill in their information, declare their health status, and upload documents, including test results, passport and visa information, and itinerary. Uploaded information and documents are examined by a team at the Chinese embassy/consulate in the United States. If information and documents do not satisfy all requirements, the team will reject the application and the applicant will see a red or other non-green QR code. Common reasons for rejection are illegible documentation and handwriting on lab reports – to the extent possible, they should be entirely typed.

According to the PRC embassy team, when an application is rejected, they try to provide a very short explanation of why the application was rejected. In almost all cases, this means the applicant can immediately try again to submit missing or revised documents/information. They encourage applicants to promptly resubmit applications responding to the embassy's feedback.

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How to Complete the Form:

The MFA webform is designed to be completed on a smartphone, but nearly any web browser will do. To complete the form on a computer, we recommend using Chrome browser. (In a test performed by Mission China, Internet Explorer would not process the application.) Have ready the following items for you and each traveler in your family when requesting the Health Declaration Certificate/Code (HDC). The PRC embassy strictly applies these requirements. Please read before submitting your application. **You will need:**

1. Picture of **biodata/photo page** of your diplomatic/official passport
2. Picture of **Chinese visa** in your passport
3. Picture of your negative **COVID NAT results**
 - The results must specify a negative NAT or NAAT PCR or RT-PCR and test sampling method: (1) pharyngeal swab; (2) nasopharyngeal swab; (3) other.
 - Patient's name, date of birth (DOB), test type, date of sample collection, test result, name and contact info of test institution (including address & phone number) must be present in the results.
 - Lab reports should be printed, not handwritten, though a small amount of handwriting may pass.
4. Picture of your negative **IgM antibody test results**
 - The results must specify – explicitly – whether the IgM test was “venous” or “fingertip.” PRC will no longer accept fingertip testing as of December 23. Applications that fail to state what method was used will likely be denied; testing methods include: (1) colloidal gold; (2) chemiluminescence; (3) enzyme-linked immunosorbent assay; (4) other.
 - Patient's name, DOB, test type, date of sample collection, test result, and name and contact info of test institution must be present in the results. Full contact info for the lab must include address & phone number.
5. Photo of **testing site**: Upload a self-portrait (selfie) of you/family at testing facility showing the facility's sign/logo as proof that you used an approved testing site. (Lab may have a suggested spot.)
6. Picture of **flight itinerary**: Should display your whole itinerary to Shanghai/Guangzhou. Include your flight number and departure date for your flight from the U.S. to China (e.g., DFW-PVG or LAX-CAN)
 - Upload itinerary together with the test reports. Include screenshot from airline website as well.
 - Note: To avoid confusion, the itinerary you upload **ought not** mention technical stops, which are short stops at which passengers are not allowed to deplane. A tech stop is not considered a transit point if passengers must remain on the plane during the stop. Several American Airlines (AA) flights to China make one- or two-hour tech stops in Seoul (ICN), so travelers on AA flights should attempt to upload an itinerary that does **not** show the ICN technical stop.)
7. **Embassy Commitment Letter**: If requested, upload a PDF of the February 8, 2021, memo from Katherine Munchmeyer, Minister Counselor for Management Affairs, U.S. Embassy Beijing, responding to MFA Note Verbale (2021) Li Zi No. 1. This two-page document (English on one side; Chinese on the other) on Embassy letterhead states the U.S. government position regarding COVID-19 testing of U.S. diplomats in China. Mission China will provide travelers a copy in advance. There is no specific place on the PRC website to upload this document; the PRC embassy suggests you upload it anywhere uploads are possible during the HDC application process.

*You may need to use a photo editor (or take screenshots) to resize your pictures to under 10 mb (which is the maximum size of a file permitted by the Chinese Embassy/MFA webform).

Children Under 3:

Kids under age three do **not** need either of the pre-flight tests NOR do you need to complete a health declaration form for them. Kids under 3 will get a COVID test when they land in China (likely by cheek swab).

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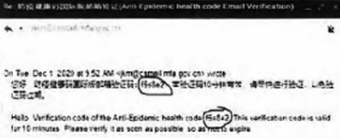


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Step by Step Guide to Receiving Your HDC from Chinese MFA via Chinese Embassy/ Consulate:

[Reminder: Unless you've been vaccinated, only negative test results should be submitted without first consulting with U.S. Embassy Beijing or the State Department's ChinaDesk. Do not submit positive results unless you've been vaccinated - in which case a positive [M] result is to be expected.]



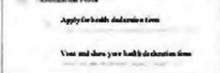
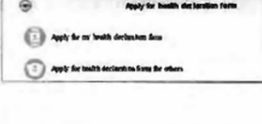

<p>From a web browser on a smartphone or computer, go to: https://hdc.mfa.gov.cn/hdc/ (Chinese MFA website)</p> <p>Click on Register Now below the Login button.</p> 	<p>Enter an email address you can access immediately, select the box to the left of information and privacy protection policy, and then select Get the verification code (text in blue).</p> 
<p>Go to your email account to retrieve the code, then enter the code you received in the "Email verification code" field of the webform (copy-paste may not work). The code is only active for 10 minutes, so you need to do this step fairly quickly. The email you will receive from jkm@smail.mfa.gov.cn will look something like this.</p>	
<p>After you enter the code, click on The Next Step. You will encounter a few verification screens during this process to confirm you are not an automated device of some kind (for example, by sliding a puzzle piece into place).</p>	
<p>Create a password (enter it twice) and select Registration.</p>	

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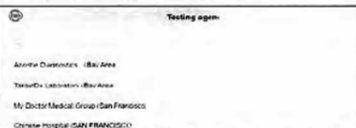
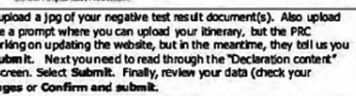

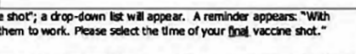
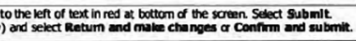
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<p>Select the "Foreign Passengers apply for Health Declaration Form" and then select confirm.</p> <p>Select Confirm again on the pop-up saying, "Attention: Once the application of this account is submitted it cannot be modified. Please confirm your selection before you submit it?"</p>	
<p>Provide answers to the security questions for your account. Select submit.</p> <p>(There is no need to provide real information, but carefully make note of your answers in a place you can find them easily because you will need them to retrieve the results the next day.)</p> <p>Select Confirm on the pop-up that says, "Attention: Security questions are very important as information for authentication. Please check the answers to security questions carefully. Are you sure to submit?"</p>	
<p>Select Apply for health declaration form.</p>	
<p>Once you have established your account (which is what you have done if you have made it this far in the process), you are able to upload the data and JPGs required for you and all members of your family. The next screen offers you the option to enter either your data/JPGs or your family member's data/JPGs. You return to this screen later, if need be.</p> <p>Select Apply for my health declaration form.</p> <p>Enter the requested data in each field. Select Passport for Type of Document.</p>	
<p>Once you select Tested negative for both COVID-19 NAT and the COVID-19 serum IgM antibody test, two more prompts will appear on the screen.</p> <p>[Reminder: Do not submit positive results unless you've been vaccinated - in which case a positive IgM result is to be expected.]</p>	

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<p>Last Update: [REDACTED]</p> <p>Click on Select next to the "Please choose a nucleic acid testing agency" field. The first drop-down list of options asks for your Country or Region (you can enter "United States" and search for it quickly). The second list of drop-down options is looking for your "Testing Agency."</p> <p>Note: Chinese rules require that the Covid testing site(s) you use must be in or near the city from which you fly to China. At present (January 2021), direct flights from the United States to China fly from six cities: Los Angeles, San Francisco, Seattle, New York, Detroit and Dallas only.</p>	
<p>Next to the "Please select a serum IgM antibody testing agency" field, click on Select and a drop-down list of testing agencies will appear.</p>	
<p>Enter your test date for the NAT and IgM antibody tests. Then upload a jpg of your negative test result document(s). Also upload your itinerary at this point. The website does not currently have a prompt where you can upload your itinerary, but the PRC embassy does require it. The PRC embassy says the MFA is working on updating the website, but in the meantime, they tell us you can upload your itinerary at this stage of the process. Select Submit. Next you need to read through the "Declaration content" and click the box to the left of text in red at the bottom of the screen. Select Submit. Finally, review your data (check your passport number carefully) and select Return and make changes or Confirm and submit.</p>	
<p>Next you'll need to answer "Have you got a COVID-19 vaccination?" If you select "Yes", two more prompts will appear on the screen.</p>	
<p>Click on Select next to "Please select the manufacturer of the vaccines you have been injected with", a drop-down list will appear. Please select the one you use.</p>	<p>Choices include: Sinopharm, Sinovac, Janssen, Moderna, Novavax, Pfizer-BioNTech, AstraZeneca, Other</p>
<p>If you select "Other", a prompt will appear with "Please enter the manufacturer of the vaccines you have been injected with". Please fill in the actual manufacturer of the vaccine you have been injected with.</p>	<p>Please enter the manufacturer of the vaccines you have been injected with</p>
<p>Click Select next to "Please select the time of your final vaccine shot"; a drop-down list will appear. A reminder appears: "With most COVID-19 vaccines, you will normally need two shots for them to work. Please select the time of your final vaccine shot." Note the time should ideally be accurate to the minute.</p>	
<p>Next, read through the "Declaration Content" and click the box to the left of text in red at bottom of the screen. Select Submit. Finally, review your data (check your passport number carefully) and select Return and make changes or Confirm and submit.</p>	

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Last Update: [REDACTED]

Once you select **Confirm and submit**, you should receive a note that indicates your application for a health declaration form has been submitted successfully.





Return to the home screen and select **"View and show your health declaration form."**

Immediately after submitting your data and forms, you will see an orange/yellow-colored QR code.

Once the Chinese embassy/consulate's approval process is complete you should see a green-colored QR code.

Blue background for submitter.

Green background for submitter.


See color key for the QR colors. If all goes well, the color of your QR code will turn from orange/yellow to green once you are approved.

Green – eligible to board the flight. Please take note of the validity date of your HDC and make sure to board within the validity period. Please have your HDC ready for pre-boarding screening by the airline.

Orange – Your HDC did not pass verification due to the following reasons

Grey – Your HDC has expired. Please re-submit your HDF and test certificates within the required period before boarding.

Yellow – you have submitted your HDF and test certificate. Please wait for verification.



If you are unable to get to green after following the how-to guide, please contact the State Department's China Desk (EAP/CM) Bilateral Affairs Unit at sa.gov/asia/urid/usa/usa, and copy EAP/CM's [REDACTED] (mailto: [REDACTED]). In your message to the China Desk's Bilat Unit, provide your current location, QR code status, phone number(s), email address and flight time frame.

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From: [REDACTED]
 Sent: [REDACTED]
 To: [REDACTED]
 Subject: Mission China Homecoming Task Force 8-28-2020

Mission China Homecoming Task Force

Complete FAQ Guide

(Last updated August 28, 2020)

General Questions

1) Who should I send my FAQs to?

Please send general questions to [REDACTED]@state.gov. For questions specific to your post (housing, hospitals, etc.), please email your Post Management Office. These FAQs will be updated as new information becomes available.

2) Who should I contact if I want to receive Homecoming Task Force SITREPs?

There are two options available: 1. Email your Post IRM team to have your email linked to the appropriate distro, or (the easiest/faster option) 2. Email your Post CLO to have your email added to their distro lists. Mission China CLOs forward the SITREPs to their community. The Task Force does not have a distro list they send to in which they have permissions to edit. All Task Force communications are sent to directories linked directly to the Mission (i.e. Beijing/Guangzhou/Shenyang/Wuhan/Shanghai/Chengdu All Americans), though we understand those who have non-state emails or are working other assignments during AD/DD may not be included in these lists.

3) Where can I get some general information about evacuation policy?

There is lots of good information from the Family Liaison Office here:
<https://www.state.gov/family-liaison-office/crisis-management/post-evacuations/>

There is a helpful reference pdf titled, *You've Been Evacuated. Now What?* This publication is a general guide for what you need to know about before and after an evacuation.

China and COVID-19 Questions

4) In the late fall, should a second wave of the virus hit, what is Post's posture on EFRMs staying in China to wait through it? This is a big question considering how the first OD was issued, without Post's input. If management could please have a "what if" plan prepared ahead of time that would be very comforting.

We cannot speculate on this. We can say the full Emergency Action Committee, including all section and agency heads and Consuls General, jointly assesses how conditions on the ground affect the safety and security of our community and makes recommendations to the Ambassador, who makes recommendations to the Department of State. Going on departure status once does not make it more or less likely in the future.

5) What phase are we in now for Beijing and what are the implications of this once we arrive considering several of the indicators do not appear to be met (e.g. travel advisories, mandatory testing, etc.)?

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All of Mission China is in Phase 2. Please see the recent cables from the Emergency Action Committee. There are specific indicators China does not meet (mandatory testing, integrity of data), conditions in China meet the vast majority of the indicators for Phase 2 (and many for Phase 3), and the Department of State concurred China is in Phase 2. Missions around the world are moving forward in the Phases, with Department concurrence, when country conditions satisfy the bulk of the criteria, even if some indicators are not met.

6) Is the State Department Travel advisory for China lifted?

No. You can find the most updated U.S. Department of State Travel Advisory information for China here: <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/China.html>

7) How many COVID cases are there currently in China?

Please refer to the recent ESTH cable which discusses COVID in China and provides an excellent summary. (Ref 20 Beijing 950). The CDC provides updated COVID-19 case numbers for each country here: <https://www.cdc.gov/coronavirus/2019-ncov/travelers/map-and-travel-notices.html>

8) Are there any confirmed COVID cases at post/in Embassy?

We are not able to provide this information as we do not disclose personal medical details of our employees.

9) Given that we cannot trust Chinese data, what makes you think the Chinese have controlled the recent outbreak in Beijing enough that it is safe for us to return?

Over the last few months since COVID-19 was substantially contained in China, we have observed the Chinese response to new clusters of the virus in Wuhan, two cities in Heilongjiang, and two cities in Jilin Province. In each case, local authorities quickly implemented quarantines, cordoned off the affected housing complexes, imposed transportation restrictions and prohibitions on large gatherings, while adding additional contact tracing and mass testing. Those measures prevented significant spread of the virus to other areas. After the cases associated with the Xinfadi wholesale market emerged, Beijing officials took similar measures. While we must remain vigilant to the possibility of new clusters at any time, recent experience supports the conclusion Chinese authorities have the capacity and will to quickly identify, isolate, and stop the spread of localized outbreaks.

COVID-19 Testing Questions

10) I (or my child) had COVID-19 and have made a full recovery. Should I do extra medical testing before I return to China on a charter?

For those who have recovered from a bout of COVID, our guidance for additional testing depends on the details of your history. Please contact MED HART for a pre-travel consultation. Email: medhartcov@state.gov; telephone number: 1-202-913-2062. The medical staff answering your email or telephone call should be able to give you satisfactory guidance to ensure that you are safe to travel and without increased risk of testing positive on arrival to China.

11) Who do I contact to schedule my COVID-19 test at MED before I board my flight? Are they going to provide me documents that I take with me on the plane?

Please do not contact MED to make your appointment. As soon as you receive notification of your flight, you will also receive information about the date and time of your COVID-19 test. Upon completion of the test, MED will only email you if your tests came back positive. Please watch out for these emails and check your SPAM folder as they may come later in the day, which is normal. If you test positive, you must immediately contact the Homecoming Task Force and Kris Arvind in EAP/EX to let us know that you cannot board the plane. Mission China will send a diplomatic note stating that all passengers have received a negative test prior to boarding, so you will not need a copy of your test results with you.

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12) We have been notified of a positive test result from MED prior to our departure. Please advise how to proceed as we are now no longer able to board our charter flight as planned.

For those who have recently tested positive for or have recovered from a bout of COVID-19, our guidance for additional testing depends on the details of your history. Please contact MED HART for a pre-travel consultation (Email: [REDACTED] telephone number: [REDACTED]). The medical staff answering your email or telephone call should be able to give you satisfactory guidance to ensure that you are safe to travel and without increased risk of testing positive on arrival to China. Please continue to stay in contact with your management officer at post and EAP/EX if guidance from MED alters your planned departure on a charter flight.

13) What discussion has occurred and what has been the outcome regarding accommodations for those among our community with special needs or disabilities? Will there be accommodations for those who cannot tolerate nasal swab testing?

The Task Force is aware that some families will have special needs and accommodations. Regarding testing, the Task Force has engaged on multiple levels and many times with PRC authorities on these issues, and, as these are seen as in relation to greater public health requirements, they told us they will not alter or give us flexibility on testing for any special circumstances. MED only has access to nasal swab tests and will test nasally. Our guidance is that adults and children of all ages should expect to undergo a nasal swab test at SA-1 before departure, as well as a nasal and/or throat swab test upon arrival in China. From the experience of those returning on recent charter flights, the Chinese government has done throat swabs for children, but we cannot guarantee that accommodations will be made upon request. If you or a family member has a medical concern or special needs accommodation request, please consult with MED ([REDACTED]@state.gov) at your earliest convenience.

14) You have mentioned a few times about staying safe and avoiding exposure to the virus that causes COVID-19 prior to flights. What is recommended for those working every day in SA-17 or passport centers that have had recent cases of colleagues testing positive for COVID-19?

Please make every effort to reduce exposure to the virus that causes COVID-19 from now until you arrive safely in China—this would be strict home isolation, but when it is essential to leave your residence, please take every measure possible to reduce risk (e.g., social distancing, handwashing, mask wearing, etc.). If you are currently working in an office prior to joining one of the charter flights, please discuss the situation with your U.S.-based supervisor and explain that isolation for 2-3 weeks in advance of these charter flights, which are specially arranged by MED with guidance from the Undersecretary for Management, is essential to protecting the health and safety of all others on the charter flight and successfully re-staffing Mission China, where you are officially assigned to work. If your U.S.-based supervisor is unwilling to approve telework, please put the supervisor in touch with the Homecoming Task Force Co-Chairs, Consul General Nancy Abella and Tom Komons. If telework is not available for your job function in the U.S., you should inform your U.S.-based supervisor and Mission China supervisor that you will be taking leave to isolate in advance of the flight—please consult with your Mission China supervisor on how you should reflect this leave in your T&A. The health and safety of all members of Mission China is our utmost priority while we work to re-staff the Mission in a safe and timely manner.

15) My spouse is in China now; I am returning with my children. If one of us contracts COVID-19 and needs to be hospitalized, what would happen to the children?

If only one adult parent has contracted COVID-19 and requires hospitalization, the child(ren) can stay with the other adult parent. In the event that both adult parents have contracted COVID-19 and the children have not and remain healthy, mission personnel will assist in finding a responsible adult to act in loco parentis.

16) I heard from some Beijing people that children under 15 do not have to take the test. Is this true? Is this a possibility we can try to push for?

No, this is not true. Currently, under Chinese CDC guidance, all children should be prepared to test upon arrival.

17) If someone in our family tests positive, is it possible for them (and the family) to choose to come back on a flight back to the USA, rather than be separated?

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Yes, those that test positive will return on the charter flight back to the U.S. Because they are considered close contacts, families have the option to return as well.

18) Does the policy that a child who tests positive is separated without parental access vary in different cities?

None of our charter flights will land in cities where separation might occur. Other cities may have different policies.

19) Would an employee who is already in China and negative be allowed to go with family members who test positive? Into the hospital?

Possibly, though it may also be important to carefully consider the advice of medical professionals in this case. Access to severely ill or highly infectious patients will be limited.

20) What support would be at the hotel or USG residence to support families who have children who test positive and are threatened to be separated?

At the airport, hotels and residence of isolation, we plan to have multiple Embassy/consulate personnel on the ground to support our incoming families on our charter flights. This will not be possible for each individual/family coming in on commercial flights.

21) If someone tests positive, is it possible to go to a Western hospital vs. Chinese hospital?

The designated facilities for evaluating patients who test positive for COVID-19 are all Chinese government operated. Private facilities will not accept patients in this situation. Those who test positive may be considered for medical evacuation and MED will work with you on an individual basis to determine the most appropriate next steps.

22) If everybody in a family tests NEGATIVE, can the whole family quarantine together in the same hotel room? Or will families be separated regardless of a negative test upon arrival?

This depends on the city and the specific hotel. We are landing our flights in cities where officials assure us parents will be able to remain with kids except in unusual circumstances. In the event officials require family members to separate, the TF and Management Team at that post will remain closely involved and advocate for you and your family.

23) What happens if you test positive during quarantine or at the end of the quarantine?

If you are asymptomatic you may need to extend the duration of your home quarantine. If you display symptoms, you may be considered for medical treatment or medical evacuation and MED will work with you on an individual basis.

24) What role does antibody testing play in assessing COVID infection status?

The nucleic acid test uses a specimen obtained by nasal or oral swabs to check if viral particles are present and is the primary means used to diagnose COVID-19 infection. The antibody test is a blood test to check if a patient has evidence of prior infection. The nucleic acid test, therefore, is different from the antibody test. The connection between them is still under study. The antibody tests are imperfect and, at present, not recommended as a screening tool for COVID infection. It is possible that someone who has a positive antibody test could have a positive nucleic acid test. Hence, State Med recommends against anyone from getting an antibody test. Furthermore, antibody tests done before arrival to the PRC are not recognized by the health authorities of the PRC. All persons are still be subject to PRC nucleic acid testing on arrival.

25) What paperwork is required to have after your test results are given?

Local authorities issue a testing and quarantine certificate, which might be electronic on your phone instead of on paper. Hotels and other institutions might ask for this until you have been in China for a certain number of months.

26) Will the tests done in China be of the same type and quality as in the U.S.? (COVID-19 vs. antibody)

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No, MED and other US facilities use different tests than the Chinese. There is no evidence of a quality advantage of one test over another.

27) How soon before the flight will the pre-test be done?

Within a week of arrival, preferably within 72 hours of departure. If you are using an independent lab rather than State/MED, please check with provider how soon they can provide the results to ensure they are ready before your flight. The recommended test to be done in the US is the NAT (Nucleic Acid Test). Current guidance from MED is that there is no role for antibody testing. Per recent Chinese requirements, all diplomatic travelers should hand carry a paper copy of their pre-departure test results; if you cannot print a copy, please have an electronic copy on available on a device.

28) The below testing by the Chinese government seems to contradict 20 STATE 52414 (PCS Travel Update: Blanket SIP Waiver and Conditions-based Approach for Resumption of PCS Travel). Paragraph 15 seems to state there are no exceptions to the policy that we are not to be test by the host government. Does Mission China have a waiver to this policy?

The Under Secretary for Management approved a plan for Mission China's first return that included accepting arrival testing within the standard Chinese procedures. Each plan for each future flight will require a similar process of review by the Under Secretary for Management, who has the authority to approve or disapprove on a case-by-case basis.

29) If we can't pre-test, should we still board the charter?

The Office of Medical Services will provide pre-flight testing for our charter flights. There are also local testing/free options in many cases (for example- info on free testing for DC residents [here](#)). You must have a negative test result to board the charter.

30) If MED is not able to perform our COVID-19 tests in DC, can MED provide us with where we can go in the DMV area to take a CORONA Virus test? Elsewhere?

The plan is for charter passengers to travel to DC for testing with MED prior to boarding the charter. Exact details will be sent to all passengers when charter plane manifests are finalized.

31) Will asymptomatic positive tests also go to the hospital for the 14 days?

The task force is working towards agreements that would allow asymptomatic patients to stay home for 14 days instead of going to a hospital.

32) If I tested positive a long time ago and am no longer contagious. Will I be allowed to quarantine at home?

Yes, provided all your COVID-19 tests are negative (in the US before boarding and on arrival in China).

33) If an employee and/or family members test positive and have to return to the U.S., will the Department provide housing and M&IE?

These situations will vary on a case-by-case basis. The department will support treatment of those who need it and work with employees for a speedy return to health and to post.

34) I have a 4-year-old. I have not been able to find a testing site that will test children under age 5, will the Department of State test children 5 and under?

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Yes, MED will administer tests to all children, regardless of age, prior to departure.

35) Mission China and EAP agree pre-flight testing is important. Will MED continue to provide?

Yes.

36) Should I contact MED now to schedule my testing appointment?

No. You will receive information about your MED testing date and time when you are notified of your flight.

37) My understanding is China's test may read positive if one had the virus before and is now cured. Serology/antibody tests would likely be able to pre-identify any potential cases where this would arise. Is MED able to do serology tests or write prescriptions for them?

No.

38) Are small children required to undergo pre-flight COVID-19 testing in the U.S. and upon arrival in China? If so, what type of test will they receive?

MED will conduct nucleic acid pre-flight testing via nasal swab at the SA-1 clinic for all travelers (including children of all ages) in need of a test. MED does not have access to throat swab tests—they can only test nasally. MED testing procedures will mirror those of the traveler's intended arrival city, which will vary based upon each local government's testing regulations. Once you are confirmed on a flight manifest, your post's Management Officer will confirm your arrival city's testing procedures. Upon arrival in China, adults and children of all ages should be prepared to undergo a nasal and/or throat swab COVID-19 test. Once you are confirmed on a flight manifest, MED or EAP/EX will contact you to inform you of the time and date of your test at SA-1.

39) I thought the COVID-19 testing requirement was 72 hours before our flight to China. Why do we now have to come to DC so early and do the testing 6 days before our departure?

The process of scheduling COVID-19 testing at MED is very complex with many moving parts. To ensure that we comply with Chinese entry requirements and accommodate the operational capacity of MED, travelers will need to be flexible and arrive 6 days before their scheduled departure date in order to complete their testing appointment. Please note MED is working with posts globally on testing, not just Mission China.

MED (not COVID-related) Questions

40) What is the situation for Class 2 MED clearance holders? Can they return? Is further clearance necessary?

Medical Clearances is not re-adjudicating the clearance of those with a class 2 clearance. Anyone with specific concerns about are encouraged to reach out to MED directly to discuss clearance issues, as this will vary greatly based on individual circumstances.

41) What happens to those who are injured or ill enough to be hospitalized?

All decisions regarding illness, treatment, or hospitalization will need to be decided after consultation between the affected person (or guardian) and the Regional Medical Officer. Any person could be transported by air ambulance back to the United States if it is in the interest of providing the best medical care for the affected person.

For persons who are asymptomatic but test positive for COVID-19 on day 13 of isolation and beyond, the current policy is to return them to the United States via a medevac flight. Persons who have COVID-19 but are asymptomatic may be able to remain in their residences awaiting the medevac flight.

Patients with serious symptoms consistent with COVID-19 such as fever, cough, shortness of breath and/or low oxygen levels are initially assessed for COVID-19 and admitted for treatment at the COVID-19 hospital designated by the PRC. They'll receive proper treatment, such as antibiotics and oxygen supplementation, while waiting for completion of

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the confirmatory tests. If COVID-19 is confirmed, they'll be treated appropriately in the COVID-19 hospital until deemed free of infection, probably followed by a period of continued isolation at their residence. If COVID-19 is not confirmed, they'll be transferred to a private hospital of the Embassy's or Consulate's choice until ready for discharge.

Patients with symptoms not consistent with COVID-19, such as a heart attack, appendicitis, or a broken leg, will be treated immediately as appropriate for their condition. They'll also undergo COVID-19 screening, but not to delay their urgent medical needs. These patients can get all diagnostic studies and treatment at a private hospital of the Embassy's or Consulate's choice.

Again, any of the above patients could be transported by air ambulance back to the United States if it is in the interest of providing the best medical care.

42) Once we are back in China again, are there medevac flights back to the U.S. available if there is a health emergency?

If an arriving passenger tests positive in the airport they'd re-board immediately the waiting aircraft for return to CONUS. This is more accurately described as an immediate repatriation rather than a medevac. For all other situations, COVID and otherwise, here's the current status:

- Regional medevac by air ambulance and commercial airlines: Options remain non-existent due to entry requirements of the host nations, especially Singapore and Bangkok, our primary and secondary medevac destinations, respectively. Hong Kong, Korea and Japan have similar entry obstacles that make them out of bounds as one-off medevac options. The date when things will revert to normal remains uncertain. Stand by for developments.
- CONUS medevac for COVID and ICU-type patients: These are done by OpMed (Phoenix Air Group) or commercial air ambulance: Expect 3-4 days from time the medevac is requested to the time the patient is picked up at a mission city in China. To this add about 24 hours to deliver the patient somewhere in CONUS. Due to this anticipated delay, all such patients will need initial medical management at a Chinese hospital. COVID patients without symptoms may be able to remain in their residence awaiting the air ambulance.
- CONUS medevac for ambulatory patients: CONUS remains a potential medevac destination for patients able to fly on commercial airlines. The timeline in these cases is markedly prolonged due to possible delays pertaining to quarantine and somewhat unpredictable medical services in CONUS and the 14-day quarantine requirement when returning to post.
- Intra-China medevac for critical patients: These patients may be able to go by commercial air ambulance from a city with lesser medical capability (Shenyang, Wuhan, Chengdu) to Shanghai or Beijing, when those destinations offer superior medical care. Hong Kong may be a destination if it opens its borders to China without the need for quarantine.
- Intra-China medevac for ambulatory patients: Similar to #4, but for ambulatory patients able to travel by commercial carrier within China.

43) With regard to COVID testing, what is the Embassy's guidance for those having a routine appointment with a dentist or doctor? With regard to COVID testing, what is the Embassy's guidance for those needing inpatient care?

COVID-19 testing is not required for routine outpatient medical or dental care. For these types of visits, patients are screened by completing a short questionnaire and showing their personal reading on the Healthkit app. All hospitals do COVID-19 testing on patients admitted for illness or injury, and for surgical procedures (outpatient or overnight). The Embassy's guidance is to comply with the tests. Those who decline the testing should expect to be denied service.

Respectfully,

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ATTACHMENT 12

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ATTACHMENT 13

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NRN: 20 BEIJING 2480
Date/DTG: Dec 28, 2020 /281022Z DEC 20
From: AMEMBASSY BEIJING
Action: WASHDC, SECSTATE ROUTINE
E.O.: 13526
TAGB: ASEC, AMGT, CN, AMED, CDC, NIH, HHS, ICFLO, PGOV, CASC
Captions: SENSITIVE
Subject: BEIJING: EAC MEETS TO DISCUSS COVID-19 RELATED PUBLIC HEALTH SITUATION

1. (SBU) Summary: The Chargé, A/DCM, CDC, CLO, CONS, DAO, ECON, ESTH, MGT, PAS, PNP, POL, RSO and CG Guangzhou, CG Shanghai and CG Shenyang convened an EAC meeting on December 28 to discuss Mission China's public health situation. Mission China remains at Phase 3 of the "Diplomacy Strong" COVID-19 mitigation framework. Daily case counts trended slightly higher over the past week but remain extremely low. The EAC approved guidance on COVID-19 testing and agreed that the Mission's current security posture remains unchanged and is appropriate. End Summary.
2. (SBU) The EAC reviewed the latest official reports of known COVID-19 cases that had a potential impact on Mission staff and families. More than a dozen COVID-19 positive persons have been identified in Beijing over the past 2 weeks. In response, Beijing local government has elevated the risk level of several affected communities. The elevated risk levels have prompted epidemiologic investigation, contact tracing, mass testing, temperature screening, health app monitoring, and disinfection in these areas. These communities include Shunyi and Chaoyang Districts, which are not far from the U.S. Embassy and some of its residential housing. However, no embassy staff and their families have been asked to test as part of the public health response, although some schools are reportedly asking that families have their children test before returning to school after the current holiday.
3. (SBU) Despite these outbreaks, the overall epidemic situation in China remains low, with approximately 20-30 new infections reported each day, mostly imported from abroad and identified at borders. The Chinese government response to any new cases and outbreaks is swift and targeted. As such, Mission China's designation as Diplomacy Strong Phase 3 remains unchanged.
4. (U) Mission China disseminated a MASCOT message to USCITS on December 26 to advise of mass testing for COVID in specific areas due to recent cases and recommended compliance with local health instructions.
5. (SBU) The EAC discussed and agreed to the following measures, to be distributed to the Embassy community through a Management Notice:

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(U) If Chinese authorities ask members of Mission China to undergo COVID-19 testing as part of a response to a specific COVID-19 exposure or outbreak, the Mission encourages the community to comply with the request in the interest of supporting China's public health response and protecting our community from COVID infection. However, Mission China will not require such testing, but rather leave it as a personal decision. Mission staff and families should be aware that there may be consequences imposed by the Chinese authorities on persons refusing to comply with the testing request, including possible quarantine or other restriction of movement, and that these consequences may be unpredictable. In addition, the front office will consider whether a person declining to test during an outbreak situation may be restricted from coming to work or having other interactions with the Mission community in order to protect other Mission staff and families.

6. (U) RXC for this report is Beijing a/RSO Keith Knowles.

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Signature: FORDEN

Drafted By: BEIJING [REDACTED]
Cleared By: EXEC/LEG [REDACTED]
 PD/Malone, [REDACTED]
 MGT [REDACTED]
 HHS/KCCO [REDACTED]
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 EXEC/LEG [REDACTED]
 RSOD/RSO [REDACTED]
 POL/Bailey, [REDACTED]
 OONS/Weber, [REDACTED]
 A/DCM [REDACTED]

Approved By: [REDACTED]
Released By: BEIJING [REDACTED]
Info: SHANGHAI, AMCONSUL ROUTINE; GUANGZHOU, AMCONSUL ROUTINE; SHENTANG, AMCONSUL ROUTINE

Dissemination Rule: Archive Copy

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

April 20, 2022

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Secretary Blinken:

It has recently come to my attention that U.S. diplomats in the People's Republic of China (PRC), their families, and other U.S. government personnel under Chief of Mission authority have been subjected to unacceptable treatment by Chinese authorities under the PRC's COVID-19 laws.

This treatment includes prolonged, involuntary detentions in Chinese "fever clinics," government-run facilities where individuals who test positive for COVID-19 are held until government officials determine they are COVID-free. This mandatory confinement raises serious questions about the PRC's compliance with the Vienna Convention on Diplomatic Relations, potentially violates the internationally recognized human rights of U.S. diplomats, and poses a serious national security risk.

In 2020, the State Department partially waived diplomatic privileges and immunities via a limited waiver of inviolability (LWOI) between U.S. Embassy Beijing and the PRC government. Under the terms of the LWOI, the Department agreed that U.S. personnel accredited to Mission China would be tested for COVID-19 prior to departure to post, at the airport upon arrival, and at the end of a 14-day quarantine period. In addition, the Department agreed that individuals who tested positive for COVID-19 would remain in designated PRC hospitals until they tested negative and no longer displayed symptoms. U.S. diplomatic personnel and their families were assured that they had the right to refuse treatment, could be medevac'd back to the United States in the event of a positive test, and that those who chose to go to a PRC-designated hospital would stay united with their children and in constant contact with U.S. Embassy officials.

Unfortunately, I have received troubling reports that, in 2021 and 2022, the PRC has changed quarantine timelines, treatment standards for those at PRC "fever clinics," COVID-19 testing requirements, handling of medical information, and other conditions that far exceed what was agreed to in the 2020 LWOI. In addition, I am deeply concerned about reports that Embassy leadership repeatedly failed to push back against this ever-growing list of requirements for U.S. diplomats and their families and suppressed or interfered with their efforts to inform State Department leadership about the worsening conditions and seek changes to the relevant policies and procedures.

Below are just a few of the specific allegations of unacceptable treatment of U.S. diplomatic personnel and their families by the PRC:

The Honorable Antony Blinken ATTACHMENT 14 - PAGE 2
April 19, 2022
Page 2

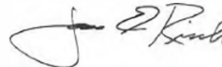
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- Personnel assigned to Mission China and their families have been subjected to prolonged confinement in dirty and poorly maintained PRC fever clinics, reportedly in some cases for up to 2 months. Some of these fever clinics, such as the designated hospital in Shanghai, have not been verified as safe because Embassy security and medical officials have not been able to visit since before the COVID-19 pandemic. We are also aware that certain fever "hospitals" are in fact converted shipping containers. Housing patients in shipping containers presents major fire and other safety hazards.
- Conditions at some PRC fever clinics are unacceptable and appear to violate the minimum treatment standards set forth in international treaties like the Vienna Convention. We understand that many such facilities are not sanitary, and patients are subjected to medical tests that have not been assessed by the Department's Medical Bureau or reviewed for national security and counter-intelligence concerns. Moreover, the food provided is insufficient, leading to weight-loss among multiple U.S. patients. We have received photo evidence documenting many of these poor conditions.
- Efforts by Embassy personnel to express concerns to senior Department leadership and advocate for changes to the policy have been unsuccessful. Even worse, I have received numerous reports that current and former Embassy leadership, some of whom now occupy senior positions in the State Department's East Asian and Pacific Affairs bureau, actively tried to thwart these efforts and continues to resist any attempt to modify or call attention to the policies governing the treatment of U.S. diplomats subjected to PRC COVID-19 protocols.

The protection of U.S. diplomats, other U.S. government personnel assigned to our embassies, and their families must remain the Department's top priority – regardless of the circumstances. I am deeply disturbed by the information received by the Senate Foreign Relations Committee about the PRC's treatment of U.S. diplomatic personnel and their families, and even more concerned by reports that the Department is not doing all that it can to ensure the protection of our people. If even a fraction of the allegations provided to this committee are true, it is completely unacceptable, especially given that Chinese diplomats in the United States have not been subjected to any of these extreme measures.

I respectfully request that you immediately commit to a thorough and timely investigation of the allegations contained in this letter and in other written complaints that the Department has received internally. I also request that the committee be kept apprised of the results of your investigation, so that we can ensure it sufficiently addresses the issues raised and determine whether additional congressional actions are necessary.

Sincerely,



JAMES E. RISCH
Ranking Member

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SBU

MRN: 20 BEIJING 2378
Date/DTG: Dec 10, 2020 / 100938Z DEC 20
From: AMEMBASSY BEIJING
Action: WASHDC, SECSTATE ROUTINE
E.O.: 13526
TAGS: AEMR, ASEC, CASC, AMGT, KFLO, CN
Captions: SENSITIVE
Reference: A) 20 STATE 88252
 B) 20 STATE 81072
 C) 20 STATE 7502
Pass Line: S/ES-O_CMS, FS/LMS/CMT, EAP
Subject: Mission China Lessons Learned: Ordered Departure

1. (SBU) **Summary:** This cable highlights Embassy Beijing's (Post's) and the broader Mission's operational challenges and lessons learned from evacuating more than 1,000 USDH and EFMs following declaration of authorized and ordered departure in January 2020. This cable focuses primarily on Beijing's experience, though highlights initiatives and processes implemented across the Mission as the evacuation unfolded. We identify what we did well and what we learned along the way.

- Major issues complicating the process early in the evacuation included a lack of data integrity from newly implemented personnel databases, minimal staff present at post, and effective communication.
- Lessons learned include the need for creating a physical hub for evacuation taskforce teams, better supporting and communicating with non-State Agencies, strengthening Travel Management Center (TMC) coordination, and allowing more flexibility for staff to return to Post even while in Ordered Departure status. End summary.

Creating Order from Chaos...

2. (SBU) Due to the outbreak of COVID-19, Wuhan Consulate went on Ordered Departure (OD) (Ref C) on January 24, 2020 and the rest of Mission China went on Authorized Departure (AD) January 29. The Department directed Mission China to Ordered Departure on January 30, due to the imminent closure of the borders and likelihood that commercial flights would no longer be available. In addition, China's ability to control the virus was untested, although the PRC had demonstrated a willingness to take drastic measures including the closure of the city of Wuhan and province of Hubei, as well as a nationwide lockdown. Whether the medical system would be adequate to treat patients was also unclear.

3. (SBU) As news of the virus spread in early January, the Mission created a working group and email distribution list including a number of State sections, HHS, CDC, and others to provide updates on the spread of the virus. This working group quickly grew to a task force including multiple agencies at post such as DAO, FAA, TSA, CBP, and DHS who were crucial to coordinating the Wuhan evacuation, and

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subsequently the Mission drawdown. The Acting DCM chaired a twice-daily phone call coordinated by the Operations Center with all relevant players as the Mission managed both the evacuation of US citizens from Wuhan and then its own staff. Information was conveyed to staff and families through e-mail and town halls.

4. (SBU) Following the decision to move to AD status, the Management Minister Counselor designated the Human Resources Officer (HRO) as the evacuation coordinator, responsible for setting up the logistics of the evacuation in coordination with other elements of the Management Section. The HRO had previously taken PA105 – Contingency Preparedness, which was extremely useful as Post began evacuating over 700 USDH and Eligible Family Members (EFMs) from Beijing, as well as a significant number of staff who were “caught out” traveling in the region during the week-long Chinese Lunar New Year holiday break. The Embassy also supported the consulates in their evacuation efforts. To streamline the process of making arrangements for this number of people to fly within one week, the Beijing Management Section built a workflow to arrange for departures utilizing our new Customer Service Center (see photo). To prepare, HR generated JF-144s (evacuation orders) for every officer across Mission China using the Emergency Management System (EMS). While not every officer evacuated, generating and signing the forms made the evacuation process run much faster. However, reconciliation on the back end proved challenging between Post and Global Financial Services (GFS) especially once Global Authorized Departure went into effect and GFS became inundated with requests. (Note: Post has concluded that generating JF-144s as needed would have been more efficient given the number of corrections needed later. End Note) GSO served as the conduit to confirm who was traveling where and whether they had pets. Lastly, FMO met with officers and family members to provide information on Subsistence Expense Allowance (SEA) and to account for changes to their at-post allowances. From there, the traveler would sit with the local TMC to book their tickets.



Figure 1: Whiteboarding the workflow

5. (SBU) When AD became OD for EFMs under 21, officers and families who had considered weathering the storm had to quickly find flights. At the same time, the number of flights and seats on planes began to quickly disappear. Within days, the number of U.S. flagged flights departing from PEK had dropped to single digits and were cancelled altogether on February 6. On January 30, Post GSO wrote to Transportation Query to invoke 14 FAM 583.5 signaling that U.S. carriers were unable to complete the mission and that delaying travel away from Post was putting officers and family members at risk. Within 48 hours, Travel Management and Policy Division (TMP) authorized Post to locally sign

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the DS-3093, Justification for Use of a Foreign Air Carrier. This authorization was further disseminated to all constituent posts and helped considerably in getting people out quickly.

6. (SBU) While the abrupt move to OD made sense because of the deteriorating travel situation, it had a devastating impact on Post staffing levels. Approximately 40% of staff were outside of China because of the Chinese New Year holiday, complicating sections' ability to make holistic decisions on who should or could remain. The impact fell disproportionately on mid-level officers, many of whom had young families or were single parents. In addition, Post has a large number of tandems who were faced with the difficult decision of who should leave with the minor children. Consequently, many sections were reduced to emergency staffing levels while still needing to maintain basic operations.

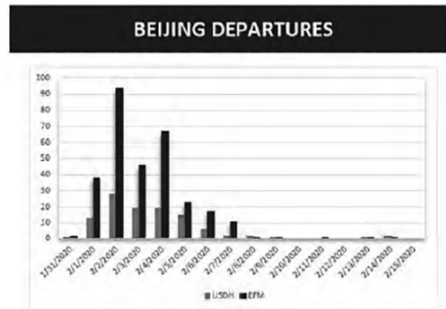


Figure 2: Beijing departures by date

...But Don't Forget About Me [or My Animals]

7. (SBU) An additional complication was communicating with the many officers and family members caught outside of China. When AD was announced, China was coming out of the Lunar New Year Holiday, a week-long holiday in which many depart Post to take advantage of the long break. Only a few of those outside the country were able to return to China once the departure status went into effect. Communicating with those officers "caught out" was complicated and taking care of them versus those at Post created competing demands that were difficult to manage. Furthermore, Travel Management Center (TMC) staff were unable to come to work due to the COVID outbreak. The TMC, which typically houses up to five technicians for Beijing alone, was down to one or two people on any given day. On January 31, Post requested to use the Carlson Wagonlit contract for those officers caught outside of China. Diverting some of the demand away from the Embassy eased the wait times employees were experiencing to get tickets. Within the next three days, the Department approved any Mission China employee or family member to contact Carlson Wagonlit to book travel. As flights were being canceled daily, this was critical in facilitating staff to depart quickly.

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8. (SBU) Evacuating pets was not a problem and most employees were able to evacuate with their pets. In cases where pets did not travel, officers made arrangements for care. Post coordinated with USDA-APHIS and FAA to facilitate exit paperwork for dozens of animals and sought waivers from US Customs officials to facilitate the travel. Once a process was established, Post broadcast this across Mission China. Now that Post has resumed operations and more than 1,100 officers and family members have returned via chartered aircraft, returning pets to Post has created new logistical hurdles as Chinese quarantine protocols make harboring animals nearly impossible.

Feed the [Washington] Beast

9. (SBU) As Post rapidly went from AD to OD, Washington was anxious for personnel numbers for Beijing and all constituent posts but getting a solid base number was complicated. Only a week prior to the evacuation, Post had switched to the Overseas Personnel System (OPS) and discrepancies were widespread. Post used EMS to generate JF-144s for all mission personnel. Because EMS and OPS use two different naming conventions for officers and EFMs, combining the two data sets and determining the true footprint in a post like Beijing (and the consulates) took significant time. Furthermore, EMS replicated dependents for tandem couples thus requiring multiple checks to see which EFM belonged to which set of orders. New dependents (babies) were often excluded in OPS and updating EMS was cumbersome and slow.

10. (SBU) To ensure that there was no delay in processing JF-144s, these forms were annotated by hand, as opposed to being corrected in the system. This did create some accounting issues later, in that hand-written codes were not always legible and not all non-State agencies were familiar with the language used. Despite the time saved during the early rush by generating JF-144s for all personnel, it significantly increased the work needed on the back-end as it was challenging to determine which JF-144s were executed.

Please, Not Another Email...

11. (SBU) It took time to find a good balance of how often to communicate with the Embassy community. Early on, Post pushed information out through a combination of e-mails and town halls. The Community Liaison Office (CLO) sent out need-to-know evacuation information as soon as it was received, resulting in multiple emails to the community daily. When large quantities of new information or status updates came, the Embassy held townhalls that included representatives from HR, GSO, CLO, RSO and the CDC. These Mission-wide townhalls were vital in creating an atmosphere of trust and confidence during an overall confusing time. However, it soon became clear that many in the Embassy began to suffer from information overload. Important information was getting lost in updates, and information fatigue started to set in. To combat this, Post began to send emails on a more structured basis. All sections would send their updates and messages to CLO. CLO would then send out sitreps once a day by COB. By being as comprehensive as possible in the distribution, Post was able to communicate with the dozens of officers who did not have access to Outlook/OpenNet. Over time, Post established POCs for specific subjects and continued to refer inquirers to the very useful "So You've Been Evacuated, Now What?" guide.

...But Don't Forget My [Foreign Affairs] Agency

12. (SBU) Non-State agencies faced particular challenges communicating with Post and Main State. Many agencies follow State's lead on evacuation policy. However, the smaller agencies, some of which evacuated all USDH staff, often rely on communications at Post to keep abreast of policy changes. Procedures and policy changes that were well-known to State were not clearly communicated with the

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appropriate contacts at Post nor with the appropriate points of contact in Washington at non-State agencies. The most significant of these was the regulatory change that allowed for evacuees to safe haven at locations other than D.C. Many evacuees arrived in D.C. and then needed to go through a bureaucratic process to move to another location. While this change was broadcast widely to State colleagues and an internal process was established, those in other Foreign Affairs agencies struggled to determine how to do the same.

13. (SBU) Non-State employees experienced similar complications when it came to booking a ticket from a third country to return to the United States. For example, when Carlson Wagonlit stepped in to provide booking assistance for employees trapped in other countries, those working in the Department of Agriculture (USDA), were told that they were not in Carlson's database and could not be issued tickets. This problem was easily solved once those working in Carlson Wagonlit searched for USDA as a separate entity and not as a part of State, yet the few days it took to figure out this problem added more stress and delayed travel times for those trapped overseas and eager to return to the United States.

Lessons Learned

1. **Data is King:** Getting a single data set of all personnel and family members at post that is reliable was a critical first step. Despite the expediency of creating JF-144s for all officers and family members using EMS, creating orders for only those who needed them would have mitigated accounting issues and would have significantly aided in tracking personnel. Once a central data set was created, Microsoft Teams allows multiple stakeholders to access and contribute to tracking mission personnel. Even with Mission China's counterintelligence (CI) concerns, managing access and creating an acceptable risk tolerance of who has access were critical early steps.
2. **Create a Dedicated Task Force Office Space:** A dedicated command center made communication more efficient and allowed for decisions to be made much faster. This also made it easier to create a team mentality that we were all in this together.
3. **Evacuation Is Not a Vacation; TMCs Are Valuable Resources:** The local TMC struggled to keep up with the high demand from officers needing to depart Post, especially from those with preferences for date, time, or even airline. Post must play a more assertive role in selecting flights for officers. Furthermore, the Department should formally adopt Carlson Wagonlit or other enterprise TMC to handle "caught out" employees in cases where the local TMC may not be able to handle the volume, especially for those stuck in third countries.
4. **Communication:** Communication is critical. Post needs to employ different methods (town halls and e-mails) to get the message out. Post also needs to manage and consolidate that communication to prevent information overload while ensuring that recipients don't miss vital details. Over time, those in the United States quickly lose contact with Post so maintaining that linkage is important to keeping your teams intact and cohesive.
5. **Official P.O.C.s for Non-State Agencies:** When the evacuation started, the focus was getting people out. Once the rush subsided, posts should actively designate official representatives to work with management to ensure non-State employees are taken care of, especially since CLO tends to bring a more State-focused perspective. Non-State agencies welcomed seeing non-State representatives on the various taskforces that emerged later – especially the Homecoming Task Force and the new Commercial Travel Taskforce.

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6. **Rotational Staffing:** Because AD/OD was announced during Chinese New Year, many people were away from post and could not return. In order to return to Post, EAP had to agree that an employee was mission critical and then seek Under Secretary for Management (M) clearance for their return. As more employees evacuated, the need to carry out our mission-critical work still existed and the need for relief grew. Chinese requirements, including quarantine and testing, complicated the issue, while State offices did not want to accede to these requirements on the grounds that they violated the Vienna Convention. State should be more flexible in allowing for staff to travel to Post to maintain minimum staffing levels and provide relief for those who may be experiencing burn-out or whose families are experiencing significant hardship due to the extended separation.

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7. **PA 105 - Contingency Preparedness Training:** The curriculum of this FSI course was used extensively in the planning and execution of the evacuation. The curriculum highlights the use of an effective team approach to managing a contingency, as well as training on the use of EMS.

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SBU



中 华 人 民 共 和 国 外 交 部

(2021)礼字第1号

各国驻华大使馆、各国际组织驻华代表机构：

中华人民共和国外交部礼宾司向各国驻华大使馆和各国际组织驻华代表机构致意并谨告知如下：

新冠肺炎疫情发生以来，在各馆（团）的大力支持和协助下，中国境内新冠肺炎疫情得到有效控制，各馆（团）来华人员能够较好地遵守中方有关防疫措施，中方再次对各馆（团）的理解支持表示真诚感谢。当前全球疫情仍持续蔓延，个别国家还出现传染性更强的变异新冠病毒，中方面临巨大的疫情输入风险。

近日，某驻华使馆外交官在入境时核酸检测结果为阴性，之后闭环转运至集中医学观察酒店进行医学观察。根据北京市防疫规定，中方对其进行了入境人员第7日核酸检测，结果呈阳性，当日转运至定点医院，并被诊断为新冠肺炎确诊病例，临床分型为轻型，目前已治愈。

另一驻华使馆外交官与未成年孩子于近日抵京，闭环转运至集中医学观察酒店进行医学观察。其本人入境核酸检测结果为阴性，孩子核酸检测结果为阳性，无症状。但该外交官不认可中方检测结果，拒绝与孩子分开隔离。应其请求，

中方之后又两次对该父子进行核酸检测,孩子两次均为阳性,父亲也被孩子传染,检测结果显示为阳性。中方请二人尽快进入医院检查并在其同意的前提下同室住院接受治疗。但该外交官仍不认可检测结果,不赴医院进行诊断。为避免对其他入住酒店人员和环境造成感染风险,经双方协商,礼宾司紧急协调中方多个部门,协助该外交官及孩子闭环乘医疗包机离京回国。

上述情况再次证明,对入境人员实施集中医学观察能最大程度帮助中国疾控部门对新冠肺炎患者做到“早发现、早报告、早隔离、早治疗”,避免向公众传染。如入境或在京使团人员核酸检测结果为阳性或出现新冠肺炎相关症状,请积极配合中方有关部门,立即前往定点医院接受进一步筛查诊疗。

为此,驻华使团人员如于2021年1月27日之后来中国,在向中国驻始发地使领馆申办健康状况声明书或请中国外交部驻港公署协调自香港来内地时,须书面签字承诺(馆员可代表全家签名)如入境后核酸检测呈阳性或出现新冠肺炎相关症状,将接受中方诊断、隔离、治疗,相关费用自理(两国有对等免费安排的除外);或第一时间自行安排医疗包机离华;同时派出外交部亦需照会中国驻始发地使领馆(或驻港公署)作出相应承诺。

中方再次提请驻华使团人员从保障自身和他人健康出

发，在起飞地进行核酸和血清特异性IgM抗体检测后即安排严格闭环管理，做好自我隔离和防护，不与外界接触，同时在赴机场途中、机场内及在机舱内全程佩戴口罩，严防旅途感染风险。来华后积极配合中方防疫工作，遵守当地和相关社区、场所的防疫规定，包括遵守北京市最新的医学观察等防疫措施（详见北京市外办相关照会）要求，“非必要不出京”，尽量减少前往中高风险地区所在城市出行活动，不前往中高风险地区，共同维护北京来之不易的防疫成果。

顺致崇高的敬意。

中华人民共和国外交部礼宾司
二〇二一年一月十八日于北京



Ministry of Foreign Affairs of the People's Republic of China
Li Zi No. 1 (2021)

Embassies and Representative Offices of International Organizations in China:

The Protocol Department of the Ministry of Foreign Affairs of the People's Republic of China presents its compliments to Embassies of various countries in China and representative offices of various international organizations in China, and has the honor to provide notification as follows:

Ever since the outbreak of COVID-19, with the strong support and assistance of the Embassies (Missions), the pandemic within China has been kept effectively under control. Embassies (Missions) personnel entering China have been in good compliance with relevant Chinese pandemic preventive and control measures; and for that, the Chinese side once again would like to express sincere gratitude to the Embassies (Missions) for your understanding and support. As the global pandemic continues to spread, with individual countries experiencing variants that are more contagious, China is facing tremendous risk of imported cases.

Recently, a diplomat of a certain embassy tested negative upon entering the country and was transported close-looped to a centralized medical observation hotel for medical monitoring. As stated in Beijing Municipality's outbreak prevention and control regulations applying to travelers arriving in China, a 7th day nucleic acid test was performed on the said individual and the result came back positive. The individual was transported to a designated hospital and was diagnosed as a confirmed COVID-19 case. The clinical classification was mild, and the individual has since recovered.

A diplomat of another embassy arrived with a minor child recently in Beijing and were transported close-looped to a centralized medical observation hotel for medical monitoring. The diplomat tested negative upon entry while the child positive but was asymptomatic. However, the diplomat rejected the Chinese test result and refused to be quarantined separately from the child. Upon request, the Chinese side conducted two more rounds of nucleic acid tests on both the father and the son. The results came back positive both times for the child. The father was later infected by the child and tested positive. China requested both to be examined in a hospital as soon as possible and if the said individual agreed, to have them both treated in the same room. Nonetheless, the said diplomat continued to reject the test results or going to the hospital. In order to prevent exposing other hotel occupants and environment to the risk of being infected, after both sides consulted, the Department of Protocol coordinated with various Chinese departments under emergency contingencies, and assisted the diplomat and his child to depart Beijing, in a close looped manner and return to their home country via medical charter flight.

The abovementioned situation once again proves that implementing centralized medical observation on the entrants would, to the greatest extent, assist the Chinese disease prevention and control departments to achieve "early identification, early reporting, early quarantine, early

treatment” on any COVID-19 patient, so as to avoid spreading to the public. In the case of Mission personnel, either upon entering China or when in Beijing, once their test results are positive, or if they are showing symptoms associated with COVID-19, please work proactively with relevant Chinese departments and immediately go to a designated hospital for further screening and treatments.

To this end, for Mission personnel posted to China who are to arrive after January 27, 2021, while applying for the health declaration with the Chinese embassy at the originating place or requesting the assistance of the Office of the Commissioner of the Ministry of Foreign Affairs of People’s Republic China in the Hong Kong Special Administrative Region to travel to Chinese Mainland from Hong Kong, must sign a written commitment (the accredited embassy/ consulate staff member can sign on behalf of the whole family) that in the case of a positive test result or showing symptoms associated with COVID-19 after entering China, they agree to accept diagnoses, quarantine, and treatments by the Chinese side, with all expenses self-paid (excluding where two countries have reciprocal, free-of-charge arrangements); or to self-arrange medical charter flights to depart China at the earliest time possible. The Ministry of Foreign Affairs of the sending country must send a note to the Chinese embassy or consulate of the originating place (or the Office of Commissioner of the Chinese Ministry of Foreign Affairs in Hong Kong Special Administrative Region) with the same commitments.

The Chinese side once again requests that the Diplomatic Mission personnel safeguard the health of oneself and others, by undertaking strict close-looped management once the nucleic acid and IgM antibody tests have been conducted at the departure city, ensuring self-isolation and protection, and avoiding contacts with the outside world. A mask should always be worn while en route to and at the airport, as well as for the duration of the flight, so as to strictly prevent any infection during the journey. After arriving in China, we ask that they proactively work with China’s disease preventive and control efforts, abide by the local preventive and control rules, and by relevant communities or facilities, including observing the latest preventive and control measures of Beijing, such as medical observation (details please see Beijing FAO Diplomatic Note). “Do not leave Beijing unless necessary”, limit trips and activities to cities with high-and mid- risk areas, and do not travel to high- and mid- risk areas so as to together safeguard the hard-earned results of preventive and control efforts of Beijing.

We avail ourselves of this opportunity to renew the assurances of our highest consideration.

Protocol Department of the Ministry of Foreign Affairs of the People’s Republic of China
January 18, 2021, Beijing

0		Beijing	6/4/2020
0		Beijing	6/4/2020
1		Beijing	6/4/2020
1		Beijing	6/5/2020
1		Beijing	6/8/2020
1		Beijing	6/8/2020
0		Beijing	6/8/2020
0	2020-0514 - Request facilitation for the return of the DCM and his family	Beijing	GSO 6/9/2020
1		Beijing	6/10/2020
1		Beijing	6/10/2020
0		Beijing	6/10/2020
0		Beijing	6/11/2020
0		Beijing	6/11/2020
0		Beijing	6/12/2020
0		Beijing	6/12/2020
0		Beijing	6/12/2020
0		Beijing	6/12/2020
0		Beijing	6/15/2020
1		Beijing	6/16/2020
0		Beijing	6/16/2020
0	2020-0547 - Return of DCM Forden	Beijing	MGT 6/17/2020
0		Beijing	6/17/2020
0		Beijing	6/17/2020
0		Beijing	6/17/2020
1		Beijing	6/18/2020
1		Beijing	6/18/2020
1		Beijing	6/18/2020
1		Beijing	6/18/2020
1		Beijing	6/18/2020
0		Beijing	6/18/2020
0		Beijing	6/18/2020
0	2020-0563 - Requesting TJ Quarantine Hotel List	Beijing	6/19/2020
0		Beijing	6/19/2020
0		Beijing	6/19/2020
1		Beijing	6/22/2020

0		Beijing	7/17/2020
1		Beijing	7/17/2020
0	2020-0732 - Dip Note for Returnees to Beijing on Jul 30	Beijing	7/17/2020
1		Beijing	7/20/2020
0	2020-0737 - Dip Note for Tianjin Returnees on Jul 30	Beijing	7/20/2020
0		Beijing	7/20/2020
1		Beijing	7/21/2020
0		Beijing	7/21/2020
0	2020-0741 - Dip Note for Returnees to Tianjin on Aug 3	Beijing	7/21/2020
1		Beijing	7/21/2020
1		Beijing	7/21/2020
0		Beijing	7/21/2020
0		Beijing	7/21/2020
1		Beijing	7/22/2020
0	2020-0754 - Dip Note(updated) for returnees to TJ on Jul 30	Beijing	7/22/2020
0		Beijing	7/22/2020
0		Beijing	7/23/2020
1		Beijing	7/23/2020
0		Beijing	7/24/2020
0		Beijing	7/24/2020
1		Beijing	7/24/2020
0		Beijing	7/24/2020
0		Beijing	7/24/2020
0		Beijing	7/24/2020
0		Beijing	7/24/2020
0	2020-0772 - Med Evac Overflight	Beijing	7/25/2020
1		Beijing	7/27/2020
0		Beijing	7/27/2020
0		Beijing	7/27/2020
1		Beijing	7/28/2020
1		Beijing	7/28/2020
1		Beijing	7/28/2020
0	2020-0780 - to request facilitation for U.S. diplomats to receive food from outside vendors while waiting for	Beijing	GSO 7/28/2020
0	2020-0781 - Ps and Is Wavier - July 30 Arrival into Tianjin	Beijing	MGT 7/28/2020

1		Beijing		7/28/2020
1		Beijing		7/29/2020
1		Beijing		7/29/2020
0	2020-0787 - confirms that all passengers aboard the charter flight from the United States arriving in Tianjin	Beijing	GSO	7/29/2020
0		Beijing		7/29/2020
0		Beijing		7/29/2020
0	2020-0791 - Return Positive Passengers	Beijing	MGT	7/29/2020
0		Beijing		7/30/2020
0		Beijing		7/30/2020
1		Beijing		7/30/2020
1		Beijing		7/30/2020
1		Beijing		7/30/2020
1		Beijing		7/30/2020
0		Beijing		7/31/2020
1		Beijing		7/31/2020
1		Beijing		7/31/2020
1		Beijing		7/31/2020
1		Beijing		7/31/2020
0	2020-0809 - L Weiver Aug 3 Arrival	Beijing	MGT	7/31/2020
1		Beijing		7/31/2020
1		Beijing		7/31/2020
1		Beijing		7/31/2020
0		Beijing		7/31/2020
0	2020-0815 - August 3 Flight - Negative Test and Seating Chart	Beijing	MGT	8/1/2020
0	2020-0816 - August 3 Return Positive Passengers	Beijing	MGT	8/1/2020
0		Beijing		8/1/2020
0		Beijing		8/1/2020
1		Beijing		8/3/2020
1		Beijing		8/3/2020
0		Beijing		8/3/2020
0		Beijing		8/3/2020
1		Beijing		8/3/2020
1		Beijing		8/3/2020
0		Beijing		8/3/2020

1			Beijing		8/25/2020
0			Beijing		8/26/2020
0			Beijing		8/26/2020
1			Beijing		8/26/2020
1			Beijing		8/26/2020
0			Beijing		8/26/2020
1			Beijing		8/26/2020
0			Beijing		8/26/2020
0			Beijing		8/26/2020
0	2020-0956 - Dip Note for returnees on flight 9 to Guangzhou		Beijing	GSO	8/26/2020
0	2020-0957 - August 27 Flight-Return positive passengers to USA		Beijing	MGT	8/27/2020
0			Beijing		8/27/2020
1			Beijing		8/27/2020
0	2020-0963 - Dip Note for supplies and food delivery to Tianjin Great View Hotel		Beijing	GSO	8/28/2020
1			Beijing		8/28/2020
1			Beijing		8/28/2020
0	2020-0967 - Request for home quarantine		Beijing	MGT	8/28/2020
1			Beijing		8/28/2020
1			Beijing		8/28/2020
0			Beijing		8/28/2020
0			Beijing		8/28/2020
1	2020-0974 - Tianjin Communication at Hotel		Beijing		8/29/2020
1			Beijing		8/31/2020
1			Beijing		8/31/2020
1			Beijing		8/31/2020
1			Beijing		8/31/2020
0			Beijing		8/31/2020
0			Beijing		8/31/2020
1			Beijing		8/31/2020
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1			Beijing		8/31/2020
1			Beijing		8/31/2020
1			Beijing		8/31/2020
1			Beijing		8/31/2020
0			Beijing		9/1/2020

1		Beijing		9/18/2020
1		Beijing		9/18/2020
1		Beijing		9/18/2020
1		Beijing		9/18/2020
1		Beijing		9/18/2020
1		Beijing		9/21/2020
0	2020-1111 - to receive food from outside vendors while waiting for NAT test results at the Tianjin Airport	Beijing	GSO	9/21/2020
1		Beijing		9/21/2020
1		Beijing		9/21/2020
1		Beijing		9/21/2020
1		Beijing		9/21/2020
1		Beijing		9/21/2020
0		Beijing		9/21/2020
1		Beijing		9/21/2020
0	2020-1122 - dip note for supplies delivery to Tianjin Grand View Hotel for returnees	Beijing	GSO	9/21/2020
0		Beijing		9/21/2020
0		Beijing		9/21/2020
1		Beijing		9/21/2020
1		Beijing		9/21/2020
0		Beijing		9/22/2020
0		Beijing		9/22/2020
0		Beijing		9/22/2020
0		Beijing		9/22/2020
0		Beijing		9/22/2020
1		Beijing		9/23/2020
1		Beijing		9/23/2020
0	2020-1143 - Test Waiver for Sep 24 flight	Beijing	GSO	9/23/2020
0		Beijing		9/23/2020
0	2020-1145 - Negative Test and Seating Chart for September 24 flight	Beijing	GSO	9/23/2020
0	2020-1146 - Sept 24 Flight - Return Positive Passengers	Beijing	MG	9/23/2020
0		Beijing		9/23/2020
0		Beijing		9/23/2020
0		Beijing		9/23/2020
0	2020-1150 - 3rd Person - Departure of the Ambassador	Beijing	POL	9/23/2020
1		Beijing		9/24/2020

1		Beijing		11/3/2020
0		Beijing		11/3/2020
0		Beijing		11/2/2020
0		Beijing		11/4/2020
1		Beijing		11/4/2020
1		Beijing		11/4/2020
1		Beijing		11/4/2020
1	2020-1441 - Child Separation COVID	Beijing	IMGT	11/9/2020
1	2020-1442 - Protesting @M and Third Country Transit Testing	Beijing	IMGT	11/9/2020
0		Beijing		11/9/2020
0		Beijing		11/9/2020
1		Beijing		11/8/2020
1		Beijing		11/8/2020
0		Beijing		11/8/2020
0		Beijing		11/8/2020
0		Beijing		11/9/2020
0		Beijing		11/9/2020
1		Beijing		11/9/2020
0		Beijing		11/9/2020
0		Beijing		11/9/2020
1		Beijing		11/9/2020
1		Beijing		11/9/2020
1		Beijing		11/10/2020
1		Beijing		11/10/2020
0		Beijing		11/10/2020
0		Beijing		11/10/2020
1		Beijing		11/10/2020
1		Beijing		11/10/2020
1		Beijing		11/10/2020
1		Beijing		11/12/2020
1		Beijing		11/12/2020
0		Beijing		11/16/2020
1		Beijing		11/16/2020
1		Beijing		11/16/2020
0		Beijing		11/16/2020
1		Beijing		11/16/2020
1		Beijing		11/16/2020

0		Beijing	10/23/2020
1		Beijing	10/23/2020
1		Beijing	10/23/2020
1		Beijing	10/23/2020
1		Beijing	10/23/2020
0		Beijing	10/23/2020
1		Beijing	10/26/2020
1		Beijing	10/26/2020
1		Beijing	10/26/2020
0		Beijing	10/26/2020
1		Beijing	10/26/2020
1		Beijing	10/26/2020
0		Beijing	10/27/2020
1		Beijing	10/27/2020
0		Beijing	10/27/2020
0		Beijing	10/27/2020
0		Beijing	10/27/2020
1	2020-1385 - Announce departure of Terry Branstad	Beijing HR	10/28/2020
1		Beijing	10/29/2020
1		Beijing	10/29/2020
0		Beijing	10/29/2020
0		Beijing	10/30/2020
0		Beijing	10/30/2020
1		Beijing	10/30/2020
0		Beijing	10/30/2020
0		Beijing	10/30/2020
0		Beijing	10/30/2020
0		Beijing	11/2/2020
1		Beijing	11/2/2020
0		Beijing	11/3/2020
1		Beijing	11/3/2020
0		Beijing	11/3/2020
1		Beijing	11/3/2020
0		Beijing	11/3/2020
0		Beijing	11/3/2020

0	2021-0396 - Dip Note for home quarantine in Beijing for returnees	Beijing	GSO	3/25/2021
1		Beijing		3/25/2021
1		Beijing		3/25/2021
1		Beijing		3/25/2021
0	2021-0402 - Tianjin FAO to facilitate the CDA arrival to Beijing	Beijing	GSO/VIP	3/26/2021
1		Beijing		3/26/2021
0		Beijing		3/26/2021
0		Beijing		3/29/2021
1		Beijing		3/29/2021
1		Beijing		3/29/2021
1		Beijing		3/29/2021
0		Beijing		3/29/2021
0		Beijing		3/30/2021
1		Beijing		3/30/2021
1		Beijing		3/30/2021
1		Beijing		3/30/2021
1		Beijing		3/30/2021
1		Beijing		3/30/2021
1		Beijing		3/30/2021
1		Beijing		3/30/2021
1		Beijing		3/30/2021
1		Beijing		3/31/2021
1		Beijing		3/31/2021
1		Beijing		3/31/2021
1		Beijing		3/31/2021
1		Beijing		3/31/2021
1		Beijing		4/2/2021
1		Beijing		4/1/2021
1		Beijing		4/1/2021
1		Beijing		4/1/2021
1		Beijing		4/2/2021
1		Beijing		4/2/2021
1		Beijing		4/2/2021
0	2021-0448 - Dip Note for travelers to China via Shanghai in mid-April	Beijing	GSO	4/2/2021

0	2021-1092 - Dip note for Tianjin Airport Walkthrough	Beijing	GSO	7/8/2021
0	2021-1093 - Dip note ordering food from outside vendors	Beijing	GSO	7/8/2021
0	2021-1094 - Dip note receive food at the Tianjin Airport	Beijing	GSO	7/8/2021
0	[REDACTED]	Beijing	[REDACTED]	7/9/2021
0	2021-1095 - Charter Flight test results and seating chart	Beijing	MGT	7/9/2021
1	2021-1097 - update to inform MFA on [REDACTED] assume duties of Chargé d'Affaires	Beijing	HR	7/9/2021
1	[REDACTED]	Beijing	[REDACTED]	7/9/2021
0	2021-1103 - Home Quarantine Request - [REDACTED]	Beijing	GSO	7/9/2021
1	[REDACTED]	Beijing	[REDACTED]	7/12/2021
1	[REDACTED]	Beijing	[REDACTED]	7/12/2021
1	[REDACTED]	Beijing	[REDACTED]	7/12/2021
1	[REDACTED]	Beijing	[REDACTED]	7/12/2021
1	2021-1110 - Announce Departure for Robert Forden	Beijing	HR	7/12/2021
1	[REDACTED]	Beijing	[REDACTED]	7/12/2021
0	2021-1112 - Home Quarantine Request - [REDACTED] Family	Beijing	[REDACTED]	7/12/2021
1	[REDACTED]	Beijing	[REDACTED]	7/12/2021
1	[REDACTED]	Beijing	[REDACTED]	7/12/2021
1	[REDACTED]	Beijing	[REDACTED]	7/12/2021
0	[REDACTED]	Beijing	[REDACTED]	7/13/2021
0	[REDACTED]	Beijing	[REDACTED]	7/13/2021
1	[REDACTED]	Beijing	[REDACTED]	7/13/2021
1	[REDACTED]	Beijing	[REDACTED]	7/13/2021
1	[REDACTED]	Beijing	[REDACTED]	7/13/2021
0	[REDACTED]	Beijing	[REDACTED]	7/13/2021
0	[REDACTED]	Beijing	[REDACTED]	7/13/2021
0	[REDACTED]	Beijing	[REDACTED]	7/13/2021
1	[REDACTED]	Beijing	[REDACTED]	7/14/2021
1	[REDACTED]	Beijing	[REDACTED]	7/14/2021
1	[REDACTED]	Beijing	[REDACTED]	7/14/2021
1	[REDACTED]	Beijing	[REDACTED]	7/15/2021
1	[REDACTED]	Beijing	[REDACTED]	7/15/2021
0	2021-1138 - test waiver for charter flight returnees	Beijing	MGT	7/15/2021

1		Beijing		7/23/2021
1		Beijing		7/23/2021
0		Beijing		7/23/2021
0	2021-1207 - Dip note to MFA to request medical treatment	Beijing	BSC	7/24/2021
0		Beijing		7/25/2021
0	2021-1209 - family undergo medical treatment in Shanghai	Beijing	MGT	7/26/2021
0	2021-1210 - Home quarantine request for	Beijing		7/26/2021
1		Beijing		7/26/2021
0		Beijing		7/26/2021
1		Beijing		7/27/2021
1		Beijing		7/27/2021
0		Beijing		7/27/2021
1		Beijing		7/27/2021
1		Beijing		7/27/2021
1		Beijing		7/27/2021
1		Beijing		7/27/2021
1		Beijing		7/28/2021
1		Beijing		7/28/2021
1		Beijing		7/28/2021
0		Beijing		7/28/2021
1		Beijing		7/28/2021
0	2021-1232 - Dipnote to MFA for Beijing 01414000000000000000	Beijing		7/28/2021
0	2021-1232 - charter flight passenger hospitalization issues for /Not sent out	Beijing	MGMT	7/28/2021
0	2021-1234 - Home Quarantine Request -	Beijing		7/29/2021
1		Beijing		7/29/2021
0		Beijing		7/29/2021
0		Beijing		7/29/2021
0		Beijing		7/29/2021
0		Beijing		7/30/2021
1		Beijing		7/30/2021
1		Beijing		7/30/2021
0		Beijing		7/30/2021
0		Beijing		7/30/2021
1		Beijing		7/30/2021
0		Beijing		7/30/2021

March 6, 2024

The Honorable
Benjamin L. Cardin, Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

James Risch, Ranking Member
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Chairman Cardin and Ranking Member Risch:

Robert Forden failed to discharge his duties faithfully while serving as Deputy Chief of Mission from July 2020 to October 2020 and then Charge d' Affaires (CDA) of the U.S. Mission to China between October 2020 and July 2021. Specifically, Mr. Forden failed to uphold a core responsibility: to safeguard the privileges and immunities (P&Is) of U.S. government personnel serving in China.

As the President's National Security Strategy states, the People's Republic of China (PRC) "presents America's most consequential geopolitical challenge." It is also a significant intelligence and counterintelligence threat. Even so, Mr. Forden and others allowed the PRC government to violate diplomatic P&Is repeatedly, posing a threat to the interests of the United States and the safety and security of career diplomats and other U.S. government personnel.

- 1) Mr. Forden failed to notify the Department via front channel cable as required after China expanded its dynamic Zero-COVID policies well beyond what the Department authorized in a September 2020 limited waiver of inviolability (LWOI) requested by Mission China leadership.¹ As a result, U.S. diplomats traveling to China were left to languish in horrid and unsanitary hotels and fever hospitals for weeks with no support from Mr. Forden, the Mission management team, or the Department. Mission members were kept from receiving emergency medical care, were often malnourished, children were separated from their parents, and post-traumatic stress left many members angry, disgruntled, and seeking a way to end their tours earlier.

Under Mr. Forden's leadership the length of quarantine for travel to China progressively increased. It began with two weeks in a diplomatic residence in the summer of 2020. By January of 2021, the PRC requirement increased to up to three weeks detainment in mandatory PRC government-controlled hotels plus another week

¹ Per Department policy, "Post should inform the Department via front channel cable if the conditions or Post's recommendation changes." (See MRN: 20 STATE 92790 – Attachment #1)

of residential self-monitoring.² Likewise, the number of COVID tests required for entry into the country on commercial flights went from two during the initial charter flights to over six nasal swab tests and the introduction of a new blood antigen test required to be performed at a PRC designated facility in the U.S.³

- 2) Mr. Forden also failed to seek additional P&I waivers as required by the Department for the increased number of COVID tests and quarantine procedures mandated by the PRC for both arrival into the country and for daily living. According to 2 FAM 221.5, only the Department (and not the U.S. Mission or the officers) has the authority to authorize a limited waiver of P&Is. With this lack of authorization from the Department, the PRC repeatedly violated U.S. diplomats P&Is by prohibiting children from attending school, restricting Mission members' access to immediate medical care, and creating roadblocks to domestic travel for official purposes.⁴

Evidence of Mr. Forden's failure to act in preserving diplomatic P&Is was on full display during the PRC's response to the December 2020⁵ and January 2021⁶ spike in COVID cases that occurred in a Beijing district which housed many Mission members and their families.⁷ The Mission guidance given at that time lacked candor and was contrary to Department policy as stated in 20 STATE 60472 as well as the previously granted limited waiver of inviolability granted on September 18, 2020. (See MRN: 20 STATE 92790 – Attachment #1)

According to the Emergency Action Committee (EAC) meeting chaired by Mr. Forden on December 28, 2020:

"[T]he Mission encourages the community to comply with the request in the interest of supporting China's public health response and protecting our community from COVID infection. However, Mission China will not require such testing, but rather leave it as a personal decision. Mission staff and families should be aware that there may be consequences imposed by the Chinese authorities on persons refusing to comply with the testing request, including possible quarantine or other restriction of movement, and that these consequences may be unpredictable. In addition, the front office will consider whether a person declining to test during an outbreak situation may be restricted from coming to

² Management Notice No. 024 – "Updated Quarantine Policy for Beijing-bound Travelers Arriving from Overseas," January 29, 2021.

³ Mission China Travel Checklist last updated 3/9/2021.

⁴ Management Notice No. 231 – "Testing for Attending Meetings and Events," November 27, 2020.

⁵ Management Notice No. 254 – "All Residents of Shunyi District Requested to Take COVID-19 Test," December 29, 2020.

⁶ Management Notice No. 008 – "All Residents of Shunyi District Requested to Take COVID-19 Test – Second Round," January 11, 2021.

⁷ Management Notice No. 253 – "Guidance on Responding to Requests to Take COVID-19 Tests and to Provide Test Results," December 28, 2020.

work or having other interactions with the Mission community in order to protect other Mission staff families.”⁸

Mr. Forden, if competent, should have known that the testing was not voluntary if it is a condition to one’s ability to live and work at Post. Therefore, a waiver of the P&Is for Mission members should have been sought from the Department. As noted above, only the Department and not the Chief of Mission nor an individual diplomat have the authority to waive P&Is.

As a result of this egregious failure to uphold diplomatic P&Is, several Mission families living in Shunyi chose to violate their P&Is and were forced to wait for hours in freezing conditions to submit to mandatory PRC provided COVID tests. This is a precedent the PRC continued to take advantage of as restrictions grew under their dynamic ZERO-COVID policy.

- 3) Mr. Forden failed to verify that the medical facilities used for treatment of COVID positive Mission members were in fact adequate for Mission personnel, as he had previously attested to in a front office cable dated September 11, 2020. (See MRN: 20 BEIJING 1690 – Attachment #2)

Though Mr. Forden will claim that the RMO and other members of the Mission tried to visit PRC designated fever hospitals, none of them ever toured the actual rooms used for holding patients. During the summer of horror that took place in 2021, as the stories of what Mission members were subjected to started to circulate within the community, it became clear the PRC hospitals were exactly the unsanitary and poorly run facilities the RMO warned about during the January 2020 EAC when Authorized Departure was initially requested by Ambassador Branstad after the COVID-19 outbreak. (See Attachment #4)

- 4) Mr. Forden failed to identify threats facing Mission personnel after a mother and her young infant were sent to a PRC fever hospital in Shanghai during the months of March/April 2021. The mother tested inconclusive for COVID prior to completing her mandatory two-week hotel quarantine.⁹ According to those with knowledge of the incident, the mother used mattresses to create a safe space for her baby in the corner of the room because the conditions of the facility were so appalling.

⁸ 20 BEIJING 2480, dated December 28, 2020

⁹ The story of an EFM being admitted into a PRC fever hospital for a week was first reported in April 2021, by members of the Shanghai Consulate. The story was later verified by another whistleblower who confirmed the matter with the EFM. In addition, there is also another credible story of a Mission Contractor and his son being housed inside of a PRC fever hospital in January of 2021. According to the story, they eventually received a MEDEVAC but the contractor was apparently forced to pay the cost of the MEDEVAC because Mission Contractors are apparently not covered by Department insurance.

Mr. Forden never properly addressed what happened to this mother. She received no positive and verified COVID test – it was deemed inconclusive. Yet, contrary to previous PRC guidance, the mother was admitted into the Shanghai PRC fever hospital and the Mission sent a diplomatic note waiving her P&Is. After being discharged from the hospital there were also no actions taken to address and protect future Mission members from experiencing the appalling and unsanitary conditions of the Shanghai PRC fever hospital. Because of Mr. Forden’s failure to act in this case, many more Mission members and U.S. citizens were forced to needlessly suffer the same fate in the future.

- 5) Lastly, Mr. Forden failed to detect national security threats, even when discussed in meetings with senior members of the Mission. This was evident with the lack of meaningful pushback by Mr. Forden against PRC-mandated and controlled blood tests administered in the United States, and only at collection sites approved by China’s mission in the United States. These tests – a new requirement that went into effect after the Department authorized the LWOI – were a precondition for U.S. diplomats to travel to China.¹⁰ (For background on the threat see Attachment #5 – CHINA’S COLLECTION OF GENOMIC AND OTHER HEALTHCARE DATA FROM AMERICA: RISKS TO PRIVACY AND U.S. ECONOMIC AND NATIONAL SECURITY, by the National Counterintelligence and Security Center, dated February 2021)

As this demonstrates, Mr. Forden is a poor leader and lacks the integrity and judgment to be the next U.S. Ambassador to Cambodia. Robert Forden participated in and directly contributed to an egregious failure of leadership by Department officials, who in the course of their duties failed to act to protect the privileges and immunities of U.S. diplomats serving in China. The below signed whistleblowers call on the Senate Foreign Relations Committee to oppose the nomination or promotion of Robert Forden and all other State Department officials who directly participated in or failed to act to protect the health and safety of U.S. Mission personnel serving in China between 2020 and 2023.

What began as a campaign by the Senior Leadership of the Mission in the Spring 2020 to push the Department to restaff Mission China’s depleted ranks, ultimately turned into a nightmare for hundreds of Mission employees and their families. The magnitude of the leadership failure cannot be understated. The failure to insist that the PRC respect the diplomatic rights of U.S. diplomats or to impose any consequences and change policies to protect our people when China did not, allowed the PRC to act with impunity. Eventually, that failure to act contributed directly to the detainment of dozens of U.S. diplomats and their family members in PRC fever prisons starting in approximately January of 2021 and lasting until approximately April of 2022, with hundreds more U.S. diplomats forced to endure exhaustive and invasive quarantine protocols and testing all throughout 2020 and until 2023.

¹⁰ PRC Embassy advisory – “Notice on the Requirement Adjustment of the Nucleic Acid rt-PCR and IgM Serum Antibody Tests,” dated 2020/12/19 – <http://www.china-embassy.org/eng/notices/t1841416.htm>

In the end, the violations of U.S. diplomatic P&Is by the PRC government had multiple detrimental effects:

- a. the prevention of essential medical treatment for U.S. diplomats and their families, some as young as two years old, who were confined to PRC government-controlled facilities and conditions. (Summer of 2021)



Figure 1 Injury suffered to a two-year-old during an August 2021 quarantine in Beijing, China.

- b. the potential compromise of national security at the hands of a hostile foreign power allowed to collect and share U.S. diplomats' biological data with entities aligned with the PRC government; (Started in December of 2020, see footnote #10).

c. the PRC government videoing and monitoring diplomats under quarantine, including outside their homes; (Began in the summer of 2020 as part of the charter flights and continued throughout the pandemic when Mission members were deemed a close contact by the PRC government.)



Figure 2 (Left) Surveillance cameras specially installed to monitor compliance with COVID protocols. (Right) Door alarm installed at entry of personnel quarantining at home.

d. the potential compromise of national security when Mission senior leaders allowed, condoned, and failed to report to the Secretary all occurrences when members of the Mission went into PRC detainment; (Began under Mr. Forden and continued until shortly after the arrival of current Ambassador Nick Burns to Post). This resulted in the following:

- (1) Mission personnel were subjected to nonconsensual medical treatments and testing;
- (2) Mission personnel suffered malnourishment;
- (3) Mission personnel lived in unacceptable and unhygienic living conditions;
- (4) U.S. government medical staff were not permitted to visit the facility or provide care to detained individuals;

(5) Mission personnel were left unsupported for weeks, and in some cases months, with no ability for the Mission to conduct, at a minimum, psychological welfare checks.

Though not known publicly at the time, the leadership failures and lack of candor by the Mission leadership resulted in one of the largest exoduses of personnel from any U.S. Mission in the history of the State Department. As families were subjected to such harsh treatment, many requested the option to curtail. This occurred through self-curtailments (last reported in the Summer of 2022 to be over 150) and non-bidders for assignments in China. The entire episode was truly a preventable and deplorable waste of government resources.

This failure of leadership began under Ambassador Terry Branstad and grew under CDA Forden. His successor, CDA David Meale, kept hidden the scope of what was happening. Then after inheriting a mess, the current U.S. Ambassador to China, R. Nicholas Burns, chose not to advocate for any leadership accountability for what had been allowed to transpire. We hope therefore, that the Senate Foreign Relations Committee will call for a full investigation by the proper oversight bodies and to seek accountability for those to whom it is due.

For additional background, attached to this letter are the original whistleblower complaints of 2020 and 2022 (See Attachments #5 and 6) as well as the story of a member who endured one of the initial charter flights in August of 2020 (See Attachment #7). As whistleblowers, some of us were present for the entire sad saga and are happy to avail ourselves to the committee to provide further information.

We the undersigned,

Stephen B. Iwan
Section Head
(Served 2019-2023)

Arthur Mark Ryan
Assistant Section Head
(Served 2018-2023)

S. Tennaile Timbrook
Policy Section Mem.
(Served 2021-2022)

Adam J. Rogalski
Assistant Section Head
(Served 2021-2023)

Christian Purkiss
Mission Member
(Served 2020-2024)

Sarah Crist
Mission Member
(Served 2021-2023)

ATTACHMENT #1
Freedom of
Information Act
(FOIA) - State
Department Cable
20 STATE 92790 -
September 18, 2020

F-3022 4804 A 0000562009 "UNCLASSIFIED" 6/18/2020

From: [REDACTED] (Beijing)
 Sent: Fri, 18 Sep 2020 [REDACTED]
 To: [REDACTED]
 Subject: Fw: CHINA: Authorization to Allow COVID-19 Testing of U.S. Government Personnel and their Family Members by Host Nation Authorities and/or Authorization of Limited Waiver of Personal Inviolability

UNCLASSIFIED
 JHH



Action Office: FMO, IMO, CONS, RSO, HR, MGT, EXEC, CLO
 Info Office: IMO_INFO, ECOM_INFO, RSO_INFO, POL_INFO, MGT_INFO, CONS_INFO

NRN: 20 STATE 02700
 Date/DTG: Sep 18, 2020 / 181935Z SEP 20
 From: SECSTATE WASHDC
 Action: BEIJING, AMEMBASSY ROUTINE
 E.O.: 13526
 TAGS: APER, AMGT, AFIN, AEMR, KNCV, KFLO, ASEC, KLIQ, AID, CASC, CN
 Captions: SENSITIVE
 Reference: A/20 BEIJING 1600
 0120 STATE 00072
 Subject: CHINA: Authorization to Allow COVID-19 Testing of U.S. Government Personnel and their Family Members by Host Nation Authorities and/or Authorization of Limited Waiver of Personal Inviolability

This cable is sensitive but unclassified. Please handle accordingly.

1. (S) In refel A, post requested authorization to allow host nation authorities to perform COVID-19 testing on incoming U.S. government personnel under Chief of Mission authority and their Eligible Family Members. Post stated that China requires testing by local authorities in order for U.S. government personnel and their family members to enter China. Post also determined that:

- the host nation government's policy involves mandatory testing for all persons entering the country, including diplomats accredited to (or transiting) China;
- the host nation government's test has been assessed by post health unit to be medically effective and safe;
- the host nation government does not allow post medical staff to perform the swabbing

F-2022-08824 A-00000562099 "UNCLASSIFIED" 8/18/2023

involved in the test;

- the host nation government has not agreed to anonymize and destroy the samples collected during the tests;
- the host nation government has pledged that any sample(s) collected will be used ONLY to test for the virus that causes COVID-19; and
- the host nation will require individuals await the results of the test at the airport or at a quarantine hotel.

2. ~~(SBU)~~ The Department understands that the testing and quarantine regime required by PRC authorities is:

- Pre-departure COVID testing
- COVID testing at the airport on arrival
- COVID testing on day 13 of quarantine
- 14 days of quarantine in a PRC-approved hotel

3. ~~(SBU)~~ Post stated that if an individual tests positive, the following measures will apply:

(U) Under current procedures in China, individuals who test positive for COVID-19 are taken to the designated local hospital where they undergo further lab testing to first verify if the positive result was a "true positive." This includes viral culture and genetic sequencing to see if the individual is still infectious or not. If the individual is found to be truly positive, there are two different pathways, depending on whether the individual is symptomatic:

- a. If asymptomatic, but positive, the concern is the individual is still possibly infectious. Therefore, he/she will remain in the hospital until the following conditions are met: two negative PCR tests, separated by 24 hours, normal temperature for three days and a normal CT Scan. Mission China staff, including RMO, will have phone and electronic access to our personnel throughout the evaluation process and any observation period.
- b. Symptomatic patients will be treated according to Chinese national health standards and practices. Individuals have the right to refuse any aspect of treatment. Mission China staff, including RMO, will have phone and electronic access to our personnel throughout the evaluation process and any observation period.
- c. In the event a child tests positive, a parent will be permitted to accompany them into the hospital, as long as the parent is willing to be treated as a "close contact" or likely positive case after exposure in the hospital.

~~(SBU)~~ A positive test result at any Chinese port of entry (POE) may also impact other passengers arriving on the same flight. If a passenger on the aircraft tests positive after arrival at the POE, the Chinese health authorities will analyze the manifest seating layout and determine who qualifies as a "close contact" of the individual who tested positive. Those close contacts are then transported to the designated "close contact" quarantine hotel for further observation, but no further testing at that time. Mission China staff will have phone and electronic access to our personnel throughout the quarantine period in the designated close contact quarantine hotel.

~~(SBU)~~ Chinese authorities confirmed Mission China retains the ability to medevac positive cases back to the United States, and local officials would provide a negative pressure

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ambulance, if needed, to transport the individual. Based on discussions with relevant authorities, Embassy Beijing estimates it would take less than 24 hours to receive expedited flight clearances for a medevac flight, and a Guam-based MED asset could potentially medevac a traveler within 48 hours. This assurance applies to quarantine at USG-provided residences, testing and observation in hospitals, or while staying in quarantine hotels.

(b)(5)

4. (SBU) Post outlined its prior efforts to obviate the need for host nation testing requirements, including repeated attempts by post to negotiate alternatives. The PRC currently will not accept pre-testing results conducted by the USG either in the U.S. or at post. Hence, there are currently no alternatives to the Chinese COVID-19 testing and quarantine requirements. Additionally, the Chinese government also does not accept private sector test results or testing conducted outside China. The only remaining option currently is for COM personnel and their family members to be tested by Chinese medical personnel on arrival. In addition to Mission China's own negotiations with PRC officials, Post consulted extensively with other missions and foreign companies who have attempted, also unsuccessfully, to obtain Chinese approval for exceptions or approved alternatives. Mission China is sure there are no other options available that would allow us to avoid submitting US personnel to host nation testing.

(b)(5)

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c. MED assessment of appropriate care. Mission China will only authorize personnel to fly into cities where MED assesses the quality and safety of evaluation and treatment in facilities used for individuals who test positive are adequate for our personnel.

6. (SBU) As outlined in 20 STATE 60472, as a matter of policy, the Department is generally not authorizing travel by U.S. government personnel under Chief of Mission (COM) authority and traveling on government travel orders, or their family members, to a post, if, upon arrival in the foreign state, the employee or family member would be subject to any form of COVID-19 testing (oral, nasal, blood) by foreign government officials or quarantine in a foreign government controlled facility (institutional quarantine). This policy applies regardless of whether the individual enjoys personal inviolability under international law.

7. (SBU) Furthermore, Diplomatic agents and members of administrative and technical staff at Embassies, as well as the family members forming part of their household in China enjoy personal inviolability under Article 29 and 37 of the Vienna Convention on Diplomatic Relations from the moment they arrive in country where they are either accredited or where they intend to be accredited. Because personal inviolability attaches when diplomats and their family members enter the country, the host government authorities cannot perform any sort of invasive testing on an individual who enjoys personal inviolability absent a waiver of personal inviolability. Likewise, transiting diplomatic agents to a third country, enjoy full personal inviolability while in transit under Article 40(1) of the Vienna Convention on Diplomatic Relations.

8. (SBU) The Under Secretary for Management may authorize exceptions to these policies.

(b)(5)

(b)(5)

11. (SBU) Moreover, as post and the regional bureau recommend the COVID-19 test be permitted on U.S. Government personnel and their families entering China and as post has determined that an exception to the Department's policy and a waiver of personal inviolability will not in any way be contrary to the U.S. government's interests and will not pose any security problem for the Mission or its personnel or family members, the Department authorizes a limited waiver of personal inviolability for purposes of testing for COVID-19, provided that persons to be tested are consulted prior to their departure about the host nation requirement and

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consent to have the test performed.

12. (SBL) This waiver of personal inviolability and authorization for exception to the Department's policy will remain in effect provided that the conditions listed in paragraphs 1 and 2 remain unchanged and post continues to recommend testing. Post should inform the Department via front channel cable if the conditions or post's recommendation changes.

13. (SBL) In order to establish the proper waiver framework, post should send the Foreign Ministry a diplomatic note that includes the points below. Post must follow this procedure for each subsequent arrival of new and transiting personnel and their family members enjoying personal inviolability for whom post wishes to waive personal inviolability to allow for COVID-19 testing. One diplomatic note to the Foreign Ministry containing a waiver may cover numerous individuals, but no individual who enjoys full personal inviolability should be tested by the host nation before a diplomatic note containing the waiver of the individual's personal inviolability is sent.

NOTE: If post has questions about whether certain personnel enjoy full personal inviolability, post may consult with (L/DL) legal-dl-dl@state.gov. END NOTE

- It is the position of the United States that pre-departure testing of such individuals in the United States combined with residential quarantine would be sufficient to meet the public health goals of the PRC government. However, in light of the extraordinary circumstances brought on by the COVID-19 pandemic and in the spirit of cooperation, the United States government waives any personal inviolability which is enjoyed by the above-mentioned individuals listed above for the sole and limited purpose of allowing them to be given a swab test for COVID-19 upon their arrival in China and then again on day 13 at the end of the residential quarantine period.
- The United States government understands that in the event any of the above-mentioned individuals test positive for COVID-19 upon their arrival in China, the Chinese government, if requested, will expedite clearances for a U.S. government-chartered air ambulance and permit the individuals to be medically evacuated to the United States. Furthermore, if any of the above-mentioned individuals test positive for COVID-19 at any other time, they will be allowed to isolate in their residence until such time as a specially chartered air ambulance can be sent to remove them from China.
- The United States understands that the testing will be performed in an anonymous manner and that any oral saliva or other specimen taken from these individuals will be immediately destroyed after their use for the sole purpose specified above and the privacy of the above-mentioned diplomats will be preserved and respected.

14. (SBL) In the event that an individual needs to be hospitalized, Mission China must convey an additional diplomatic note with the language noted below for any individual who is to be hospitalized. This note must be sent separate and apart from the note containing the waiver to allow testing.

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- [Refer to the initial waiver that allowed the testing as well as to the COVID-19 positive status of the individual]
- It is the position of the United States that residential isolation of asymptomatic or mildly symptomatic COVID-19 cases meets the public health goals of the PRC government. However, in light of the extraordinary circumstances brought on by the COVID-19 pandemic and in the spirit of cooperation, the United States government waives any personal inviolability which is enjoyed by the above-mentioned individual(s) listed above for the sole and limited purpose of allowing [them/him/her] to be placed in XYZ hospital until the soonest of Mr./Ms. [INSERT NAME OF DIPLOMAT] being found negative for COVID-19 or being medically evacuated via a specially chartered ambulance, whichever is sooner.
- The United States government understands that during Mr. /Ms. [name of diplomat] stay at [NAME OF HOSPITAL], s/he will be allowed to contact the Embassy Health Unit and have unimpeded phone and electronic access to Mission China staff. Mission China staff will also have input into treatment and follow-on movement decisions.
- The United States understands that any additional testing will be performed in an anonymous manner and that any oral saliva or other specimen taken from these individuals will be immediately destroyed after their use for the sole purpose specified above and the privacy of the above-mentioned diplomats will be preserved and respected.
- The United States government understands that in the event any of the above-mentioned individuals test positive for COVID-19 in China, the Chinese government, if requested, will expedite clearances for a U.S. government-chartered air ambulance, facilitate their transport to the airport in a negative pressure ambulance, and permit the individuals to be medically evacuated to the United States.

15. (U) Please consult with L/DL should you have any questions about the language of the waiver as well as on each subsequent diplomatic note containing a waiver. Please send to L/DL a copy of the English text of post's final diplomatic note each time post sends a note for the arrivals of additional personnel. L/DL can be reached at legal-dl-dl@state.gov.

~~SENSITIVE BUT UNCLASSIFIED~~

Signature: Pompeo

Drafted By: EAP (b)(6)

Cleared By: EAP/EX (b)(6)

EAP/EX (b)(6)

EAP/EX (b)(6)

L/DL (b)(6)

L/EMP (b)(6)

HR/DGHR (b)(6)

M (b)(6)

ATTACHMENT #2
Freedom of
Information Act
(FOIA) - State
Department Cable
20 BEIJING 1690 -
September 11, 2020

F:2022 4804 A:0000562096 UNCLASSIFIED 6/18/2022

From: SMART Archive
Sent: Fri, 11 Sep 2020
To: SMART Core
Subject: BEIJNG: Request for an Exemption to Use Commercial Air

UNCLASSIFIED
-SWILL



MRN: 20 BEIJNG 1680
Date/DTG: Sep 11, 2020 / 111005Z SEP 20
From: AMEMBASSY BEIJNG
Action: WASHDC, SECSTATE ADFWNE
E.O.: 13526
TAGS: AMED, AMGT, APER, KLJG, KNO/, KFLO, CN
Captions: SENSITIVE
Subject: BEIJNG: Request for an Exemption to Use Commercial Air

1. (S) Ambassador Branstad requests an exception to Department policy and limited waivers of personal inviolability for the Chief of Mission (COM) personnel and their family members assigned to Mission China to arrive on commercial flights.

People's Republic of China (PRC) COVID-19 Testing and Quarantine Policies

2. (S) On March 17, 2020, the Chinese government in Beijing authorized resumption of limited commercial air operations, with testing and quarantine requirements for arriving travelers. Personnel arriving to Mission China under these policies have relied on charter flights, with a biocontainment plane contracted by the Bureau of Medical Services (MED) available to remove any passengers who tested positive on arrival. Recognizing this model is not sustainable and cannot accommodate all of Mission China's travel needs, we plan to transition to commercial air travel and the standard arrival process for commercial travelers, with some mitigation measures. Regardless of travel mode, diplomatic missions are required to notify the Ministry of Foreign Affairs (MFA) 10 business days in advance of the arrival of any diplomatic personnel, family members, or TDY staff.

3. (U) All individuals lawfully entering China are subject to the following conditions:

- a) Testing. All individuals seeking to lawfully enter mainland China are subject to COVID-19 testing at the point-of-entry (POE) as part of the standard entry process. Current regulations also require a follow-up test 13 days after arrival prior to the release from quarantine. In addition, effective September 15, all passengers arriving from the United States on commercial flights will be required to provide proof of a negative COVID test taken within three days before boarding their flight. Travelers originating in the United States and certain other countries on a list continuously updated based on COVID risk must submit a negative COVID-19 test certificate

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along with passport and visa information to the Chinese embassy for verification prior to their flight and within the three-day window. The verification process takes approximately 24 hours.

b) **Quarantine.** All individuals lawfully entering China are required to be in quarantine or self-isolation for a minimum period of 14 days.

4. (U) Diplomatic and technical staff of U.S. Mission China and their family members **are not exempted** from the testing and quarantine requirements. Chinese authorities have approved diplomatic and technical staff and their family members to quarantine in their USG provided residence or other U.S. Mission-selected residence if they land in their city of assignment.

PRC COVID-19 Testing Procedures

5. (U) China's current testing practices and protocols are as follows:

- a. **Type of Test.** The Chinese health authorities use polymerase chain reaction (PCR) nucleic acid tests to determine whether an individual is currently infected with COVID-19. Additional analysis may be used to confirm positive cases, such as viral cultures and/or genetic sequencing for verification.
- b. **Requirements for Testing.** All individuals seeking to lawfully enter China are subject to COVID-19 testing on arrival and at the end of a 14-day quarantine. Arrival test samples are collected at the Chinese international POE. End-of-quarantine (EOQ) samples are collected either at the traveler's quarantine location or a local, government-approved testing center.
- c. **Testing Process.** The Chinese government employs trained health professionals to collect samples for both POE and EOQ tests. Biological samples are taken from the nose and/or throat via a swab, then sealed in a container and taken to a government laboratory. For the EOQ test, if small children cannot tolerate a nasal or throat swab, parents receive instructions to provide a stool sample. Obtaining a negative result on day 13 is the final step of completing the quarantine requirement and results in the individual obtaining an official Chinese government certificate stating their negative test results. Mission China staff, including the Regional Medical Officer (RMO), will have phone and electronic access to personnel going through the arrival and EOQ testing processes.
- d. **Quarantine Process.** Travelers arriving via commercial aircraft are transported to a local quarantine hotel to wait the results from the COVID-19 test on arrival. On receipt of negative arrival test results, travelers who are not considered close contacts of any positive case begin their 14-day isolation in their USG designated residence or location. After travelers complete the quarantine period and receive negative EOQ test results, local health officials issue them a quarantine completion certificate. Mission China staff, including the Regional Medical Officer (RMO), have continuous phone and electronic contact with our personnel throughout the quarantine process, regardless of the location of their quarantine.

6. (U) **Procedural Protections.**

- a. *Will HN allow post health unit staff to do the swabbing?* No.
- b. *Will HN destroy the samples after processing them?* Samples are processed in numerous locations, and Chinese authorities are unable to provide assurances that samples will be destroyed after processing in all cases.
- c. *Will the HN pledge that any sample(s) collected will be used ONLY to test for the virus that*

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causes COVID-19? Yes. According to relevant authorities, biological samples collected for COVID-19 testing are only used to test for the virus that causes COVID-19 and not used for other purposes.

- d. *Will HN anonymize the testing?* Samples are processed in numerous locations, and Chinese authorities are unable to provide assurances that samples will be anonymized.
- e. *Will HN agree to not detain the individual while s/he awaits results?* All commercial travelers, including arriving USG personnel, await test results in a designated hotel or area of the airport.
- f. *If HN requires detention while the individual awaits test results, please provide specifics, such as time, place and access by mission personnel during the detention.* To minimize the risk of close contacts, adults are assigned their own room while awaiting test results, while children will room with a parent. The waiting period is usually a few hours up to a maximum of one overnight in the hotel, and the hotel delivers meals to the room. Mission China staff, including the Regional Medical Officer (RMO), have continuous phone and electronic contact with our personnel during this waiting period.

Consequences of a Positive COVID-19 Test

7. (U) Under current procedures in China, individuals who test positive for COVID-19 are taken to the designated local hospital where they undergo further lab testing to first verify if the positive result was a "true positive." This includes viral culture and genetic sequencing to see if the individual is still infectious or not. If the individual is found to be truly positive, there are two different pathways, depending on whether the individual is symptomatic:

- a. If asymptomatic, but positive, the concern is the individual is still possibly infectious. Therefore, he/she will remain in the hospital until the following conditions are met: two negative PCR tests, separated by 24 hours, normal temperature for three days and a normal CT Scan. Mission China RMO will have phone and electronic access to our personnel throughout the evaluation process and any observation period.
- b. Symptomatic patients will be treated according to Chinese national health standards and practices. Individuals have the right to refuse any aspect of treatment. Mission China staff, including RMO, will have phone and electronic access to the individual throughout the treatment process.

8. (U) A positive test result at any Chinese POE may also impact other passengers arriving on the same flight. If a passenger on the aircraft tests positive after arrival at the POE, the Chinese health authorities will analyze the manifest seating layout and determine who qualifies as a "close contact" of the individual who tested positive. Those close contacts are then transported to the designated "close contact" quarantine hotel for further observation, but no further testing at that time. Mission China staff will have phone and electronic access to our personnel throughout the quarantine period in the designated close contact quarantine hotel.

Alternatives to the PRC COVID-19 Testing Requirement

9. (S) There are currently no alternatives to the Chinese COVID-19 testing and quarantine requirement. Despite repeated attempts by post to negotiate alternatives, the PRC currently will not accept pre-testing results conducted by the USG either in the U.S. or at post. Additionally, the Chinese government also does not accept private sector test results or testing conducted outside China. The only remaining option currently is for COM personnel and their family members to be tested by Chinese medical personnel on arrival. In addition to Mission China's own negotiations with PRC officials, we have consulted extensively with other missions and foreign companies who have attempted, also

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unsuccessfully, to obtain Chinese approval for exceptions or approved alternatives. Mission China is sure there are no other options available that would allow us to avoid submitting US personnel to host nation testing.

Mission China Mitigations to the PRC COVID-19 Testing Requirement

10. ~~(S)~~ Mission China proposes the following mitigation strategies to ensure continuous contact and sustained security for USG personnel traveling to Mission China:

- a) Pre-flight testing: Pre-flight COVID testing provided by MED has significantly reduced the chances of a positive test on arrival of our charter flights to China. Mission China will continue to require all inbound travelers to obtain a COVID test within three days of departure, both to protect our travelers and to satisfy Chinese requirements for commercial flights. We will encourage travelers who have access to reliable commercial labs to obtain the tests commercially whenever practical to reduce the burden on MED.
- b) Assured MEDEVAC for personnel who test positive for COVID-19: Chinese authorities confirmed Mission China retains the ability to medevac positive cases back to the United States. Based on discussions with relevant authorities, Embassy Beijing estimates it would take less than 24 hours to receive expedited flight clearances for a medevac flight, and a Guam-based MED asset could potentially medevac a traveler within 48 hours. This assurance applies to quarantine at USG-provided residences, testing and observation in hospitals or while staying in quarantine hotels.
- c) MED and the individual collaborate to make decisions: Chinese government authorities have assured Mission China that if USG personnel are placed in close contact quarantine hotels or taken to a medical facility for testing and observation, MED and relevant Embassy personnel will maintain continuous contact and have input into treatment and follow-on movement decisions.
- d) Residential quarantine for most USG personnel: If U.S. diplomatic travelers land in their own city of assignment, and there are no positive COVID-19 test results on the flight, they may quarantine at a USG provided residence.
- e) MED assessment of appropriate care: Mission China will only authorize personnel to fly into cities where MED assesses the quality and safety of evaluation and treatment in facilities used for individuals who test positive are adequate for our personnel.

Additional PRC Quarantine Requirements

11. ~~(S)~~ The PRC has demonstrated a strong will to control any potential COVID-19 outbreaks. Per prior case outbreaks in Beijing, Xinjiang, and several northeastern provinces, individuals who attempt to travel out of regions experiencing an outbreak may have difficulty gaining entry to the province at their domestic destination. Mission China will mitigate this concern by reminding all personnel to research the risk level of their destination before domestic travel and by not approving travel to or from districts labeled as "high risk" until the district's rating is downgraded.

Overall Assessment

12. ~~(S)~~ Embassy Beijing believes allowing the Chinese government to test incoming personnel is in the best interest of the USG, given the protocols and assurances provided to the U.S. Mission in China

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regarding our ability to quarantine, isolate, and treat any COVID-positive diplomatic or technical staff and their eligible family members. Nearly all diplomatic missions in China have resumed arrivals by commercial air travel; their experience increases our confidence commercial arrivals can be managed safely and effectively. The Embassy health unit has assessed the Chinese government's sample collection and PCR/nucleic test to be medically effective and safe. Compliance with PRC arrival testing requirements does not present any security concerns beyond those already addressed under Post's existing security rating for the Mission or its personnel and/or family members.

13. ~~(S)~~ For these reasons, Ambassador Branstad recommends the Department grant a limited waiver of personal inviolability.

~~SENSITIVE BUT UNCLASSIFIED~~

MINIMIZE CONSIDERED


Signature: BRANSTAD

Drafted By: BEIJING (b)(6) (Beijing)
Cleared By: EXEC/LEG (b)(6)
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ATTACHMENT #3
CHINA'S COLLECTION OF
GENOMIC AND OTHER
HEALTHCARE DATA
FROM AMERICA: RISK TO
PRIVACY AND U.S.
ECONOMIC AND
NATIONAL SECURITY
FEBRUARY 2021


February 2021

CHINA'S COLLECTION OF GENOMIC AND OTHER HEALTHCARE DATA FROM AMERICA: RISKS TO PRIVACY AND U.S. ECONOMIC AND NATIONAL SECURITY
The National Counterintelligence and Security Center

Would you want your DNA or other healthcare data going to an authoritarian regime with a record of exploiting DNA for repression and surveillance? For years, the People's Republic of China (PRC) has collected large healthcare data sets from the U.S. and nations around the globe, through both legal and illegal means, for purposes only it can control. While no one begrudges a nation conducting research to improve medical treatments, the PRC's mass collection of DNA at home has helped it carry out human rights abuses against domestic minority groups and support state surveillance. The PRC's collection of healthcare data from America poses equally serious risks, not only to the privacy of Americans, but also to the economic and national security of the U.S.

The Value of Your DNA

- Your DNA is the most valuable thing you own. It holds the most intimate details of your past, present and potential future—whether you are prone to addiction or high-risk for cancer. It is your unique genetic code and can enable tailored healthcare delivery to you.
- Losing your DNA is not like losing a credit card. You can order a new credit card, but you cannot replace your DNA. The loss of your DNA not only affects you, but your relatives and, potentially, generations to come.

China Prioritizes the Collection of Healthcare Data

- The PRC views bulk personal data, including healthcare and genomic data, as a strategic commodity to be collected and used for its economic and national security priorities. (Genomic data is a broad term referring to your entire genetic sequence—all your DNA).
- The PRC is investing heavily in the “biotech revolution” and has enacted national policies prioritizing the collection of healthcare data both at home and abroad to achieve its goal of becoming a global biotech leader. It has designated biotech as a “strategic emerging industry” and prioritized state support for its biotech industry in national plans like the Made in China 2025 plan.¹
- The PRC understands the collection and analysis of large genomic data sets from diverse populations helps foster new medical discoveries and cures that can have substantial commercial value and advance its Artificial Intelligence and precision medicine industries.
 - In 2016, the PRC announced a \$9 billion, 15-year project to collect, analyze, and sequence genomic data to become a global leader in precision medicine—a process designed to provide tailored treatments based on the genetic makeup and environment and lifestyle of individual patients.²

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- With the COVID-19 pandemic, the PRC aggressively marketed Chinese COVID-19 testing kits around the world, along with laboratories to support COVID-19 testing. By August 2020, China's leading genomics company, BGI, said it had sold test kits to 180 countries and established labs in 18 countries in the past six months.³
- According to the U.S.-China Economic and Security Review Commission, these COVID-19 labs have been providing Chinese researchers with access to healthcare data from around the globe.⁴ Despite their aggressive pitches to U.S. states, there is no evidence Chinese companies have been able to establish such COVID-19 labs in the U.S.

China's Access to U.S. Healthcare Data

- Nevertheless, the PRC has for years been able to gain access to U.S. healthcare data, including genomic data, through a variety of channels, both legal and illegal.
- U.S. healthcare data may be particularly attractive and valuable to China because of the ethnic diversity of the U.S. population.⁵ And compared to other nations, the U.S. has fewer safeguards on medical and healthcare data, including data for research purposes.⁶ U.S. safeguards focus primarily on privacy, not national security, which creates a vulnerability for foreign actors to gain access to data on U.S. persons.
- Over the years, Chinese companies have taken advantage of this environment by investing in U.S. firms that handle sensitive healthcare and other types of personal data, providing them entry to the U.S. market and access to this data.
 - For instance, China's BGI purchased U.S. genomic sequencing firm Complete Genomics in 2013. In 2015, China's WuXi Pharma Tech acquired U.S. firm NextCODE Health to later form WuXi NextCODE Genomics.⁷
- Chinese companies have also gained access to U.S. healthcare data by partnering with hospitals, universities, and other research organizations in America. These U.S. entities routinely seek low-cost genomic sequencing services for their facilities, which Chinese biotech firms can often provide due to Chinese government subsidies. (In February 2020, BGI said it could sequence a human genome for just \$100.⁸) These partnerships allow U.S. entities to expand their research capabilities, while Chinese firms gain access to more genetic data on more diverse sets of people, which they can use for new medical products and services.
 - A 2019 report found at least 15 Chinese companies that were either headquartered in China with a U.S. presence, or wholly located in China, were licensed to perform genetic testing or whole genomic sequencing on patients in the U.S. healthcare system, giving them direct access to the genetic data of patients in the U.S.⁹



- Finally, the PRC has gained access to U.S. healthcare data through illicit means, including theft of research and cyberattacks.
 - Among the most notorious examples was the 2015 hack of U.S.-based health insurer Anthem, Inc., in which data on some 78.8 million persons was stolen from Anthem's computer networks, including health identification numbers, names, Social Security numbers, employment and income data and other information. A U.S. Justice Department indictment in 2019 charged two individuals based in China for the hack of Anthem and three other U.S. companies.¹⁰

China's History of DNA Exploitation

- Concerns over the exploitation of healthcare and genomic data by the PRC are not hypothetical. The PRC has a documented history of exploiting DNA for genetic surveillance and societal control of minority populations in Xinjiang, China.¹¹
- Specifically, the PRC government has established a high-tech surveillance system across Xinjiang, as part of a province-wide apparatus of oppression aimed primarily against traditionally Muslim minority groups. An initiative launched by the PRC government in 2014 has been used to justify the collection of biometric data from all Xinjiang residents ages 12 to 65. Authorities have collected DNA samples, fingerprints, iris scans, and blood types. The biometric data is linked to individuals' identification numbers and centralized in a searchable database used by PRC authorities.¹²
- Specific abuses by the PRC government as part of this effort include mass arbitrary detentions, severe physical and psychological abuse, forced labor, oppressive surveillance used arbitrarily or unlawfully, religious persecution, political indoctrination, and forced sterilization of members of minority groups in Xinjiang.¹³ All told, the PRC government in Xinjiang has detained more than 1 million members of Muslim minority groups in internment camps for Communist Party indoctrination since 2017.¹⁴
- In July 2020, the U.S. Department of Commerce sanctioned two subsidiaries of China's BGI for their role in conducting genetic analysis used to further the PRC government's repression of Uyghurs and other Muslim minority groups in Xinjiang.¹⁵
 - Over the past decade, China's BGI has partnered with many research and healthcare entities in America to provide them with genomic sequencing services, while also gaining access to health records and genetic data on people in the U.S.¹⁶

Implications for Privacy and U.S. National Security

- China's access to U.S. healthcare and genomic data poses serious privacy and national security risks to the U.S.
 - Through its cyber intrusions in recent years, the PRC has already obtained the Personal Identifying Information (PII) of much of the U.S. population.



- Recent breaches attributed to the PRC government or to cyber actors based in China include the theft of personnel records of roughly 21 million individuals from the U.S. Office of Personnel Management; the theft from Marriott hotels of roughly 400 million records; the theft of data from Equifax on roughly 145 million people; and the theft of data from Anthem on roughly 78 million people.¹⁷
- Furthermore, under the PRC's national security laws, Chinese companies are compelled to share data they have collected with the PRC government. Article 7 of China's 2017 National Intelligence Law, for instance, mandates that all Chinese companies and citizens shall support, assist, and cooperate with Chinese national intelligence efforts, and guard the secrecy of any national intelligence work that they are aware of. There is no mechanism for Chinese companies to refuse their government's requests for data.
- The combination of stolen PII, personal health information, and large genomic data sets collected from abroad affords the PRC vast opportunities to precisely target individuals in foreign governments, private industries, or other sectors for potential surveillance, manipulation, or extortion.
 - For instance, vulnerabilities in specific individuals revealed by genomic data or health records could be used to help target these individuals.¹⁸ Data associated with an embarrassing addiction or mental illness could be leveraged for blackmail. Combine this information with stolen credit data indicating bankruptcy or major debt and the tools for exerting leverage increase. Such data sets could help the PRC not only recruit individuals abroad, but also act against foreign dissidents.

Economic Implications for the United States

- Aside from these immediate privacy risks, China's access to U.S. health and genomic data poses long-term economic challenges for the United States.
- The PRC's acquisition of U.S. healthcare data is helping to fuel China's Artificial Intelligence and precision medicine industries, while the PRC severely restricts U.S. and other foreign access to such data from China, putting America's roughly \$100 billion biotech industry at a disadvantage.
- Over time, this dynamic could allow China to outpace U.S. biotech firms with important new drugs and health treatments and potentially displace American firms as global biotech leaders.
- Although new medicines coming out of China could benefit U.S. patients, America could be left more dependent on Chinese innovation and drug development for its cures, leading to a transfer of wealth, co-opting of new businesses and greater job opportunities in China.¹⁹

Endnotes:

- ¹ Mark Kazmierczak and Thilo Haneman, "China's Biotechnology Development: The Role of U.S. and Other Foreign Engagement," Gryphon Scientific and Rhodium Group (prepared for the U.S.-China Economic and Security Review Commission), February 14, 2019, 36-38.
- ² Jennifer Schenker, "China Leaps Ahead in Precision Medicine," *The Innovator News*, August 27, 2019.
- ³ Kirsty Needham, "Special Report: COVID Opens New Doors for China's Gene Giant," *Reuters*, August 5, 2020.
- ⁴ 2020 Annual Report to Congress, U.S.-China Economic and Security Review Commission, 309.
- ⁵ Mark Kazmierczak and Thilo Haneman, "China's Biotechnology Development: The Role of U.S. and Other Foreign Engagement," Gryphon Scientific and Rhodium Group (prepared for the U.S.-China Economic and Security Review Commission), February 14, 2019, 135.
- ⁶ *Ibid.*, 115.
- ⁷ *Ibid.*, 120.
- ⁸ Antonio Regalado, "China's BGI says it can sequence a genome for just \$100," *MIT Technology Review*, Feb. 26, 2020.
- ⁹ Mark Kazmierczak and Thilo Haneman, "China's Biotechnology Development: The Role of U.S. and Other Foreign Engagement," Gryphon Scientific and Rhodium Group (prepared for the U.S.-China Economic and Security Review Commission), February 14, 2019, 124.
- ¹⁰ U.S. Department of Justice press release, "Member of Sophisticated China-Based Hacking Group Indicted for Series of Computer Intrusions, Including 2015 Data Breach of Health Insurer Anthem Inc. Affecting Over 78 Million People," May 9, 2019.
- ¹¹ U.S. Department of State, U.S. Department of Treasury, U.S. Department of Commerce, U.S. Department of Homeland Security, Xinjiang Supply Chain Business Advisory, "Risks and Considerations for Businesses with Supply Chain Exposure to Entities Engaged in Forced Labor and other Human Rights Abuses in Xinjiang," July 1, 2020, 4.
- ¹² *Ibid.*, 4.
- ¹³ *Ibid.*, 4.
- ¹⁴ *Ibid.*, 2.
- ¹⁵ U.S. Department of Commerce press release, "Commerce Department Adds Eleven Chinese Entities Implicated in Human Rights Abuses in Xinjiang to the Entity List," July 20, 2020.
- ¹⁶ Mark Kazmierczak and Thilo Haneman, "China's Biotechnology Development: The Role of U.S. and Other Foreign Engagement," Gryphon Scientific and Rhodium Group (prepared for the U.S.-China Economic and Security Review Commission), February 14, 2019, 122.
- ¹⁷ U.S. Department of Justice press release, "Attorney General William P. Barr Announces Indictment of Four Members of China's Military for Hacking into Equifax," Remarks as Prepared for Delivery, February 10, 2020.
- ¹⁸ Mark Kazmierczak and Thilo Haneman, "China's Biotechnology Development: The Role of U.S. and Other Foreign Engagement," Gryphon Scientific and Rhodium Group (prepared for the U.S.-China Economic and Security Review Commission), February 14, 2019, 133.
- ¹⁹ 2020 Annual Report to Congress, U.S.-China Economic and Security Review Commission, 314.

ATTACHMENT #4
Family Account of the
Ditan Fever Hospital
Not allowed to be presented to
the leadership during EACs
on January 19, February 10,
and March 31, 2022

FIRSTHAND ACCOUNT OF A PRC FEVER HOSPITAL

Ditan Fever Facility

This is my family's personal account of Ditan fever facility. This facility is in no way connected to Ditan Hospital. It is not actually a building at all. They are locked container units with bars on the windows in a weed overrun lot. These units are barely air conditioned, as we were there in the hot months of summer and still sweating inside. My husband's air conditioning unit constantly leaked water into a bucket, which he had to empty regularly, or the room flooded. When this did happen he was told, "we will clean it up tomorrow, don't slip." The walls are splattered with black mold and previous people's handprints, other people's hair smeared on the walls next to where your pillow lays, and the floors are filthy. You are locked inside your small room. There is a bathroom, but no soap, toilet paper, towels or paper towels. The staff stated, "if you need these things you have to get them yourself." **You're fed through the small specimen window that you also put your urine and stool samples in. If there were a fire, there is no escaping since all exit points are locked and barred.** The embassy sent one box of initial necessities. This included one bath towel per person. There is one bath towel to use for a month. These humid containers did not allow for anything to dry, so we were stuck using the same moldy towel for our entire stay.

Initial COVID Testing

My son was the first to test positive. There were no verification tests done on any family members before transport to Ditan. Since it took 4 days to get into the facility, we begged for additional testing, but it was refused. My daughter then tested positive as soon as my son left. Her transfer to Ditan was traumatic for her. While the embassy intervened, and I was able to ride with her- Being separated from her mom at the hospital by people wearing huge white suits and taking her into an unknown place alone was very traumatic. It's 6 months later and she still speaks of being separated from me.

My positive result was a week behind, so I had to remain separated from my family. I could not see my husband or children at all. Upon arrival there is mass testing of every conceivable bodily specimen (i.e. Nasal swab, throat swab, sputum sample, urine sample, stool sample, EKGs and CT scans.) All this for not one symptom. The next day my health kit uploaded that my NAT test from arrival day at Ditan was negative.

When I asked a Ditan Dr. about this, they said "it was in your sputum." An additional sputum sample was done later, which came back negative. We were previously assured from the embassy management that a discussion was had with the FAO that assured them that if a diplomat was testing negative before the 14 days, they would be allowed to leave the hospital. **They initially told us, "we are going to hold them to their word." Later as this was happening to me and all my tests were negative, especially the NAT which is the standard followed for discharge, I was eventually told by the embassy, "Sorry just comply."**

Embassy Response

The embassy never saw any of our test results. I had to request my own records and send them to the embassy. There was not any transparency in care happening. The testing procedures were not adequate.

While they brought in clean medical supplies and opened them in the room almost every time, they did not always label the specimen cups. After they tested you and left the room, you were just hoping they didn't mix yours up with anyone else's. They used the same suit, shoes covers, and gloves to go from room to room. Whatever they were walking through or touching was just transmitted from room to room.

Everything we were tested for did not make sense, unless a patient was very ill with COVID. We were not. We were asymptotic. We do not test half of these things on people back home, and we surely don't do these things to asymptotic people. I have personally cared for COVID patients in the hospital, and we were not doing these things.

Towards the end, they refused to provide me any further documents of my own medical records. They did the same to my husband. At the end of his Ditan stay, they kept telling him his NAT was "a little negative and a little positive". Each day they said that, his health kit showed negative but he wasn't cleared to leave.

Impact on Children

When it came to the manner of testing in the hospital, it did not matter how old you were, everything became a nasal swab. The kids had previously been throat swabbed, which was the means in which they tested positive. They used the same sized swab for everyone as a "one size fits all" method. My kids were 4 & 7 at the time. What they needed was a pediatric swab, but that was not an option. These tests are not done with any kind of compassion, and none of the staff speaks English. After I suffered an extremely bloody nose with a swab, it became hard for it to heal having swabs every 3 days. I typed in my translator "please go slow, my nose bleeds easily" to which the nurse typed back "you need to suck it up".

My children had difficulty with the swabs, but it became incredibly challenging after they were swabbed hard enough to make their noses bleed. After this, my husband had to forcefully restrain them to allow for testing. After one was done, he would have to catch the next to hold them down. We pleaded with the doctors to revert back to throat swabs, but they refused. **We reached out to the embassy for any help because they were forcing our kids to be hurt every 3 days and the response continued to be "just comply"**. It finally became too hard to hold them down and my son broke free of my husband's hold, ripped the swab out himself and tossed it back to the nurse, and my daughter threw her head around for an impossible collection. Only after pushing my kids to this level and an inability to collect an adequate sample did they agree

to switch to throat swabs. Only after my kids were beyond traumatized emotionally and physically hurt.



There were 30 nasal swabs during our 9-10 weeks. All of mine were negative except the one test in which I was "told" it was positive, which to date I have never seen any documentation for. They did not document 60- 75% of the testing done on us.

I did speak with the Chinese doctors and questioned my "positive", but they kept saying that the one sputum test made me positive and I must "wait 14 days no matter what". At one Point I actually had the doctor in the room with me and called our Chinese doctor within the embassy while she was in the room to speak directly to the fever clinic doctor. They talked for a few minutes but nothing ever came of that discussion. Afterwards, the embassy told me that the fever hospital doctor said she would "talk to the authorities for more clarification." That was one of the lines we heard a lot. There were always other authorities that needed to be spoken to and no one would ever except responsibility for decisions being made. They made it sound like they would talk with the authorities and find out more information but nothing more was ever said to us.

Lack of Empathy

When everything kept coming back negative, including additional sputum tests, they insisted it was a minimum of 14 days and only then I could go back to the hotel. After we were "testing negative according to their standards" we left to complete another 28 more days of quarantine apart, after the fever clinic.

With the level of all this testing, it was taking a toll on my husband. He was really beating himself up for having to be the one to hold his own kids down while he knew someone was hurting them. He should be their protector. He was struggling with the toll it was taking on them. We were separated and he was doing it alone. I was worried about him and reached out to the Med unit to see if the psychologist would just talk with him. These confined days were quite long with no TV, no wifi, rare interaction with people and none spoke English, and very limited data on the phones that we had to save for communicating with the embassy and using our translator. Surely just talking with someone about it can help you cope with the bad feelings.

The response I got was "He doesn't reach out to people. If you want help you have to ask him yourself." I found this to be completely ridiculous. The people who need to be reached out to the most, are usually the last ones to ask. As a therapist for the embassy, knowing someone is in a difficult situation, it should be part of your job to make sure they're OK. I decided to reach out myself and hoped that my concerns would be heard and taken seriously. I got the same answer. Complete refusal to just reach out to my husband. I know him better than anyone, and know he shuts down when stressed. I knew he would never initiate it himself and no one would even consider helping me to help him. Instead, he told me that I should "focus on what I could control in my life, like what clothes to wear each day." At that moment I was sitting in the same clothes I had been in for 5 days because I couldn't change my clothes every day. I had already run out of clean underwear, and in order to not run out of anything else, I had to wear them for many days at a time. It was the same for each family member.

The staff rarely ever came into the room. They very obviously did not want to be near you. A lot of them would just knock on the window and point to their armpit to signal you to take your own temperature and show them what you got. The doctors also stayed out for the most part. When they had something to say they would knock on the window and hold up the translator on their phone. We had to talk back and forth through the glass using translator apps.

Food and Supplies

The food that was given was terrible. Small scraps of meat mixed in mostly bones and skin. Half of the items we didn't even know what they were. You were only given chopsticks to eat. My kids had to eat with their hands. The soups never had a spoon and the one milk we got a day came in a bag. There was no way to open the plastic bag, no straw, and no cup. If you wanted your soup or milk, you had to put your mouth on the outside of the containers that are being prepared and passed out in a COVID hospital. My son suffered from parosmia for a short time where plain rice tasted like rotten eggs to him, so he couldn't even eat the rice. **My husband was watching the kids waste away because they absolutely refused to eat. They were starving.** Most days my husband waited by the window around the time each meal came. He would have to beg them just to give 3 full meals. Otherwise, **the kids were given a bowl of soup for each meal and that is it. Some days if they were given food that the kids would eat, then he just let them eat his food and he went hungry.**

Water was never given, you had to ask. When you asked, they would tell you to drink from the sink. When you demanded enough that they bring you bottle water, then they only brought 1-2 bottles at a time. It was a constant petition for water. **When we reached out to the embassy for help with food and water, they sent bottles of water once but then said "figure the rest out yourself from here".** Even the basic necessities of life were unsupported.

Financial Toll

In the end, **we had to pay somewhere between \$18,000-\$20,000 out of pocket.** Between the many weeks of hotel and food bills, hospital bills, all the extra supplies, and the constant data recharges it took to keep an active phone, we were left in a tremendous amount of debt. To this day, we haven't even recuperated 50% of that back. This also included ambulance rides we had to pay out of pocket for to ride back to Ditan for final testing. They charged us for the use of a negative pressure ambulance that was not negative pressure at all. There were windows open in the back. This does not include all of the clothing we lost from being unable to do laundry, and being stuck in a really humid container. The mold stains never came out of the clothes and they had to be thrown away.





Food at Ditian

- Mostly unknown foods, and a lot of bones without any meat provided
- Silverware not provided, so no spoon for soups and no way to open the milk, no cups or straws either.

ATTACHMENT #5
Whistleblower
Complaint provided to
the Under Secretary of
Management
June 26, 2020

2020 WHISTLEBLOWER COMPLAINT

NOTE: Whistleblower complaint submitted to the Under Secretary of Management on June 26, 2020. Edited for spelling, grammar, and to remove the names and identifying information of those involved.

(U) Purpose of the complaint: The following information is provided in an effort to make sure that Executive Management (EM) within the Department of State (DoS) are aware of some pertinent issues affecting the current Authorized/Ordered departure status of the U.S. Mission in China.

(U) Whistleblower's Allegation (LACK OF CANDOR): The Whistleblower in this complaint has first-hand knowledge that information believed pertinent to and of value to the Under Secretary for Management within the DoS has been intentionally withheld in an effort to positively influence the Under Secretary's decision to restore normal operations at Post as quickly as possible. Due to the Under Secretary for Management's decision on or about June 4th to allow for the return of all personnel and their dependents to Mission China by July 27th, the Whistleblower believes that helping to bring to light the embassy's lack of candor in a timely manner is to the benefit of both EM within the DoS as well as to the mission personnel affected by it.

(U) Mission China put on authorized and ordered departure status: Due to the COVID-19 outbreak that began in Wuhan, China, the Under Secretary for Management on or about January 28, 2020, placed the U.S. Mission in China on Authorized Departure (AD) status. Approximately three days later, an Ordered Departure (OD) for all dependents under 21 years of age was also put into effect. Among the many items documented as rationale for the necessity to go on AD status and discussed by the Emergency Action Committee (EAC) were the concerns that embassy personnel could be quarantined and required to submit to treatment at a Chinese medical facility. (See MRN: 20 BEIJING 220)

(U) During the EAC, the Regional Medical Officer (RMO) assessed that the Chinese treatment facilities were a health and safety risk to embassy personnel and therefore should be avoided if possible. Among his other concerns were the anticipation of limited to no regional medevac capabilities and a lack of international flights available should personnel require specialized treatment options. (As a side note, none of these specific items have significantly improved since the AD/OD went into effect. However, there is little mention of this in EAC cables. See MRN: 20 BEIJING 798 for last reference to regional Medivac capabilities having not yet been reestablished. This was also confirmed again on June 26th by the current RMO.)

(U) Diplomacy Strong Framework: Under the State Department's May 1st Diplomacy Strong framework for a phased approach to re-staffing embassies world-wide, the U.S. Mission in China immediately declared itself well within Phase II with several of the sections arguing for Phase III. (See MRN: 20 BEIJING 880)

(U) Operating under the Ambassador's explicit goal of returning embassy personnel and their dependents back to Mission China as soon as possible in order to resume the important work of the embassy, the Mission China team created the Homecoming Task Force (HTF). The HTF consisted of mostly State Section heads and began work on a phased return.

(U) First indications that information was being withheld: During the April 23rd EAC, it was recommended by the HTF that the Ambassador seek the continuation of AD for another 30 days but at the same time request the lifting of the OD as a way to push the EM in DoS to begin moving in the

direction of re-staffing the embassy. As part of the proposal, the HTF believed that it needed to allow for the return of dependents in order to get some "key" personnel to agree to return to Post. However, before any dependents could return, it was believed by the management team that the Under Secretary for Management needed to lift the ordered departure status.

(U) Despite openly expressing concerns with this planned course of action as "putting the cart before the horse", the Whistleblower was told by the HTF members that the action was necessary in order to push EM to move forward otherwise if the embassy waited for all of the issues to be resolved it could result in the Post possibly becoming an unaccompanied Post or additional months before people and their families could be reunited.

(U) Disturbed by this course of action, the Whistleblower documented his concerns with his headquarters management in an email dated April 23rd. In that email the Whistleblower laid out the three objections to the plan that he had raised during the meeting. The first was the unresolved diplomatic issues surrounding the Privileges and Immunities (P&Is) and their lack of recognition by the PRC with regards to COVID-19 testing and quarantine. The second was the risk of dependent children being admitted into PRC fever clinics with no parental or embassy medical staff access to them. The third were some counterintelligence issues that could arise should the P&Is be waived.

(U) On May 6th the EAC met again and several of the same concerns were presented. However, both the EAC write-up cable (MRN: 20 BEIJING 798) and the following days Mission-wide cable entitled, "Mission China COVID-19 Posture Meets Criteria for Phase 2 Reopening" (MRN: 20 BEIJING 794) failed to make mention of any of the issues that were raised during the EAC meeting.

(U) Concerned by the dismissive nature of the HTF towards the concerns of the Whistleblower and other members during the EACs, and the lack of documentation of those concerns in the official written cables, the Whistleblower contacted his executive management (EM) once again and requested assistance. Though initially it was agreed that EM assistance would be sought to reach out to their counterparts within the DoS EM to make inquiries to express the Whistleblower's concerns, it was eventually decided by the Whistleblower's EM to not get involved at this time. The irony of this decision was that during the May 26th EAC meeting, the Ambassador encouraged all of the Other Government Agencies at the embassy to enlist their management to reach out to the Under Secretary for Management and to push him to drop his objections to allowing embassy personnel to voluntarily waive their P&Is for entry into China and instead allow the embassy's plan to re-staff the mission to go forward.

(U) **Example #1: P&Is of Minor Dependent Children Attending Schools:** The effort to limit information back to decision makers within the DoS can best be illustrated with the following two examples: (One) For the past several months, both the Under Secretary for Management and the State Department's legal office had expressed concerns over the potential violation of P&Is as they relate to the PRC government's requirements for COVID-19 testing, quarantine, and treatment for all mission-wide personnel and their dependents. (See 20 STATE 24598) As a result, the mission's management has sought approval from the Under Secretary for Management to allow for a voluntary waiving of these P&I's so as to facilitate the return of personnel and their dependents back to Mission China. However, what the embassy did not disclose to the Under Secretary were some of the P&I issues that resulted from the new PRC government health measures, in particular, those that would affect minor dependents attending schools in China. (Reference WAB memo dated May 2020)

(U) In early May, many international schools reported to parents the new health screening protocols that were mandated by the PRC health officials. Compliance was mandatory for the schools and for the students. Based on these new measures, all children attending school must undergo mandatory fever testing twice daily. If determined to have a fever, then the student's parents would be required to take the student to a government fever clinic to be tested for COVID-19. While awaiting the test results, the student's fellow classmates would be quarantined together in their classroom, even overnight if necessary, pending the results of the COVID-19 test. Parents would not be allowed to pick-up their children until after the test results were received.

(U) If the test result were to come back positive for COVID-19, then the diplomat's dependent child would be required to be admitted into the PRC government fever clinic at which point the embassy was already on record as agreeing to waive all P&I's for its personnel and their dependents in such circumstances. Once the child was admitted into the care of the PRC fever clinic the dependent's parents would no longer be able to maintain physical contact with their dependent child. (Note: Within the last two weeks, the embassy finally requested and received a verbal assurance from the fever clinic in Beijing that one parent could accompany children 13 and under but would have to submit to the same treatments and care that the child received even if they were not positive for COVID-19. When asked during the most recent EAC if this could be put into writing by the Chinese Health Authorities, the HTF responded in the negative, stating that their experience was that the PRC would not put such agreements into writing.)

(U) There are a couple issues here worth noting. First, because these health requirements are government mandated and not privately agreed to it is believed that diplomatic P&Is should be in effect. As such, holding diplomatic children indefinitely pending the results of a test is a form of involuntary quarantine. In addition, allowing minor children to be admitted for treatment without parental care and oversight seems dubious at best. Furthermore, all of these actions are done without embassy medical staff oversight or independent verification of the PRC test results. Finally, the treatment facilities as noted before are the same fever clinics and medical facilities that had previously been reported to the EAC back in January, at the onset of the COVID-19 crisis, as being both unsanitary and poorly run. At the time, the Embassy's RMO stated to the EAC that should embassy personnel be admitted into one of these clinics, they would likely contract something even worse than their original illness. During the April 23rd EAC the RMO was asked again about this assessment to which he didn't recant it but instead stated that it was part of the "new normal" for living in China.

(U) Despite these concerns regarding P&Is for school kids and minor dependents being raised repeatedly during the EACs that took place on April 23rd, May 6th, May 26th, June 8th, and June 17th it was confirmed by a firsthand account of embassy personnel on June 19th that this information had never been presented to EM within the DoS, especially not to the Under Secretary for Management. In fact, the Ambassador and Minister Counselor for Management both claimed during the June 8th EAC in response to a direct question of whether they had raised any of these concerns regarding children with the Under Secretary for Management that they had not done so. After which the Minister Counselor for Management stated that if people did not like the re-staffing plan, then they could "curtail". While curtailing may be a viable option for DoS employees, it is not always an option for employees of Other Government Agencies.

(U) Subsequently, during the Jun 17th EAC, when pressed once again regarding what it would take for the embassy to inform the “7th floor” of the DoS about these concerns from members of the embassy regarding their P&Is and the potential forced separation of children from their parents, both the Ambassador and Consul General from Shen Yang who was heading up the HTF responded back that the EM within DoS was already aware of these issues and that there was nothing more they could do. At that point the Ambassador again reiterated that if people did not feel comfortable with the re-staffing plan that they could “curtail”.

(U) The Whistleblower believes this example highlights a lack of candor by some within the embassy who were concerned that sharing too much information with the EM at the DoS might result in delays in or disapproval of the embassy’s plan. With that said, as more details come to light, the plan is likely to face greater scrutiny in the days ahead.

(U) Example #2: The first repatriation flight of embassy personnel on June 1st:

(U) As part of the conditions under which the Under Secretary for Management agreed to allow the first charter flight of embassy evacuees to return to China in mid-May was a stipulation that the COVID-19 screening test upon arrival would be administered by the embassy doctor in a randomized fashion, so as to prevent a linkage of the embassy personnel’s identity with that of their test result and their DNA. However, the embassy appears to have “failed” to inform the Under Secretary for Management that the PRC also required a second COVID-19 test to be performed on day 13 of the quarantine/custodial confinement. That test was not done according to the protocols that the Under Secretary had stipulated for the first test but instead was performed by PRC medical staff and was not done in a randomized manner. Perhaps this was an oversight but obviously begs the question, if the Under Secretary for Management had known about this second test ahead of time, then why would he have gone to all the trouble to insist on the randomized manner in which the first test was performed. Based on accounts from persons with firsthand knowledge of the situation, the embassy failed to inform the Under Secretary of those details, probably out of fear that he would have objected to the plan if he had known the full details.

(U) In addition, the embassy also has been very careful how it messages information to EM in the DoS. For example, the embassy repeatedly frames that returning personnel will be subject to “self-isolation”. However, this is rather misleading because unlike in the U.S. where self-isolation allows for the freedom to leave your confinement to acquire food, go for a walk, etc. In China, you are essentially locked into whatever space the PRC allows you to quarantine in. If in a hotel room, then you are not allowed to leave the room for any reason or to order outside food. If lucky enough to be quarantined in a personal residence, a monitoring camera is set-up to watch your front door to make sure you do not open it to engage with anyone, even to pay for food service. Those that violate these rules and conditions are immediately reported to the health authorities. After confirming these facts with several people who returned on the June 1st flight, many informed the Whistleblower that they were not aware of these conditions before arrival and felt that the embassy was not entirely candid with what to expect when returning.

(U) Conclusion: Perhaps this information is not of value to the EM within the DoS. However, I do not believe that the DoS EM can negotiate on behalf of or fully appreciate the issues such as those of P&Is with the PRC government if they are not fully apprised of all of the PRC policies and actions and its impact on embassy personnel. Perhaps if the DoS EM had been made aware of some of these issues

earlier then they might have pushed harder for a reciprocal action in the bilateral relationship with the PRC. Such as requiring the revocation of all visas for PRC dependents of diplomats until such time as the PRC was willing to negotiate on the P&I issue affecting children of diplomats, etc.

(U) As a result of the embassy's lack of candor it appears that there is likely going to be a "de facto" policy whereby mission personnel and their dependents will have to voluntarily wave their P&Is to remain at Post and for those that don't want to or can't waive them then they will be forced to eventually depart Post if the conditions don't change in the near future. That is most unfortunate as that could negatively impact many good members of the mission.

(U) In conclusion, the goal of this complaint is not to call out the misbehavior of any one particular individual but to hopefully help make sure that EM is aware of the situation within Mission China and to make an appropriate inquiry. In addition, it is hoped that those affected by EM's decisions going forward will have full confidence that whatever decisions are ultimately rendered will be based on a complete and full picture of the facts as they actually exist on the ground.

ATTACHMENT #6
Whistleblower
Complaint provided to
the Senate Foreign
Relations Committee
February 25, 2022

2022 WHISTLEBLOWER COMPLAINT

NOTE: Whistleblower complaint submitted to the Senate Foreign Relations Committee on February 25, 2022. Edited for typos and to remove the names and identifying information of those involved.

Purpose:

To document fraudulent activities and misconduct perpetrated by individuals at the U.S. Embassy in Beijing, China, and to request an independent investigation into such. Misconduct from embassy personnel has allowed host-nation authorities to repeatedly violate the privileges and immunities of diplomatic personnel assigned to the mission. These violations have led to members of the mission suffering harm and pose significant national security risks if allowed to continue. The misconduct and fraud affect both State Department employees and employees assigned to the Mission from other U.S. government agencies to include the Department of Defense, Department of Justice, and Department of Homeland Security.

Allegations:

1. Increased COVID-19 testing by PRC authorities are occurring outside of the limited waiver of inviolability (LWOI) agreed to by the State Department. Testing and collection of DNA both violate the rights of U.S. diplomats and poses a national security risk to U.S. personnel.
2. The non-consensual placement of U.S. diplomats in PRC "fever hospitals" is unlawful detention, and the separation of children 14 age and above from parents through quarantine violates the Conventions on the Rights of a Child.
3. Information regarding the severity and increased risks posed by these violations has been actively suppressed and obfuscated by leadership at the embassy and information has been intentionally withheld to the detriment of U.S. personnel assigned to Post.

Supporting Information:

1. On September 18, 2020, Secretary of State Pompeo waived privileges and immunities (P&I) and authorized the Under Secretary of Management to "authorize exceptions to that policy." Ref 20 STATE 92790. Inadequate notification and guidance were provided to embassy personnel regarding their loss of rights and the inability to not comply with PRC mandates. Several families unknowingly consented to various unapproved medical tests, assuming those tests were authorized by the U.S. government. Mission China is aware of PRC altering the requirements agreed upon by PRC authorities and Mission China. These additional tests include additional pre-departure tests at PRC approved clinics in the U.S. and testing of U.S. children outside the agreed upon LWOI. In addition, there is evidence the PRC approved clinics are sharing U.S. diplomats' medical information without their permission to the host nation.
 - The Management Office, the Deputy Chief of Mission (DCM), and the Charge d'affaires (CDA), all had notice of the increased testing and failed to send the information to the Under Secretary of Management so he could properly address whether an exception to the limited

waiver was required. This same type of failure from the embassy was evident in 2020 and led to the filing of a complaint with the Under Secretary for Management. In response, the Under Secretary for Management advised that he had taken the information into account in the ongoing discussions concerning how the Department would return the Mission to normal operations in the future. (See Whistleblower Complaint dated June 26, 2020)

- U.S. personnel are required to submit to quarantine for a period outside the CDC guidance and the 14-days agreed upon in the LWOI. The current 5-week quarantine regime (if not positive of covid-19) violates both the LWOI and the CDC guidelines; thereby, reducing the ability for Mission China to retain and attract talent.
- The Mission is aware the U.S. PRC approved clinics are sharing medical information to the PRC through reporting of U.S. personnel upon arrival. The Mission was required to notify the Under Secretary of Management of this new condition. Mission China did not take any actions to discontinue the use of U.S. PRC approved testing facilities after knowledge of the violation of medical privacy.
- The Mission health unit assessed the “PRC/nucleic test to be medically effective and safe. Compliance with PRC arrival testing requirements does not present any security concerns.” Ref 20 BEIJING 1690, para12. However, families in the fever clinic reported use of inappropriate medical equipment (large nasal swabs), causing their children physical and mental trauma. The current tests are more sensitive than U.S. tests, accounting for viral shedding which could remain in a system for months. This scrutiny was not planned or agreed upon by Mission China in September 2020.
- Furthermore, on February 21, 2021, the National Counterintelligence and Security Center (NCSC) published a report detailing China’s exploitation of DNA for repression and surveillance, and their collection of DNA towards a “biotech revolution”. Mission China is also aware that the PRC tests are not effective and inconsistent with CDC guidance. Mission China is aware of these risks and continues to authorize the testing of U.S. personnel and servicemembers. The continued failure to submit to these tests and/or hold the PRC accountable for these violations poses a national security risk to U.S. personnel.

Standards: Vienna Convention on Diplomatic Relations (Articles 29, 37, and 40(1)) and/or Vienna Convention on Consular Relations; Rehabilitation Act; Privacy Act; Safer Federal Workforce Quarantine and Isolation Standards; CDC Guidance on Testing, Quarantine and Isolation; 20 STATE 60472; 20 STATE 56362; 20 STATE 39406; 20 STATE 92790; and 2 FAM 221.5.

Evidence: Recommendations Memorandum dated January 7, 2022;
Email Correspondence to CDA/M;
NCSC China Genomics Fact Sheet dated February 2021;
Whistleblower Complaint dated June 26, 2020;
MRN 20 STATE 92790;
MRN 20 BEIJING 1690

2. The non-consensual placement of U.S. diplomats in PRC “fever hospitals” is unlawful detention, and the separation of children 14 age and above from parents through quarantine violates the Conventions on the Rights of a Child.

- On February 7, 2022, the embassy was notified that the Shanghai fever hospital had not been accessed by the RSO, GSO, or MED since pre-pandemic, which violates 15 FAM 930 and the statement by MED that Mission China will “only authorize personnel to fly into cities where MED assesses the quality and safety of evaluation and treatment in facilities used for individuals who test positive are adequate for our personnel.” Ref 20 BEIJING 1690, para 10e.
- Children over the age of 14 must stay in a hotel room alone, and other children have been reportedly kept from parents by PRC. While this continues to be a “red-line” from Mission China, upon arrival to China a family in Guangzhou reportedly fought to keep their child in their physical presence. After gaining approval for MEDEVAC, they reportedly tested negative multiple time for COVID-19 upon entry to Guam calling into question the validity of the PRC test.
- Mission China failed in fulfilling their duty to provide “continuous contact and have input into treatment and follow-on decisions” while in the fever clinics. They are not allowed on site, and while Wechat groups were formed, this remote contact proved inadequate to ensure the safety of U.S. personnel – as the MED clinic recommend compliance to host nations requests – rather than asserting their right to refuse testing. Ref 20 BEIJING 1690, para 10c.
- The condition in the PRC facilities violates international treaties. In one circumstance, the food was so inadequate it caused a servicemember to lose over thirty pounds in a month. On February 8, Mission China was informed the detention at the Shanghai fever clinic was for an average of thirty-five days, and to date the fever clinics remain a condition upon entry. Additionally, while Mission China has reported compiling supplies, the fever clinics are unsanitary and unhealthy. They are outside the control of any U.S. authority, and while a kit may help mitigate the situation, the continued detention of U.S. personnel violates the United Nations Standard Minimum Rules for Treatment of Prisoners and 15 FAM 930. Additionally, the detention has caused mental and physical harm, including to both young children and vulnerable individuals.

Standards: Vienna Convention on Diplomatic Relations or Vienna Convention on Consular Relations; Convention on the Rights of the Child; United Nations Standard Minimum Rules for the Treatment of Prisoners, Body of Principles of All Persons under Any Form of Detention or Imprisonment.

Evidence: Ditan Fever Hospital from August 2021;
Guangzhou Summary
Recommendations Memorandum dated January 7, 2022

3. Information regarding the severity and increased risks posed by these violations has been actively suppressed and obfuscated by leadership at the embassy and information has been intentionally withheld to the detriment of U.S. personnel assigned to Post.

- Request to review the P&I and send information to Under Secretary Bass was made to the CDA/DCM on January 7, and again on 16 February. To date, there is no indication the request or information was sent.
- The DCM has repeatedly blocked attempts during the Emergency Action Committee (EAC) meetings to introduce concerns documented from verified and authorized first-hand accounts of the health and safety issues found inside the PRC fever hospitals. These attempts occurred during both the EAC held on January 19, 2022, and February 10, 2022. (See attached document, Ditan Fever Hospital from August 2021).
- On February 7, 2022, the embassy was notified that the Shanghai fever clinic had not been accessed by RSO, GSO, or MED since pre-pandemic, stays average 35 days, and that there were US citizen children currently being separated from their parents. (See Draft POL Note.) The note was pulled from distribution by the CDA/DCM and sent to a State internal email distribution list.
- The statement in 20 BEIJING 1690 that "Individuals have the right to refuse any aspect of treatment" was not communicated to U.S. personnel until on or about February 11, 2022, during a Mission-wide townhall.
- Attempts by the Community Liaison Office to share Mission employees firsthand accounts of the PRC fever hospitals with incoming members was put on hold by the embassy's front office.
- Attempts by Other Government Agencies assigned to the Mission to verify reports of PRC fever hospital conditions and its impact on embassy personnel have been actively blocked by the RSO.

Standards: Failure to Promptly Address violations of P&I; Fraud (Lack of Candor)

Evidence: Ditan Fever Hospital from August 2021;
Draft POL Note;
Whistleblower Complaint dated June 26, 2020;
Email from RSO sent February 15, 2022

Pursuant to 5 USC Section 7211 we are requesting investigation into the above misconduct by the respective oversight committees within Congress.

ATTACHMENT #7
Family Account of
quarantining in China
2020

March 6, 2024

The Honorable
Benjamin L. Cardin, Chairman
Committee on Foreign Relations
United States Senate
Washington, DC 20510

James Risch, Ranking Member
Committee on Foreign Relations
United States Senate
Washington, DC 20510

Dear Chairman Cardin and Ranking Member Risch:

I am providing this statement as testimony, compelled by a sense of duty and justice, to shed light on a series of unfortunate events that have detrimentally impacted my family during Robert Forden's tenure at the U.S. Embassy in Beijing and beyond. The account below from 2020 explicitly addresses damages incurred strictly during his tenure from June 2020 to July 2021. Our family eventually experienced numerous additional adverse events experienced first-hand after his departure from Mission China as a by product of his mismanagement and lack of protection for our Chief of Mission staff serving in Mission China.

Our Assignment to Beijing

My spouse, a dedicated foreign service officer, was assigned in late January 2020 to serve in a new strategic position at U.S. Embassy Beijing to be filled that summer. Just weeks after, mainstream news began to report a novel corona virus affecting Wuhan, China. We were serving in North Macedonia at the time with two children aged one and three. Considering the global spread of COVID-19, and in accordance with State's Director General guidance for PCS travel the summer of 2020, we opted to direct transfer to China without returning to the United State to mitigate our exposure with young children. In close communication with his supervisors at Embassy Beijing, we waited for notification to travel directly to Guam to meet the Mission China private charter to take the USG medical aircraft from Guam to Tianjin. However, we were notified on August 1, 2020, that our planned routing was no longer an option, and my spouse was needed at post as soon as possible to support the needs of the Mission. We swiftly departed North Macedonia on August 15 to transition to Beijing, China.

The Journey and Quarantine

Our journey to Beijing was fraught with challenges. We were required to first travel to Washington, D.C., take the required two COVID tests at State MED, and self-isolate in a hotel room for seven days to qualify for the State-sponsored charter flight. The flight itinerary was grueling, spanning approximately 48 hours in total, with stops in San Francisco and Guam, and culminating in our arrival in Tianjin on August 27, 2020.

Upon arrival, we were subjected to PRC NAT testing and a strict monitoring regime by agents in PPE. Fourteen hours after waiting in dedicated spaces per family in the airport, one passenger was determined to be COVID positive, therefore would be medevaced back to the U.S. immediately. However, as a result, our family and a total of 40 passengers, were identified as close contacts based on the Guam medical aircraft seating chart. We were told my Mission management on the ground that we must be transferred to a PRC-controlled close contact hotel to serve 14 days in isolation, which was a complete shock to learn despite my active participation in pre-departure briefings and e-mail communications. We were then divided into two busses, intermingled with family members of the positive individual, and driven by host country personnel in full PPE to the PRC run close contact quarantine hotel approved by Post.

Conditions at the Quarantine Hotel

Sunrise at the Tianjin Grand View Hotel on August 28, we were greeted by PRC CDC agents in white PPE who sprayed our luggage during unloading. No one from the Embassy was on-site to negotiate the terms of our check-in with hotel CDC and few passengers spoke Chinese.



Our family was told we must separate into two rooms. With little time to prepare our luggage for each room assignment, we were taken through plastic sheet-lined hallways to our room. Our doors were alarmed. Video camera surveillance was pointed at our entrance. There, we would be kept for 15 days until released contingent on a negative test on day 7 and 14. In total, our freedom of movement was severely limited for 17 days, half of which was spent separated; my spouse and our three-year-old in one very small hotel room; me and our one-year-old in another.

We had little food suitable for children remaining from our journey because such provisions like milk powder were sent to our diplomatic residence in Beijing where we had expected to serve our two-week residential quarantine. The hotel CDC was very strict because of our association with a positive case and would not allow any items to be brought into the facility. Food was served three times a day in front of our doors as delivered by agents in PPE. If one were to open the door too long while retrieving whatever left for them, an alarm would sound. There was no internet or international television, and our family had no cell phone service.



After roughly three days, my one-year-old became violently ill with a fever and vomiting, likely due to food poisoning. No medical care was available, and Post MED lobbied for Pedialyte. In such a state of controlled isolation from others, the hotel refused to replace vomit soiled towels and blankets, declaring them as hazardous medical waste related to COVID. Similarly, when our daughter began wetting the bed due to the trauma of the arduous travel and separation, the hotel refused to replace the soiled sheets and blankets. During this time, I became paranoid my son was demonstrating symptoms of COVID and worried about our future. What would happen if he tested positive on day seven, the first of two COVID tests administered in our hotel room? We were required to send temperature data per person to hotel CDC every morning and evening, and monitoring for symptoms was reported to Post MED.



After roughly one week, Embassy negotiations with Tianjin CDC produced numerous improvements to our lifestyle. We were given Wi-Fi devices to resolve the issue of lack of communication with the embassy. Deliveries of pre-packaged food and milk for our son were eventually accepted on a very limited basis as delivered by Beijing GSO. Most importantly to our state of security and comfort, we were allowed to reunite into one room to pass the time together. The entire episode in PRC close contact quarantine

Waiver of Privileges and Immunities

Throughout our preparation for PCS travel to China, we were never informed about the waiver of privileges and immunities (P&Is) with the PRC government, nor the potential for being placed into strict PRC-controlled quarantine and/or being separated despite testing negative for COVID.

The first request by Mission China to the Undersecretary of Management (M) for a waiver of personnel's P&Is was sent on Sept. 11, 2020. This was after about 10 charter flights had arrived from the United States to China to restaff the Mission starting with charter flight one on June 1, 2020.

M's authorization to waive P&Is for testing and quarantine came on Sept. 18, 2020. Despite it being 3.5 months after the first charter on June 1 and 2.5 months after the Testing and Quarantine Requirements Abroad was issued by M, the eventual request for waiver from Post did not cover many things; therefore, the waiver was immediately invalid (e.g., accurate number of tests performed by PRC, quarantine in PRC facilities, cases tested positive while in quarantine).

Conditions in paragraph one and two of M's waiver changed on December 4, 2020, when the PRC ceased to allow diplomats to quarantine at home, the quarantine period changed from 14 days to 21 days, and the number of PRC NAT tests increased to at least four (performed on days 1, 3, 5, 7, 14, and 21).

Conclusion

In conclusion, I implore the Senate Foreign Relations Committee to take immediate action to address these grave concerns. The lack of transparency and the disregard for the welfare of foreign service officers and their families is unacceptable. We deserve better. We deserve justice. Thank you for your attention to this matter.

Sincerely,

Christian Purkiss
Policy Section Member
(Served 2020-2024)

0		Shanghai		3/5/2021
1		Shanghai		3/5/2021
0		Shanghai		3/9/2021
1		Shanghai		3/10/2021
0		Shanghai		3/10/2021
0		Shanghai		3/12/2021
0		Shanghai		3/15/2021
1		Shanghai		3/18/2021
0		Shanghai		3/19/2021
0	2021-0395 - Dip Note announcing incoming travelers	Shanghai	MGT	3/25/2021
0		Shanghai		3/25/2021
0		Shanghai		3/28/2021
0		Shanghai		3/29/2021
0		Shanghai		4/1/2021
0		Shanghai		4/1/2021
0		Shanghai		4/2/2021
0	2021-0457 - Dip Note for special request of family	Shanghai	MGT	4/6/2021
0		Shanghai		4/7/2021
0		Shanghai		4/7/2021
0		Shanghai		4/7/2021
0		Shanghai		4/9/2021
0		Shanghai		4/12/2021
0		Shanghai		4/13/2021
0		Shanghai		4/15/2021
0	2021-0564 - Dip Note for	Shanghai	MGT	4/19/2021
0		Shanghai		4/21/2021
0		Shanghai		4/22/2021
0	2021-0590 - Dip Note - detention	Shanghai	MGT	4/23/2021
1		Shanghai		4/23/2021
0		Shanghai		4/30/2021
0		Shanghai		5/5/2021
0		Shanghai		5/5/2021
0		Shanghai		5/7/2021
0	2021-0653 - case	Shanghai	MGT	5/7/2021

0	2021-0570	and the family	Beijing	GSO	4/20/2021
0			Beijing		4/20/2021
1			Beijing		4/20/2021
0			Beijing		4/21/2021
0			Beijing		4/21/2021
1			Beijing		4/21/2021
1			Beijing		4/22/2021
0			Beijing		4/22/2021
1			Beijing		4/23/2021
1			Beijing		4/23/2021
0			Beijing		4/26/2021
0			Beijing		4/27/2021
0	2021-0598	- request home quarantine for and	Beijing	GSO/NIP	4/27/2021
1			Beijing		4/28/2021
1			Beijing		4/28/2021
1			Beijing		4/29/2021
1			Beijing		4/29/2021
0	2021-0610	- Dip Note to BI FAQ for home quarantine in RI	Beijing	GSO	4/29/2021
0	2021-0611	- Commercial arrivals	Beijing	GSO	4/29/2021
1			Beijing		4/29/2021
1			Beijing		4/30/2021
1			Beijing		5/4/2021
1			Beijing		5/4/2021
1			Beijing		5/4/2021
1			Beijing		5/4/2021
1			Beijing		5/4/2021
1			Beijing		5/4/2021
0			Beijing		5/5/2021
1			Beijing		5/5/2021
0			Beijing		5/5/2021
1			Beijing		5/5/2021
0			Beijing		5/6/2021
0	2021-0639	- Dip Note for Beijing returnees travel via Shanghai	Beijing	GSO	5/6/2021
0			Beijing		5/6/2021

SBU -PRIVACY OR PII

From: [REDACTED]
Sent: Friday, January 22, 2021
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: New Testing Method?

-Beijing
-He is in his apartment as part of the +7 (from my understanding)
-No notice or options as I can tell
-He had to do both a nose and anal swab.

SBU -PRIVACY OR PII

From: [REDACTED]
Sent: Friday, January 22, 2021
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: New Testing Method?

In what city did this occur? And what number test? And did he say if they gave any notice beforehand that the test would be conducted in this manner? And was he presented with options?

SBU -PRIVACY OR PII

From: [REDACTED]
Sent: Friday, January 22, 2021
To: [REDACTED]
Cc: [REDACTED]
Subject: New Testing Method?

So, a colleague from [REDACTED] telling our group [REDACTED] that he was given an anal COVID swab at his apartment.

Just a heads up, as I am sure it is going to blow up soon.. if you aren't already dealing with it.

Employee's name is [REDACTED]

Just getting ahead before the word of mouth starts spreading

[REDACTED]
General Services Officer (公使官)
U.S. Consulate General Shanghai (美国驻上海总领事馆)
[REDACTED]

SHU -PRIVACY OR PII

Sender: [REDACTED]
Recipient: [REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: RE: No Anal swabs for Diplomats
Date: Fri, 22 Jan 2021 [REDACTED]

Was not expecting this email on a Friday evening.
Sent from my iPhone 4G LTE Device

----- Original message -----
From: [REDACTED]
Date: 1/22/21 [REDACTED]
To: [REDACTED]

Subject: No Anal swabs for Diplomats
FAO is telling the Embassy that it was a mistake to ask for anal swabs and that it didn't apply to diplomats. TBD how [REDACTED] will play it, but for now we'll have to tell people they don't have to do it. Reportedly you do it yourself in private so not as bad as I envisioned.

[REDACTED]
Management Officer 行政官
U.S. Consulate General Shenyang
美国驻沈阳总领事馆

[REDACTED]
Sender: [REDACTED]
Recipient: [REDACTED]

From: [REDACTED]
 Sent: Thursday, January 28, 2021 [REDACTED]
 To: [REDACTED]
 Cc: [REDACTED]

Subject: RE: Dip Notes on Attestation, for China travelers Dip Note on Further testing regime

Since this is a large DL, I want to issue a correction/clarification – the testing of the two travelers was done in BEIJING, before the embassy was made aware that this was even a possibility. It is a part of a series of tests at day 21 (including the PCR and the environmental test, which consists of wiping some surfaces inside the residence) that the Chinese have implemented for travelers in BEIJING – and at this time, only Beijing. We are not aware of this requirement elsewhere (yet). At least one traveler was able to self-administer, I'm not clear about the other. Neither contacted us in advance (one was a younger EFM, the other I believe a FASTO). We immediately protested verbally to the Beijing Foreign Affairs Office, which agreed that both the anal and environmental tests were a mistake and that diplomats are not subjected to this. We are aware of a separate instance of a foreign diplomat with a Chinese citizen spouse where the spouse was required to do the anal swab but the diplomat was not. We have since had one instance where the local health authorities tried to administer all 3 tests to one of our employees at day 21. We told him to refuse both the anal and environmental tests, which he did, the health authorities went away, and we again protested to the FAO. We want to send in this protest note to the MFA forestall any further instances.

We are seeing an increase in preventative measures in and around Beijing. These include extended health monitoring period, negative NAT test required for all domestic travelers coming to Beijing between now and March 15, and this additional anal and environmental testing. This is not surprising in the period leading up to the Chinese new year holiday and the major meetings (Liang Hu) that take place starting March 4. We would expect that – assuming the COVID situation remains under control as it mostly has up to now – at least some of these measures will be relaxed. That having been said, we all draw the line at these additional requirements.

[REDACTED]

SENSITIVE BUT UNCLASSIFIED

From: [REDACTED]
 Sent: Friday, January 29, 2021 [REDACTED]
 To: [REDACTED]

Cc: [Redacted]

Subject: Re: Dip Notes on Attestation, for China travelers Dip Note on Further testing regime

As I told [Redacted] by phone, given the outrageous nature of these tests, the protest note needs to be beefed up quite a bit. I will have those edits later today. As a strict legal matter we are in a weaker position visa vis our consulate folks than Embassy folks on the issue of inviolability, but even there, this is just over the top and crosses over into offending human dignity. I will also touch base with my [Redacted] colleagues to see if (1) this rises to the level of a human rights violation and (2) whether such a thing is permissible under the WHO's IHR.

From: [Redacted]
Sent: Thursday, January 28, 2021
To: [Redacted]

Subject: RE: Dip Notes on Attestation, for China travelers Dip Note on Further testing regime

[Redacted] - the anal/fecal testing of two travelers was done in quarantine in Guangzhou, despite the Mission telling travelers not to submit to additional tests (beyond the nasa/throat tests). When the Embassy learned of this, they protested to the MFA, who claimed they didn't know about this. The Dip note is to formally protest this ... both in DC and in Beijing. Thx

SENSITIVE BUT UNCLASSIFIED

From: [Redacted]
Sent: Thursday, January 28, 2021
To: [Redacted]
Cc: [Redacted]

[REDACTED]

Subject: RE: Dip Notes on Attestation, for China travelers Dip Note on Further testing regime

My suggested edits on top of [REDACTED] for the Issue 1 dip note and letter are attached here.

Regarding Issue 2: I think it might be time for us to engage at a high level here in DC and perhaps at post. I don't see a situation in which the Department will waive immunity to permit anal/fecal testing or environmental testing inside of residences.

Did I read in [REDACTED] message that the PRC had done the anal/fecal testing on two diplomatic travelers without notice? Was this at port of entry on arrival?

[REDACTED]

--

[REDACTED]

Office of the Under Secretary for Management

O: [REDACTED] | M: [REDACTED]

Teleworking

SENSITIVE BUT UNCLASSIFIED

From: [REDACTED]

Sent: Thursday, January 28, 2021

To: [REDACTED]

Cc: [REDACTED]

[REDACTED]

Subject: Re: Dip Notes on Attestation, for China travelers Dip Note on Further testing regime

Here are my edits on the attestation. NOT entirely clear to me, but would be giving one to each of our folks to upload onto the portal some sort? If so, shouldn't it contain the traveler's name on top?

[Redacted]

From: [Redacted]
 Sent: Thursday, January 28, 2021
 To: [Redacted]
 Cc: [Redacted]

Subject: FYR: Dip Notes on Attestation, for China travelers Dip Note on Further testing regime

[Redacted] - pl see below for draft dip notes on the "affidavit"/attestation requirements and the (new) anal testing regime that the PRC is trying to impose (Mission China notes below). The plan, once cleared by L, is for the Embassy and the CM/Desk to deliver the dip notes to the MFA and PRC Embassy in D.C. respectively. After that, with (hopeful) concurrence from the Chinese, we will start using the "extract" as the document that travelers will upload on the pre-travel "Getting to Green" site.

Looking forward to your review and finalization of these dip notes and extract.

Thanks!

[Redacted]

From: [Redacted]
 Sent: Thursday, January 28, 2021
 Subject: Dip Notes on Attestation, for China travelers Dip Note on Further testing regime

Morning [Redacted]

Sending the much awaited Dip Note on Attestation plus a second Dip Note that relates to the newest testing regimes imposed by the PRC (so far only in Beijing for you to run the clearances as necessary from L, the desk and any other relevant office. I am not sending to whole group below as I don't think all are clearers at this point.

First item: Dip Note on Traveler Attestation plus proposed document to be uploaded to Get to Green in lieu of personal commitment letter. Note: On the proposed document we were r't sure the appropriate To/From line as this is being sent to PRC embassies and consulates abroad. Welcome any edits. As we have incoming travelers imminent getting at least the proposed document into the hand of the PRC embassy tomorrow would help a couple travelers who have tested in departure cities and would still

have hope of a Sunday flight. Other travelers we are putting off a week to grapple with this new development.

The travelers who still have a possibility for Sunday/Monday travel into Shanghai:

Beijing: [REDACTED]
Shenyang: [REDACTED]
Guangzhou: [REDACTED]

Second item: We are sending forward this proposed Dip Note in reaction against the environmental testing and anal swab testing that was done without a warning on two of our travelers this week. The CDC came again to one of our residence today to do the same again on our latest travelers who had completed the 21 day quarantine – despite assurance from the Beijing FAO that diplomats were not subject to these tests. We were able to shut the door on the CDC personnel today (allowing only the NAT test to be done) but I am sure they will come back to us on this.

[REDACTED]
Management Officer
U.S. Embassy Beijing
[REDACTED]

From: [REDACTED]
Sent: Tuesday, January 26, 2021
To: [REDACTED]

Subject: RE: Need some clarification from the PRC embassy in DC

[REDACTED]

Could you please also send a copy to the desk for clearance? My leadership would like to quickly review and flag for [REDACTED].

Thanks,
[REDACTED]

[REDACTED]

Office of Chinese and Mongolian Affairs
Department of State
[REDACTED]

From: [REDACTED]
Sent: Tuesday, January 26, 2021
To: [REDACTED]

CC: [REDACTED]

Subject: Re: Need some clarification from the PRC embassy in DC

Hi [REDACTED]

Great talking to you today. I think the plan outlined below and during our call this morning (DC time) makes sense, i.e. approach the Chinese with a dip note. Here is how the dip note would read in my head (the below is a suggested structure and some dip law cites)

- refers to their new policy/dip note announcing it. Say you are writing to ask that US dips be exempt from complying because the US already sends waiver in advance of each arrival.
- Reiterate our commitment to fighting COVID, and restate in a sentence or two all the measures the US Mission takes. Maybe state that we have not had many cases, or outbreaks in our mission because of our stringent adherence to COVID standards etc.
- Tell them that as part of that commitment since X date (I believe around July 4th was the first waiver, but you would do better), the US has been waiving the personal inviolability of our dips to get them into the country. (Maybe consider attaching some of the dip notes of us having done it as examples in case the people reading this note are different from the people who get our waiver dip notes).
- State that under both the VCDR, the VCCR, as well as the 1980 Convention on Consular Relations Between China and the US, waiver of immunities may only be made by the sending State and must be express. Individuals may not waive their own immunities as those belong to the sending state. Here are the specific references (all three say that waiver must be "express" and may not only be done by "sending State"):

- o Article 32 of the VCDR (this applies to our diplomats and their EFM's at the Embassy)
 - o Article 45 of the VCCR (applies to our dips at consulates)- says waiver must be by the "sending State" shall be "express" and "writing"
 - o Article 14 of the 1980 Convention (applies to our dips at consulates)- Same as VCCR
- I would then reiterate that we intend to keep sending them these dip notes waiving personal inviolability as long as we are comfortable with the measures dips are being subjected to (like the ones in the attachment example) before each cohort/batch of visitors.
 - Then reiterate the "ask" that our folks be exempt from complying with the new requirement to submit FORM XYZ before traveling as the United States views that as inconsistent with established diplomatic law and practice that only the sending state can waive the privileges and immunities of its diplomats and must do so expressly and generally always in writing.
- I would like to see what you put together and promise to review it as soon as you send it to me.

Happy for other on this chain to chime in with additional thoughts on the above.

█

From: █
 Sent: Monday, January 25, 2021 █
 To: █
 █
 Subject: RE: Need some clarification from the PRC embassy in DC

- All -
- The purpose of this call is to decide the legal/policy next steps in our response to the MFA's diplomatic note which requires individual diplomatic travelers to China effective Jan. 27 to
1. certify to the Embassy or consulate prior to travel to China that they will agree to hospitalization in China if they or any of their family members test positive or arrange to be medevac'd, and
 2. The Department to send a dipnote to the embassy/consulate to the same effect

TO clarify - the Embassy already sends a dipnote announcing to the MFA the arrival of any and all diplomats, and in that language we already confirm that any passengers who test positive upon arrival

will be brought to the designated local hospital. We do ask that anyone who test positive at any other time but is asymptomatic be allowed to remain in their room as long as they remain asymptomatic. This is likely to be unsustainable, and I expect that the Chinese health authorities will insist that even asymptomatic individuals should be taken to hospital for further testing, and will be required to remain there until the individual tests negative twice within 48 hours. We also ask for – and have received assurances – that the PRC will facilitate a medevac should we request one.

Note: We have recently had a passenger test positive at day 7, but he was symptomatic and so was sent to the hospital. The individual is a contractor so his company is working through SOS, but PRC officials have been cooperative on arranging medevacs for COVID patients.

We don't really see a fundamental change in our procedures once travelers arrive in China, so I don't really see this as a MED/clinical issue. The change is in the certification by an individual for measures that the USG already certifies in a DipNote to the MFA. We would like to go back to the MFA with a note saying exactly that – we don't want to add in this step by the individual because we have already taken responsibility as a government.

What I would like to get out of this conversation is:

1. Agreement that this is an appropriate next step
2. Language from L for a dipnote to this effect
3. Indication that the desk will work with the embassy/consulates in the U.S. to convince them this is an unnecessary bureaucratic requirement

Note that we have about 75 people planning to travel to China in the next 2 months.

From: [REDACTED]
Sent: Monday, January 25, 2021

To: [REDACTED]

CC: [REDACTED]

Subject: RE: Need some clarification from the PRC embassy in DC

I will send an invite for Tue morning 7 a.m. (WDC time) ...

From: [REDACTED]
Sent: Monday, January 25, 2021

Subject: RE: Need some clarification from the PRC embassy in DC

I should add that Post does not support this additional requirement.

From: [REDACTED]
Sent: Monday, January 25, 2021
To: [REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: RE: Need some clarification from the PRC embassy in DC

All –
We would like to have a phone call, there are so many issues flying around on this and we would like to resolve them soonest before the new procedures take effect Wednesday, Jan. 27. Can we do something either early 8am our Tuesday (7pm your Monday) or 8pm our Tuesday (7am your Tuesday).

See our answers below to yours.

Attached see the Draft EU Note Verbale on the issue of the pre-departure attestations and answers below. The process has not changed fundamentally, just the PRC wants individual travelers to certify what we already say in our DipNotes (sample also attached). I have also attached a full copy of the incoming note outlining the new requirement.

Finally, we had our first instance of a commercial arrival testing positive, in this case at day 7 of quarantine, a PA&E contractor father and his 15-year old son. We agreed to have them brought to the local fever hospital, and are now in touch with medical personnel there about their care. While PA&E has the final say, we will recommend medevac based upon the specifics of the case. We don't anticipate the Chinese will have any objections. None of the other 86 passengers have tested positive, let's hope it stays that way.

[REDACTED]

From: [REDACTED]
Sent: Friday, January 22, 2021
To: [REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: RE: Need some clarification from the PRC embassy in DC

[REDACTED] - thanks.

Post, CM, and MED are copied to this email and should respond; restating your questions below so folks can reference and answer:

- What happens now when one of our dips tests positive on arrival or at some other point? Do they always go to the hospital no matter how asymptomatic or do we always medevac? (Post)
 - Post response: ... we had our first case this weekend. They are supposed to go to hospital first, whether we medevac will depend on the circumstances of the case. That is what happened in this case.
- Dr. [Padget] expressed some concerns below. Not sure if his concerns are motivated by the same things as L/DL's, but it would be good to know exactly what his are? (MED)
 - MED response: ... Not sure if MED has any medical issues, this seems to me more of a legal policy question, do we agree to require individuals to certify what the Embassy is already confirming in our dipnotes
- What would the policy folks like to see happen here? That we sign whatever letter they want our people to sign, but maybe modify it and tack on some lines like "This does not constitute a waiver..." (CM/Desk)
 - CM response: ...
- If anyone has a copy of whatever the doc is that the Chinese wants our folks to sign, I would very much appreciate seeing it. (Post) We don't have a copy of what the Chinese Embassy is asking people to sign – note that this requirement does not take effect until Jan 27, and may be part of their online "green health code" process, but we do have the attached incoming Dipnote. It also requests that the Department affirm all the same stuff in a separate dipnote, over and above what we send to the MFA.

From: [REDACTED]
 Sent: Friday, January 22, 2021 [REDACTED]
 Subject: Re: Need some clarification from the PRC embassy in DC

Hi [REDACTED]

It looks like Dr. [REDACTED] expressed some concerns below. Not sure if his concerns are motivated by the same things as L/DL's, but it would be good to know exactly what his are. On a similar note, it would be really good to get a couple of additional facts and a policy steer from EAP/EX and M. Namely, what happens now when one of our dips tests positive on arrival or at some other point? Do they always go to the hospital no matter how asymptomatic or do we always medevac? I feel like understanding this threshold issue would be important to L/DL's position. I know this has been a complicated issue in China.

If we always medevac, then we can just write that to them, but I am guessing that is not the case.

If we do send all our positive people to the hospital then what concerns me is our folks signing a document that (1) purports to waive their own Ps and Is, and (2) purports to agree to ANY medical treatment that the Chinese have in mind for them. I would imagine that #2 may have been motivating (at least in part) Dr [REDACTED] eactions.

What would the policy folks like to see happen here? That we sign whatever letter they want our people to sign, but maybe modify it and tack on some lines like "This does not constitute a waiver..." We can attach that to the dip note they also seem to be seeking from us here domestically to the Embassy, where we (the USG as opposed to the individual) restate whatever our position is on what we will do should one of our personnel or EFMs test positive.

As always, I am very happy to discuss further by phone, etc. If anyone has a copy of whatever the doc is that the Chinese wants our folks to sign, I would very much appreciate seeing it.

Adding L/EAP here for awareness.

Best,

[REDACTED]

From: [REDACTED]
Sent: Friday, January 22, 2021
To: [REDACTED]

Subject: RE: Need some clarification from the PRC embassy in DC

[REDACTED] - looking forward to L's "final" view on this ... seems like this might be an issue for incoming travelers also. Thx

From: [REDACTED]
Sent: Thursday, January 21, 2021 4:04 PM
Subject: RE: Need some clarification from the PRC embassy in DC

Agree that this is unacceptable and should not be countenanced.

[REDACTED]

From: [REDACTED]
Sent: Thursday, January 21, 2021 11:12 AM
Subject: RE: Need some clarification from the PRC embassy in DC

+ MED

From: [REDACTED]
Sent: Thursday, January 21, 2021 [REDACTED]
Subject: Re: Need some clarification from the PRC embassy in DC

Signing such a document definitely raises some diplomatic law concerns. I will run this down internally and revert back. Please make sure no one signs such a document until further guidance from L/DL. I would also suggest getting MED's eyes on this document.

From: [REDACTED]
Sent: Thursday, January 21, 2021 10:29 AM
To: [REDACTED]
Subject: RE: Need some clarification from the PRC embassy in DC

[REDACTED] thanks for your email.

Including [REDACTED] and [REDACTED] for their review/response, and [REDACTED] for awareness.

FYI, and apropos to nothing, the [REDACTED] re the China waiver of inviolability is still pending 7th floor review/approval. Thx

From: [REDACTED]
Sent: Wednesday, January 20, 2021 [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: Need some clarification from the PRC embassy in DC

Good morning desk,

We have received notification of a new requirement as a part of the Getting to Green scenario. As a result of a recent case of a diplomatic father and son who refused to be taken to hospital upon testing positive and who were subsequently medevaced out of the country, the Chinese are now asking diplomats to sign an affidavit agreeing to be treated in China, agreeing to pay all expenses of such treatment, and/or to be medevacked. Of course, we find this to be needless paperwork and we haven't had any issues on this front at all. And it is ridiculous to impose on all foreign missions in response to a single case.

We have two questions. Desk, is the DC embassy implementing this? [REDACTED] is this something that we should be encouraging people to sign?

**Submission for the
Nomination of Erik Woodhouse
Added to the Record by
Senator James E. Risch**

Submission for Nomination of Erik Woodhouse

1. **Bylaws – Climate and Environmental Protection Foundation MV**
 - “Foundation for Climate and Energy Protection M.V.” bylaws stating that completing NS2 was a core purpose of the foundation, providing details on funding, and describing how this front organization could conduct business operations to further its goals.
2. **Blue Ship (Ownership Registration)**
 - Ownership registration for “Blue Ship,” a vessel engaged in pipelaying activities identified in the November 2021 Protecting European Energy Security Act report but not sanctioned despite its ownership by a Russian-funded front organization called the “Foundation for Climate and Energy Protection M.V.”

The statutes – Climate and Environmental Protection Foundation MV

klimastiftung--mv-de.translate.google.com/die-satzung/

preamble

The state of Mecklenburg-Western Pomerania, with its wonderful nature that is largely protected, has a special interest and a special responsibility for successful climate and environmental protection. The state is committed to this interest in all areas of political action, especially in direct measures for environmental protection and in energy policy, in which the state of Mecklenburg-Western Pomerania is making an important contribution with the targeted expansion of renewable energies, especially wind power.

However, the great task of the century "climate protection" can only succeed if it is anchored in the consciousness of the broad majority of the population as existentially important and is actively supported by as many people as possible. Mecklenburg-Western Pomerania needs broad acceptance and support for the goals it pursues.

That is why the country is actively committed to this important goal with a "Climate and Environmental Protection Foundation". The foundation wants to be open to everyone who supports the foundation's goal with donations and donations or personal commitment.

§ 1

Name, legal form, registered office and financial year

(1) The foundation is called "Foundation of the State of Mecklenburg-Western Pomerania for Climate Protection and Preservation of Nature – Climate and Environmental Protection Foundation MV" and as a short name "Climate and Environmental Protection Foundation MV". It is a legal foundation under civil law.

(2) It is based in Schwerin.

(3) The foundation's financial year is the calendar year. The first financial year is a short year. It begins with the announcement of the recognition notice and ends on December 31st of the same calendar year.

§ 2

Purpose of the foundation

(1) The foundation pursues the following purposes in particular and the purpose of the foundation is fulfilled in particular, if necessary also indirectly, through the following activities and measures:

- the implementation and promotion of climate protection measures and projects to preserve or restore nature in the state of Mecklenburg-Western Pomerania and on and off the coasts of the state of Mecklenburg-Western Pomerania as well as on and off the Baltic Sea coasts of the states bordering the Baltic Sea;
- the implementation and promotion of measures to preserve and improve the ecological situation in the regions mentioned;
- the promotion of science and research in the field of climate protection and in the field of climate-friendly energy supply in the state of Mecklenburg-Western Pomerania or with the leading participation of commercial companies, universities, scientific institutions or non-governmental organizations based in the state of Mecklenburg-Western Pomerania;
- Promotion of measures in the state of Mecklenburg-Western Pomerania to implement climate and nature conservation concerns, especially in all measures to secure energy supplies, in particular system stability through storage and sector coupling solutions, including support for commercial companies based in the state Mecklenburg-Western Pomerania for in-house research in this area, for the production of prototypes, for pilot series and for market-launching distribution strategies;
- promoting measures to secure biodiversity;
- the promotion of measures to ensure water protection and drinking water protection;
- Information, advice and public relations on issues of climate protection and the preservation of nature in the Baltic Sea region, primarily in Mecklenburg-Western Pomerania and, in special cases, also in the states bordering the Baltic Sea;
- Exchange of experience, knowledge and information as well as networking between those involved in climate and environmental protection, especially in Mecklenburg-Western Pomerania and with the states bordering the Baltic Sea;
- Education, training and further education in the area of climate and environmental protection in Mecklenburg-Western Pomerania;
- Cooperation with other institutions and organizations in order to implement joint projects and projects within the scope of the purpose of the foundation, which are also permissible by the foundation alone in accordance with this statutory purpose;
- the promotion and support of measures, efforts and scientific studies in the state of Mecklenburg-Western Pomerania that aim to secure the energy supply in a climate-friendly manner.

(2) In order to fulfill the purpose of the foundation, in particular to manage and increase assets, the foundation may establish and maintain a commercial business and establish, acquire, participate in or commission subsidiaries in the legal form of partnerships or capital partners.

As part of a commercial business operation, the foundation can, in particular, take on nature and environmental protection measures and projects that involve the implementation of compensation measures that natural or legal persons abandon as part of their activities due to interference with nature. As part of its economic business operations, it can in particular also acquire, take over or manage, lease and lease, rent and rent out land and areas, acquire, take over, manage, hold, make available and rent out tools and machines. Income from the commercial business and possible subsidiaries serve to promote the goals and purposes mentioned in paragraphs 1 and 2.

§ 3 **Foundation assets**

- (1) The foundation fulfills its tasks
- a) from the income from the basic assets,
 - b) from the income from the intended economic activity,
 - c) from other donations, unless they are expressly intended by the donor to increase the basic assets. These tasks also include the foundation's administrative costs, including the expenses incurred by the foundation to maintain economic business operations.
- (2) In the case of donations that consist entirely or partially of material assets, the foundation board may sell these for the purpose of reallocating assets. Paragraph 1 lit. c) applies to the sales proceeds.
- (3) The foundation can create reserves to the extent that this serves the purpose.
- (4) The foundation is entitled to use profits generated from reallocations of assets or from an economic business operation in whole or in part for the purpose of the foundation, to place them in a reallocation reserve or to add them to the foundation's assets.
- (5) There is no legal right to the granting of benefits by the foundation based on these statutes. This cannot be justified by regular or repeated services.

§ 4 **Organs of the Foundation**

- (1) The organs of the foundation are the foundation board and the board of trustees. Simultaneous membership in both bodies is not permitted.
- (2) The members of the foundation bodies are only liable for breaches of duty for intent and gross negligence. At the suggestion of the foundation board, the board of trustees can, with a majority of its members, decide to limit the liability of the volunteer board members towards the foundation or to release them from liability towards third parties.

(3) Activities in the bodies of the foundation are free of charge. The members of the foundation bodies are entitled to reimbursement of the actual and reasonable expenses and costs incurred by them.

§ 5

Management of economic business operations

(1) The commercial business established by the foundation with its possible subsidiaries is managed by an expert managing director (CEO), who is appointed by the foundation board for a maximum period of activity of five years; a repeated appeal is permitted. The foundation board can remove the managing director from his position at any time. It acts independently on the basis of the business principles issued by the foundation board. The foundation board advises and monitors the managing director.

§ 6

Management of the foundation's tasks oriented towards the common good

(1) The foundation board appoints a full-time managing director for a term of office of a maximum of five years for the foundation's public welfare tasks (managing director). Repeat orders are permitted. The foundation board can dismiss the management.

(2) The management is responsible for the ongoing business of the foundation, provided that it does not affect the economic business operations in accordance with Section 2 Paragraph 2 of these statutes and is determined by the CEO to be appointed there. The management is also responsible for managing the foundation's office for the foundation's public welfare tasks. It is bound to the instructions of the foundation board and is directly responsible to it. The management must provide the foundation board with information about the ongoing administration of the foundation and access to the documents at any time.

§ 7

Foundation Board

(1) The foundation board consists of at least one and a maximum of three members who are appointed by the Prime Minister of the State of Mecklenburg-Western Pomerania.

(2) The members of the first foundation board are appointed by the founder as part of the foundation's business for a term of four years.

(3) The office of a board member ends after the expiry of the term of office, through death and through resignation from office, which can be done at any time by written declaration or by a declaration in electronic form with a qualified digital signature, as specified by the Civil Code at the respective time of the declaration, vis-à-vis the chairman of the board, in the

event of the latter's resignation, vis-à-vis the deputy, and in the case of only one appointed board member, vis-à-vis the chairman of the board of trustees. In these cases, the board member remains in office until a successor is appointed. Board members can be removed by the Prime Minister of Mecklenburg-Western Pomerania at any time for good cause. You must be given the opportunity to comment beforehand. The dismissal is considered effective until its ineffectiveness is legally determined.

(4) After the term of office of a board member has expired or if a board member leaves the foundation board or dies, the Prime Minister of the State of Mecklenburg-Western Pomerania appoints a new board member; If you leave before the expiry of the term of office on which the appointment is based, the appointment will be made for the remaining term of office of the member who has left. Reappointment is permitted – even several times. The term of office of the board members is three years. If the foundation board consists of more than one person, the Prime Minister appoints the chairman and deputy chairman at the same time as the appointment.

(5) The foundation board is entitled to appoint additional advisory members, e.g. people who have particular expertise and experience with regard to the purpose of the foundation or in financial and economic issues. If a managing director is appointed for the foundation's public welfare tasks, he or she will take part in the board meetings with the right to speak. If the items on the agenda concern business operations in accordance with Section 2 Paragraph 2 of these Articles of Association, this also applies to the CEO in accordance with Section 5 of these Articles of Association. The foundation board is also entitled to shift responsibility for individual areas of the foundation (in particular public welfare-oriented funding, asset management) to subcommittees; The details are governed by the rules of procedure.

§ 8

Duties of the Foundation Board

(1) The foundation board decides on its own responsibility and manages the day-to-day business of the foundation. He is independent of instructions. He has the status of a legal representative and represents the foundation in and out of court. The members of the foundation board are authorized to represent each other individually. Internally, the chairman of the foundation board represents the foundation alone; in the event of his absence, the deputy chairman represents the foundation. If the foundation board consists of only one person, transactions between the board member and the foundation require the prior approval of the board of trustees.

(2) The management according to § 6 of these statutes is authorized to represent the board of directors in and out of court in matters relating to the ongoing business of the foundation and the management of the office within the framework of the instructions of the board, insofar as the tasks of the foundation oriented towards the common good are affected. The management has the legal status of a special representative in accordance with Section 30

of the Civil Code (BGB). Sentences 1 and 2 of this paragraph do not apply in the first two years after the foundation was founded. Insofar as the economic business operations are affected in accordance with Section 2 Paragraph 2 of these Articles of Association, the CEO is authorized to represent the business in and out of court in addition to the Executive Board in accordance with Section 5 of these Articles of Association and has the legal status of a special representative in accordance with Section 30 of the Civil Code (BGB).

(3) The foundation board must fulfill the wishes of the founder as effectively as possible within the framework of the foundation law and these foundation statutes. He must ensure the long-term and sustainable fulfillment of the foundation's purpose. He manages and manages the foundation and decides on its affairs, unless otherwise stated in the provisions of these statutes. In particular, he is responsible for:

- a) determining the foundation's work priorities within the foundation's purpose and the foundation's goals in accordance with Section 2,
- b) establishing principles for the investment, management and use of the foundation's assets as well as for the allocation of the foundation's funding,
- c) the system , administration and use of the foundation's assets,
- d) the decision on the allocation of the foundation's funding,
- e) the monitoring of the appropriate and economic use of the foundation's funds, including the funding,
- f) the appointment and dismissal of the managing director for the public welfare-oriented tasks of the Foundation,
- g) the discharge of the management for the common good tasks of the foundation,
- h) the appointment and dismissal of the CEO in accordance with Section 5 of these statutes as well as his discharge,
- i) the conclusion, change, cancellation or termination of employment contracts , service and work contracts, insofar as this has not been transferred by the foundation board to the management of the foundation's tasks oriented towards the common good,
- j) the timely preparation of economic and staff plans before the end of the financial year, insofar as this has not been transferred by the board of the foundation to the management of the tasks oriented towards the common good tasks were assigned to the foundation,
- k) the establishment or termination of commercial operations in accordance with Section 2 Paragraph 2 of these statutes.

(4) In order to prepare its resolutions, carry out its tasks and, in particular, carry out ongoing business, the foundation board can appoint a managing director for the foundation's public welfare tasks (managing director) and call in experts. The foundation's board of directors can take legal and tax advice within an appropriate framework.

(5) The foundation board adopts rules of procedure which regulate the further modalities regarding the delegation of tasks, the appointment of additional advisory members and further details on the course of business.

(6) The foundation board must have the foundation's annual financial statements audited by an auditing association, an auditor or a sworn auditor. The audit and the note on the results of the audit must also cover the preservation of the basic assets and the intended use of its income and donations intended for consumption.

(7) The foundation board is responsible for the notification, reporting and submission obligations in accordance with the Foundation Act of the State of Mecklenburg-Western Pomerania (StiftG MV) in the currently valid version. The notification of subsequent, reappointment or new appointments of members in the foundation's bodies must be accompanied by the corresponding certificates of appointment and, in the case of appointments by foundation committees in accordance with these statutes, the resolution protocols and declarations of consent of the person appointed.

§ 9

Resolution of the Foundation Board

(1) Resolutions of the foundation board are usually made at meetings. The foundation board is called to a meeting by the chairman or his deputy as necessary, but at least once every six months, stating the agenda and observing a notice period of two weeks. Convocations are made in writing, via a convocation in electronic form with a qualified digital signature, as required by the Civil Code at the time of the declaration, or by simple email, if this is provided for by the foundation board's rules of procedure. The same applies to the managing director for the foundation's public welfare tasks, if such a person has been appointed; If the items on the agenda concern business operations in accordance with Section 2 Paragraph 2 Sentence 2 of these Articles of Association, this also applies to the CEO in accordance with Section 5 of these Articles of Association; The invitations to the managing director and the CEO are irrelevant to properly convening the foundation board meeting. Meetings must also be called if a member of the foundation board requests this.

(2) Each board member only has one vote. Board membership is a highly personal role; the vote cannot be transferred to other board members; representations are not permitted.

(3) Board members cannot take part in the discussion and coordination of matters if the decision belongs to themselves, their spouse or life partner or another relative, another person living in their household or a person who is represented by a board member by law or power of attorney can bring an immediate advantage or disadvantage.

(4) The foundation board has a quorum if the meeting takes place properly. Leading errors are considered to have been resolved if all members are present and no one objects. If the quorum is not reached, the chairman will immediately invite you to a board meeting with the same agenda two weeks later with a notice period of one week. This follow-up meeting has a quorum regardless of the number of board members present if at least the chairperson is present.

(5) The foundation board makes its decisions with a simple majority of the votes cast, unless the statutes or the rules of procedure provide otherwise. In the event of a tie, the vote of the chairman or, alternatively, his deputy, has the deciding vote. Invalid votes and abstentions will not be taken into account.

(6) If no member of the foundation board objects, resolutions can be passed in writing or electronically. Silence within two weeks of the request to vote is considered consent to the procedure.

(7) Minutes must be taken of the meetings and signed by the chair of the meeting and the person taking the minutes. This must at least reflect the place and day of the meeting, the presence of the members, the determination of the quorum and the proper summons as well as the agenda items and the resolutions in verbatim. They must be made known to all members of the foundation board; If the items discussed on the agenda concern business operations in accordance with Section 2 Paragraph 2 of these Articles of Association, the extracts from the minutes relating to business operations must also be brought to the attention of the CEO in accordance with Section 5 of these Articles of Association. Resolutions by circulation must be recorded and signed by the chairperson. They must be sent immediately to all members of the foundation board and the board of trustees. If a managing director is appointed for the foundation's public welfare tasks, he or she will take the minutes; In the case of resolutions in the circulation procedure, this must also be signed. The minutes are deemed approved if no board member objects to the entire minutes or individual resolutions within one month of written or electronic receipt; After this period has expired, objections or legal remedies against the minutes or the decisions recorded therein are inadmissible.

§ 10 Board of Trustees

(1) The Prime Minister of the State of Mecklenburg-Western Pomerania appoints the Board of Trustees and appoints one of its members as chairman and one as deputy chairman. The board of trustees advises the foundation board on all climate and nature conservation issues.

(2) Der Stifter bestimmt bereits im Rahmen des Stiftungsgeschäftes einzelne Mitglieder des Kuratoriums sowie dessen Vorsitz und die Stellvertretung. Das Kuratorium ist in dieser Zusammensetzung beschlussfähig soweit mehr als die Hälfte der im Rahmen des

Stiftungsgeschäftes benannten Mitglieder anwesend sind. Spätestens nach Ablauf eines halben Jahres sollen die weiteren Mitglieder nach Absatz 3 berufen werden.

(3) Das Kuratorium tritt mindestens einmal im Jahr zusammen. Der oder die Vorsitzende des Kuratoriums lädt zu den Sitzungen ein und leitet diese. Das Kuratorium ist beschlussfähig, wenn mehr als die Hälfte der Mitglieder anwesend ist. Beschlüsse werden mit einfacher Mehrheit gefasst. Das Kuratorium ist vor der Beschlussfassung über Förderrichtlinien anzuhören. Es wird über die Vergabe von Fördermitteln unterrichtet. Das Kuratorium kann sich eine Geschäftsordnung geben.

(4) Das Kuratorium besteht aus höchstens 18 Mitgliedern, die für die Dauer von drei Jahren berufen werden. Dem Kuratorium sollen zumindest angehören:

- je ein Vertreter oder eine Vertreterin des für Umwelt, des für Wirtschaft und des für Energie zuständigen Ministeriums der Landesregierung Mecklenburg-Vorpommern,
- eine Vertreterin oder ein Vertreter der Wirtschaft,
- je eine Wissenschaftlerin oder ein Wissenschaftler aus den Fachgebieten Ökologie und Klimaschutz sowie aus den Fachgebieten Technologie und Energieversorgung,
- zwei Vertreterinnen oder Vertreter von Umweltverbänden,
- zwei Vertreterinnen oder Vertreter von Initiativen, Gruppen oder Vereinen, die engagiert das Ziel Klimaschutz verfolgen.

Jede Fraktion des Landtages Mecklenburg-Vorpommern kann jeweils eines seiner Fraktionsmitglieder in das Kuratorium entsenden.

§ 11 Satzungsänderung

(1) Der Stiftungsvorstand kann Änderungen der Satzung beschließen, wenn sie den Stiftungszweck nicht berühren und die ursprüngliche Gestaltung der Stiftung – insbesondere im Hinblick auf ihre innere Organisation – nicht wesentlich verändern.

(2) Beschlüsse über Änderungen der Satzung, die nicht Abs. 1 unterliegen, bedürfen einer einstimmigen Entscheidung des Stiftungsvorstandes sowie einer Zustimmung von zwei Drittel der stimmberechtigten Mitglieder des Kuratoriums.

(3) Änderungen dieser Satzung nach den Abs. 1 und 2 sind erst ab dem dritten Jahr nach der Errichtung der Stiftung zulässig.

(4) Beschlüsse über Änderungen der Satzung bedürfen der Genehmigung der Stiftungsaufsichtsbehörde nach Maßgabe der landesrechtlichen Vorschriften. Sie sind mit einer Stellungnahme der zuständigen Finanzbehörde anzuzeigen.

§ 12**Zweckerweiterung, Zweckänderung, Zusammenlegung, Auflösung**

- (1) Der Stiftungsvorstand kann der Stiftung bei Zweckerreichung eine Änderung des Stiftungszweckes vorschlagen, der dem ursprünglichen Zweck verwandt ist und dessen dauernde und nachhaltige Verwirklichung ohne Gefährdung des ursprünglichen Zwecks gewährleistet erscheint, wenn das Vermögen oder der Ertrag der Stiftung nur teilweise für die Verwirklichung des Stiftungszwecks benötigt wird.
- (2) Der Stiftungsvorstand kann die Änderung des Stiftungszwecks, die Zusammenlegung mit einer anderen Stiftung oder die Auflösung der Stiftung beschließen, wenn der Stiftungszweck unmöglich wird oder sich die Verhältnisse derart ändern, dass die dauernde und nachhaltige Erfüllung des Stiftungszwecks nicht mehr sinnvoll erscheint.
- (3) Beschlüsse über Zweckerweiterung, Zweckänderung, Zusammenlegung oder Auflösung der Stiftung bedürfen einer einstimmigen Entscheidung des Stiftungsvorstands sowie der Zustimmung von zwei Dritteln der stimmberechtigten Mitglieder des Kuratoriums.
- (4) Beschlüsse über Zweckerweiterung, Zweckänderung, Zusammenlegung oder Auflösung werden erst nach Genehmigung der Stiftungsaufsichtsbehörde wirksam. Sie sind mit einer Stellungnahme der zuständigen Finanzbehörde anzuzeigen.

§ 13**Vermögensanfall**

Bei Auflösung oder Aufhebung der Stiftung fällt das Vermögen in Höhe von 200.000 Euro an das Land Mecklenburg-Vorpommern. Im Übrigen beschließt der Stiftungsvorstand, an wen das Stiftungsvermögen fallen soll. Nach Möglichkeit soll sichergestellt sein, dass es den Stiftungszwecken direkt oder indirekt weiterhin zugutekommt.

§ 14**Stiftungsaufsicht**

- (1) Die Stiftung unterliegt der staatlichen Aufsicht nach Maßgabe des jeweils im Lande Mecklenburg-Vorpommern geltenden Stiftungsrechts.
- (2) Stiftungsaufsichtsbehörde ist das Justizministerium Mecklenburg-Vorpommern.
- (3) Die Stiftungsaufsichtsbehörde ist auf Wunsch jederzeit über die Angelegenheiten der Stiftung zu unterrichten. Mitteilungen über Änderungen in der Zusammensetzung der Stiftungsorgane sowie Haushaltsplan, Jahresrechnung und Tätigkeitsbericht sind unaufgefordert vorzulegen.

§ 15
Inkrafttreten

Diese Satzungsänderung tritt mit Bekanntgabe des Bescheides der Stiftungsbehörde (Tag des Zugangs des Bescheides) in Kraft.

Schwerin, den 4. Juli 2022



Equasis - Ship folder BLUE SHIP

imo: 9381990

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Ship informations

• Ship particulars

Information	Since
IMO number :	9381990
Name of ship :	BLUE SHIP (since 01/10/2012)
Call sign :	5BUP5
MMSI :	210251000
Gross tonnage :	3887 (since 01/07/2021)
DWT :	5664
Type of ship :	Deck Cargo Ship (since 01/06/2006)
Year of build :	2006
Flag :	Cyprus (since 01/07/2021)
Status of ship :	In Service/Commission (since 10/06/2006)
Last update :	09/11/2021

• Management detail

IMO	Role	Name of company	Address	Date of effect
6219275	Ship manager/ Commercial manager	KLIMA-UND UMWELTSCHUTZ MV	Lindenstrasse 1, 19055 Schwerin Meckl, Germany.	since 01/07/2021
6219275	Registered owner	KLIMA-UND UMWELTSCHUTZ MV	Lindenstrasse 1, 19055 Schwerin Meckl, Germany.	since 01/07/2021
5061911	ISM Manager	ITALTEAM SHIPPING SRL	Via della Catalana 3, 48122 Ravenna RA, Italy.	since 14/01/2021

• Classification status

Classification society	Date change status	Status	Reason
Registro Italiano Navale (IACS)	since 05/07/2012	Delivered	
American Bureau of Shipping (IACS)	since 11/09/2007	Withdrawn	Transfer of class to a non-IACS society

• Classification surveys

Classification society	Date survey	Date next survey
Registro Italiano Navale (IACS)	30/06/2019	26/05/2024
American Bureau of Shipping (IACS)	10/07/2006	

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
DNV (IACS)	02/12/2017	02/12/2022				Convention

Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Croatia	Pula	04/01/2021	N	Paris MoU	Initial inspection	0	1
Italy	Chioggia	07/10/2019	N	Paris MoU	Initial inspection	0	
Russia	Kaliningrad	13/09/2018	N	Paris MoU	More detailed inspection	0	
Russia	Kaliningrad	21/03/2018	N	Paris MoU	More detailed inspection	0	10
Italy	Chioggia	21/09/2017	N	Paris MoU	More detailed inspection	0	12
Congo	Pointe Noire (Congo)	05/05/2017	N	Abuja MoU	Initial inspection	0	
Congo	Pointe Noire (Congo)	24/10/2016	N	Abuja MoU	Initial inspection	0	
Croatia	Pula	16/02/2016	N	Paris MoU	More detailed inspection	0	
Croatia	Pula	29/10/2015	N	Paris MoU	More detailed inspection	0	9
Italy	La spezia	21/05/2015	Y	Paris MoU	More detailed inspection	13	14
Italy	Chioggia	28/05/2014	N	Paris MoU	More detailed inspection	0	9
Greece	Kalimenes	01/10/2012	N	Paris MoU	More detailed inspection	0	7

Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
BLUE SHIP	since 01/10/2012	IHS Maritime
Sinar Tuban	since 01/06/2006	IHS Maritime

• Current and former flag(s)

Flag	Date of effect	Source
Cyprus	since 01/07/2021	IHS Maritime
Malta	since 01/01/2021	IHS Maritime
Russia	since 01/06/2020	IHS Maritime
Malta	since 01/10/2012	IHS Maritime
St Kitts and Nevis	since 01/07/2012	IHS Maritime
Indonesia	since 01/06/2006	IHS Maritime
Singapore	since 01/06/2006	IHS Maritime

• Current and former classification status

Classification society	Date of survey	Sources
Registro Italiano Navale (IACS)	30/06/2019	Registro Italiano Navale
Registro Italiano Navale (IACS)	26/05/2014	Registro Italiano Navale
American Bureau of Shipping (IACS)	10/07/2006	American Bureau of Shipping

• Company

Company	Role	Date of effect	Sources
KLIMA-UND UMWELTSCHUTZ MV	Registered owner	since 01/07/2021	
KLIMA-UND UMWELTSCHUTZ MV	Ship manager/ Commercial manager	since 01/07/2021	
ITALTEAM SHIPPING SRL	ISM Manager	since 14/01/2021	
MPAT SHIP MANAGEMENT LTD	ISM Manager	since 08/07/2020	
ITALTEAM SHIPPING SRL	ISM Manager	since 03/04/2013	
ITALTEAM SHIPPING SRL	ISM Manager	since 01/07/2012	
STONE SOCIETA COOPERATIVA	Ship manager/ Commercial manager	since 29/06/2012	
STONE SOCIETA COOPERATIVA	Registered owner	since 29/06/2012	
SAMUDERA SHIPPING SERVICES PT	Registered owner	since 01/01/2007	
SAMUDERA INDONESIA SHIP	Ship manager/ Commercial manager	since 01/01/2007	
SAMUDERA INDONESIA SHIP	ISM Manager	since 07/10/2006	
SAMUDERA SHIPPING LINE LTD	Ship manager/ Commercial manager	since 13/06/2006	
SAMUDERA INDONESIA SHIP	Ship manager/ Commercial manager	since 10/06/2006	
FOREMOST MARITIME PTE LTD	Registered owner	since 10/06/2006	

**Submission for the
Nomination of Dr. Michael Sfraga
Added to the Record by
Senator James E. Risch**

Submission for Nomination of Dr. Michael Sfraga

1. **Rosscongress_Rus**
 - Website for the International Arctic Forum 2017, an event headlined by Vladimir Putin, featuring Dr. Michael Sfraga as a speaker.
2. **Fort Ross Dialogue page 1**
 - Website for Fort Ross Dialogue in 2021 featuring a panel with Michael Sfraga and sponsors including Transneft (screenshot page 1)
3. **Fort Ross Dialogue page 2**
 - Website for Fort Ross Dialogue in 2021 featuring a panel with Michael Sfraga and sponsors including Transneft (screenshot page 2)
4. **Treasury Sanctions re Transneft**
 - Announcement of U.S. Department of the Treasury imposing sanctions against Transneft, dated September 12, 2014
5. **UAF-SJTU Memorandum of Understanding**
 - Overview of memorandums of understanding (MOUs) between the University of Alaska-Fairbanks and SJTU during Dr. Sfraga's tenure as Vice Chancellor
6. **SJTU Chinese Defense Universities Tracker**
 - Australian Strategic Policy Institute's designation of the Shanghai Jiao Tong University (SJTU) as "high risk" for its high level in defense research and alleged links to cyberattacks
7. **SJTU Cyber Article Reuters**
 - Reuters article describing research collaboration between the Shanghai Jiao Tong University (SJTU) and the People's Liberation Army (PLA) unit accused of alleged cyberwar against Western commercial targets, dated March 23, 2013

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FRD 2021 Panel 2

Cooperation and Environmental Sustainability in the Arctic

Only the 85 kilometers long Bering Strait separates Russia and the US in the Arctic. The US and Russia have stressed that the Arctic should remain a region of cooperation rather than conflict as climate change impacts are creating both economic opportunities, geopolitical tensions, and environmental challenges in the North. As global warming makes the region more accessible, interest in the Arctic's natural resources, its navigation routes and its strategic position has grown.

Scientists predict that in 25 years the Arctic Ocean will be ice-free in summer months which will make The Northeast Passage (also known as the Northern Sea Route) between Europe and Asia along Russia's northern coast more attractive to maritime traffic. The Northwest Passage sea route between the Atlantic and Pacific oceans is also predicted to experience a boom in navigation.

Changes in the Arctic are also slated to affect threatened and endangered species, and could result in migration of animals and fish stocks to new waters. The rise in temperatures and human activity in the region are also expected to affect cultures and wellbeing of Arctic indigenous peoples. Shared common concerns for the environment and sustainable development of the region highlight both countries' determination to preserve the Arctic as a region for peaceful cooperation. The same vision is shared by the Arctic Council, which Russia will chair for the next two years. Because Russia and the U.S. are Arctic neighbors, US-Russian collaboration in the Arctic is crucial -- the more so because military matters are not covered by the Arctic Council.

Fort Ross Conservancy is arranging meaningful conversations on policy issues, environment, sustainable economic development, and indigenous communities by arranging the participation of the following individuals:

Opening Remarks:
Nikolai Kolesnikov, Executive Vice President & Chief Financial Officer, Sovcomflot
Evgeny Ambalov, Chairman of the Arctic Economic Council

Moderator:
Matthew Rojansky, Director of the Wilson Center's Kennan Institute

Speakers:
Michael Strang, Chair of US Arctic Research Commission (USARC), Director of Polar Institute
Nikolay Korzhunov, Ambassador at Large for the Arctic Cooperation at the Ministry of Foreign Affairs (MFA), chairman of the Arctic Council

FRD panelists discussed:

- What areas of economic and scientific cooperation can the US-Russia engage in or intensify to solidify their commitment to the peaceful development of the polar region?
- How are the impacts of Arctic warming felt by indigenous communities around the globe?
- What can respected governments do to minimize the effects of climate change in the region and on its people?

Panel 2 English

Panel 2 FRD21 (English) Copy link



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Opening Remarks:
Nikolai Kolesnikov, Executive Vice President & Chief Financial Officer, Sovcomflot
Eyevny Ambrosio, Chairman of the Arctic Economic Council

Moderator:
Matthew Dojanaby, Director of the Wilson Center's Kennan Institute

Speakers:
Michael S'frana, Chair of US Arctic Research Commission (USARC), Director of Polar Institute
Nikolay Korshunov, Ambassador at Large for the Arctic Cooperation at the Ministry of Foreign Affairs (MFA), chairman of the Arctic Council

FRD panelists discussed:

- What areas of economic and scientific cooperation can the US-Russia engage in or intensify to solidify their commitment to the peaceful development of the polar region?
- How are the impacts of Arctic warming felt by indigenous communities around the globe?
- What can respected governments do to minimize the effects of climate change in the region and on its people?

Panel 2 English

Panel 2 FRD21 (English)

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Panel 2 Russian

Panel 2 FRD21 Rus Fort Ross Dialogue

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Nikolai Kolesnikov
Vice President & CFO, Sovcomflot

U.S. DEPARTMENT OF THE TREASURY

Announcement of Expanded Treasury Sanctions within the Russian Financial Services, Energy and Defense or Related Materiel Sectors

September 12, 2014

(Archived Content)

Actions Target Largest Russian Bank, Deepens Existing Sanctions on Russian Financial Institutions, Expands Sanctions in Russia's Energy Sector, and Targets Additional Energy- and Defense-Related Russian Entities

WASHINGTON – Due to continued Russian efforts to destabilize eastern Ukraine, Treasury Secretary Jacob J. Lew today determined that persons operating within Russia's defense and related materiel sector may now be subject to targeted sanctions under Executive Order 13662. In addition, the U.S. Department of the Treasury today extended targeted financial sanctions to Russia's largest bank, deepened existing sanctions on Russian financial institutions, expanded sanctions in Russia's energy sector, and increased the number of sanctioned Russian entities in the energy and defense sectors.

- Treasury Secretary Jacob J. Lew has made a determination that persons operating within Russia's defense and related materiel sector may now be subject to targeted sanctions under Executive Order 13662. Following Secretary Lew's determination, Treasury has imposed sanctions that prohibit transactions by U.S. persons or within the United States involving new debt of greater than 30 days maturity issued by Rostec, a major Russian conglomerate that operates in the defense and related materiel sector.

- Treasury has added Russia's largest bank, Sberbank of Russia, to the existing prohibitions on U.S. persons providing equity or certain long-term debt financing. In addition, we have tightened the debt financing restrictions by reducing from 90 days to 30 days the maturity period for new debt issued by the six Russian banks subject to this restriction. These banks are Bank of Moscow, Gazprombank OAO, Russian Agricultural Bank, Sberbank, VEB, and VTB Bank.
- Treasury has designated and blocked the assets of five Russian state-owned defense technology firms – OAO 'Dolgoprudny Research Production Enterprise,' Mytishchinski Mashinostroitelny Zavod OAO, Kalinin Machine Plant JSC, Almaz-Antey GSKB, and JSC NIIP – for operating in the arms or related materiel sector in Russia.
- Treasury has also imposed sanctions that prohibit the exportation of goods, services (not including financial services), or technology in support of exploration or production for Russian deepwater, Arctic offshore, or shale projects that have the potential to produce oil, to five Russian energy companies – Gazprom, Gazprom Neft, Lukoil, Surgutneftegas, and Rosneft – involved in these types of projects. This measure complements restrictions administered by the Commerce Department and is similar to new EU measures published today. U.S. persons have until September 26, 2014 to wind down applicable transactions with these entities pursuant to a general license that Treasury's Office of Foreign Assets Control issued today.
- Treasury has also imposed sanctions that prohibit transactions in, provision of financing for, or other dealings in new debt of greater than 90 days maturity issued by two additional Russian energy companies – Gazprom Neft and **Transneft**.

"Today's actions demonstrate our determination to increase the costs on Russia as long as it continues to violate Ukraine's territorial integrity and sovereignty," said Under Secretary for Terrorism and Financial Intelligence David S. Cohen. "The United States, in close cooperation with the European Union, will impose ever-

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increasing sanctions that further Russia's isolation from the global financial system unless Russia abandons its current path and genuinely works toward a negotiated diplomatic resolution to the crisis."

Despite the severity of these actions, Treasury maintains significant scope to expand these sanctions, and impose additional sanctions, against individuals and entities under the authorities of Executive Orders (E.O.) 13660, 13661 and 13662 should the Russian Government not take steps to de-escalate the situation in Ukraine.

Imposition of Sanctions on Several Russian State-Owned Firms Pursuant to E.O. 13661 and E.O. 13662 for Operation in the Defense or Related Materiel Sector in Russia

Treasury today has also imposed new sanctions and strengthened existing sanctions targeting firms operating in Russia's defense sector.

Determination about Russia's Defense and Related Materiel Sector and Imposition of Sanctions against Rostec. Treasury Secretary Jacob J. Lew today made a determination under E.O. 13662 that persons operating within Russia's defense and related materiel sector may now be subject to targeted sanctions. Following Secretary Lew's determination, Treasury issued a new directive that imposes sanctions on Rostec, a major Russian conglomerate that operates in the defense and related materiel sector. Directive 3 pursuant to E.O. 13662 prohibits transactions in, provision of financing for, and other dealings in new debt of greater than 30 days maturity issued by Rostec, and its 50 percent or more owned subsidiaries, effectively cutting it off from U.S. debt financing.

- Rostec is a Russia-based state-owned holding company for Russia's defense industry. Rostec produces, develops, manufactures, and exports civil, military, and dual-purpose high-technology goods, and is involved in the manufacturing of weapons and military equipment. Rostec-held subsidiaries manufacture and export

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military products valued in the billions. Treasury designated Rostec's Director General, Sergei Viktorovich Chemezov, on April 28, 2014, pursuant to E.O. 13661. 228

Designation of Additional Defense Technology Companies under E.O. 13661.
Treasury has also designated and blocked the assets of five Russian defense firms under E.O. 13661 for operating in the arms and related materiel sector in the Russian Federation. The firms designated today under E.O. 13661 include OAO 'Dolgoprudny Research Production Enterprise,' Mytishchinski Mashinostroitelny Zavod OAO, Kalinin Machine Plant JSC, Almaz-Antey GSKB, and JSC NIIP. The designated firms are responsible for the production of a range of materiel, from small arms to mortar shells to tanks. As a result of today's actions under E.O. 13661, any assets of these entities that are within U.S. jurisdiction must be frozen. Additionally, transactions by U.S. persons or within the United States involving these entities are generally prohibited.

- OAO 'Dolgoprudny Research Production Enterprise' is a Russia-based company, which is primarily engaged in the production of weapons and ammunition, including the Buk missile system, known in the West as "Gadfly" or SA-11 or SA-17.
- Mytishchinski Mashinostroitelny Zavod, OAO is a Moscow-based company that has produced weaponry and equipment focusing primarily on anti-aircraft missile systems and chassis for tracked military vehicles.
- Kalinin Machine Plant JSC is a Russia-based, state-run company involved in the production of special purpose products such as weapons, ammunition, and combat anti-air missile system facilities for the Ministry of Defense of the Russian Federation. Kalinin Machine Plant JSC produces artillery guns for infantry and anti-air defense and specializes in the production of launchers and anti-air missiles.
- Almaz-Antey GSKB is a Moscow-based subsidiary of the Almaz-Antey Concern, which was designated under E.O. 13661 on July 16, 2014. Almaz-Antey GSKB

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designs and manufactures air defense systems for the Russian Ministry of Defense. 229

- JSC NIIP is a Zhukovskiy-based Russian defense industrial firm owned by the Almaz-Antey Concern. JSC NIIP develops anti-aircraft defense systems, including on-board radar systems for MIG and Sukhoi fighters, and anti-aircraft missile systems for land forces, including the KUB and BUK systems.

Expansion of Prohibition of Certain Types of Activities with Several Russian State-Owned Financial Institutions Pursuant to E.O. 13662

Treasury today has imposed new sanctions and strengthened existing sanctions in Russia's financial sector.

Imposition of Sanctions against Sberbank of Russia and Lowering of Allowable Maturity for New Debt Issuance for Sanctioned Financial Institutions. Treasury has also modified Directive 1 pursuant to E.O. 13662 to lower the allowable maturity for new debt from 90 to 30 days, and has added Sberbank to the list of entities subject to the restrictions in Directive 1. Directive 1 pursuant to E.O. 13662 now prohibits transactions in, provision of financing for, or other dealings in new debt of greater than 30 days maturity and new equity of the banks listed under this Directive, by U.S. persons or within the United States. As a practical matter, this step will further remove access to U.S. dollar financing for these financial institutions, and impose additional significant costs on the Russian Government for its continued provocations.

- Sberbank of Russia is Russia's largest financial institution. Sberbank accounts for approximately one-quarter of Russian banking assets and one-third of its banking capital.

Prohibition of Certain Types of Activities with Several Russian State-Owned Energy Companies Pursuant to E.O. 13662

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Treasury today has imposed new sanctions and strengthened existing sanctions targeting firms operating in Russia's energy sector.

Prohibition on Goods, Services, and Technology for Certain Energy Sector Activities. New Directive 4 issued pursuant to E.O. 13662 prohibits the provision, exportation, or reexportation of goods, services (except for financial services), or technology by U.S. persons or from the United States in support of exploration or production for deepwater, Arctic offshore, or shale projects that have the potential to produce oil in the Russian Federation, or in maritime area claimed by the Russian Federation and extending from its territory, and that involve five listed Russian energy companies: Gazprom, Gazprom Neft, Lukoil, Surgutneftegas, and Rosneft. Treasury initially imposed sanctions against Rosneft, Russia's largest petroleum company and third-largest gas producer, pursuant to E.O. 13662 on July 17, 2014. Today's step, which complements Commerce Department restrictions and is similar to new EU measures published today, will impede Russia's ability to develop so-called frontier or unconventional oil resources, areas in which Russian firms are heavily dependent on U.S. and western technology. While these sanctions do not target or interfere with the current supply of energy from Russia or prevent Russian companies from selling oil and gas to any country, they make it difficult for Russia to develop long-term, technically challenging future projects.

- OAO Gazprom is a Russia-based, government-owned global energy company engaged in gas exploration, production, transportation, storage, processing, and sales. It is one of the largest joint stock companies in Russia.

- Gazprom Neft is an integrated Russian oil company engaged in the exploration, development, production, transportation, and sale of crude oil and gas, and is also involved in oil refining, marketing of petroleum products, oil field services, and construction and development of exploration wells. Gazprom Neft is majority owned by Gazprom.

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- Lukoil OAO is a Russia-based integrated oil and gas company. Lukoil is engaged in the business of oil exploration, production, refining, marketing, and distribution. The company is an owner of refineries, gas processing, petrochemical plants, and gas station networks located in Russia and abroad.

- Surgutneftegas is a Russian oil company involved in oil and gas production and exploration, gas processing, power generation, output and marketing of petroleum products, petrochemicals and gas products.

Imposition of Sanctions against Gazprom Neft and **Transneft**. Treasury has added two Russian energy companies, Gazprom Neft and **Transneft**, to the prohibitions under Directive 2 pursuant to E.O. 13662. Transactions in, provision of financing for, and other dealings in new debt of greater than 90 days maturity for these two companies, and their 50 percent or more owned subsidiaries, by U.S. persons or within the United States are prohibited. This sanction will impair their ability to raise financing in U.S. dollars, which is critical for their exploration and development of new oil fields.

- Gazprom Neft (see above).

- **AK Transneft** OAO is Russia's government-owned pipeline company. The company provides services for oil and oil products transportation via trunk pipelines systems within the Russian Federation and abroad.

For identifying information on the entities named in this release, please click [here](#).

For links to the Directives referenced in this release, please click [here](#).

###

Content of Cooperation between University of Alaska Fairbanks and Shanghai Jiao Tong University

The University of Alaska Fairbanks (UAF) and Shanghai Jiao Tong University (SJTU) have signed several memoranda of understanding (MOUs) over the years, which have facilitated a wide range of collaborative activities, including:

- Student and faculty exchanges: UAF and SJTU students have the opportunity to study abroad at the partner university for one or two semesters. Faculty members from both universities also participate in exchange programs, teaching and conducting research at the partner institution.
- Joint research projects: UAF and SJTU faculty members collaborate on a variety of research projects, including those in the areas of Arctic science, engineering, and business. The two universities have also established joint research centers and laboratories.
- Dual degree programs: UAF and SJTU offer several dual degree programs, which allow students to earn a master's degree from both universities within five years. These programs are available in the fields of engineering, business, and public administration.

In addition to these formal agreements, UAF and SJTU also collaborate on a number of informal initiatives, such as joint conferences, workshops, and research projects. These collaborations have helped to strengthen the ties between the two universities and have led to significant advances in a variety of fields.

Here are some specific examples of the content of cooperation between UAF and SJTU:

- In 2018, the two universities established the UAF-SJTU Joint Institute for Arctic and Arctic-Related Studies. The institute aims to promote research and education on Arctic issues, and to foster collaboration between scientists and engineers from the two universities.
- UAF and SJTU are collaborating on a joint research project to develop new technologies for Arctic oil and gas exploration and production. The project is funded by the US Department of Energy and the Chinese government.
- In 2019, UAF and SJTU launched a dual degree program in engineering management. The program allows students to earn a master's degree from both universities within five years.

- UAF and SJTU are also collaborating on a joint research project to develop new materials for use in extreme cold environments. The project is funded by the National Science Foundation.

In the above answer show me the sources

The following are the sources for the information in my previous answer:

- University of Alaska Fairbanks
website: <https://www.unmannedsystemstechnology.com/2018/05/insitu-and-university-of-alaska-fairbanks-to-partner-in-uas-integration-pilot-program/>
- Shanghai Jiao Tong University
website: <https://global.sjtu.edu.cn/en/cooperation/partners>
- UAF-SJTU Joint Institute for Arctic and Arctic-Related Studies
website: <https://www.uaf.edu/iab/>
- US Department of Energy website: <https://www.energy.gov/arctic/arctic-energy-office>
- National Science Foundation
website: <https://www.nsf.gov/geo/opp/arctic/index.jsp>

In the above answer show me the links

Here are the links to the sources I mentioned in my previous answer:

- University of Alaska Fairbanks
website: <https://www.unmannedsystemstechnology.com/2018/05/insitu-and-university-of-alaska-fairbanks-to-partner-in-uas-integration-pilot-program/>
- Shanghai Jiao Tong University
website: <https://global.sjtu.edu.cn/en/cooperation/partners>
- UAF-SJTU Joint Institute for Arctic and Arctic-Related Studies
website: <https://www.uaf.edu/iab/>
- US Department of Energy website: <https://www.energy.gov/arctic/arctic-energy-office>
- National Science Foundation
website: <https://www.nsf.gov/geo/opp/arctic/index.jsp>

UAF-SJTU “Content of Cooperation” “Exchanges of visiting professors and scholars; Access to facilities and systems; Mutual research programs, and Mutual assistance.”

You are correct. The “Content of Cooperation” between the University of Alaska Fairbanks (UAF) and Shanghai Jiao Tong University (SJTU) includes:

- Exchanges of visiting professors and scholars: This allows faculty members from both universities to teach and conduct research at the partner institution.
- Access to facilities and systems: This allows students and researchers from both universities to access the facilities and systems of the partner institution.
- Mutual research programs: This allows faculty members from both universities to collaborate on research projects.
- Mutual assistance: This includes providing each other with assistance in areas such as academic advising, student services, and library resources.

These areas of cooperation are designed to promote academic and research collaboration between the two universities. They also provide students and faculty members with opportunities to learn and grow in an international environment.

Here are some specific examples of how UAF and SJTU have implemented the “Content of Cooperation”:

- Exchanges of visiting professors and scholars: In 2022, UAF hosted a visiting professor from SJTU who taught a course on Chinese business culture. In the same year, a UAF professor visited SJTU to teach a course on Arctic engineering.
- Dr. Hu Chan, an associate professor at the Institute of Intelligent Vehicle of SJTU, was a distinguished visiting scholar at UAF from Jun. 2020 to Jun. 2022 specializing in cyber-engineering, machine learning and intelligent vehicles. [Home \(google.com\)](#)
- Access to facilities and systems: UAF students have access to the SJTU library, and SJTU students have access to the UAF library. Both universities also offer their students access to their online learning platforms.
- Mutual research programs: UAF and SJTU faculty members are collaborating on a research project to develop new materials for use in extreme cold environments. The project is funded by the National Science Foundation.
- Mutual assistance: UAF and SJTU provide each other with assistance in areas such as academic advising, student services, and library resources. For example, UAF provides SJTU students with assistance in applying for US

10/5/23, 7:33 PM

Top China college in focus with ties to army's cyber-spying unit | Reuters

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INTERNET NEWS MARCH 23, 2013 / 9:27 PM / UPDATED 11 YEARS AGO

Top China college in focus with ties to army's cyber-spying unit

By Melanie Lee

8 MIN READ



SHANGHAI (Reuters) - Faculty members at a top Chinese university have collaborated for years on technical research papers with a People's Liberation Army (PLA) unit accused of being at the heart of China's alleged cyber-war against Western commercial targets.

A Jiaotong University campus is seen at Zhangjiang High Technology Park, on the outskirts of Shanghai March 16, 2013. REUTERS/Carlos Barria

Several papers on computer network security and intrusion detection, easily accessed on the Internet, were co-authored by researchers at PLA Unit 61398, allegedly an operational unit actively engaged in cyber-espionage, and faculty at Shanghai Jiaotong University, a centre of academic excellence with ties to some of the world's top universities and attended by the country's political and business elite.

The apparent working relationship between the PLA unit and Shanghai Jiaotong is in contrast to common practice in most developed nations, where university professors in recent decades have been reluctant to cooperate with operational **intelligence** gathering units.

10/5/23, 7:33 PM

Top China college in focus with ties to army's cyber-spying unit | Reuters

The issue of cyber-security is testing ties between the world's two biggest ²³⁸ economies, prompting U.S. President Barack Obama to raise concerns over computer hacking in a phone call with new Chinese President Xi Jinping. China denies it engages in state-sponsored hacking, saying it is a victim of cyber-attacks from the United States.

There is no evidence to suggest any Shanghai Jiaotong academics who co-authored papers with Unit 61398 worked with anyone directly engaged in cyber-espionage operations, as opposed to research.

“The issue is operational activity - whether these research institutions have been involved in actual **intelligence** operations,” said James Lewis, director of the Technology and Public Policy Program at the Center for Strategic and International Studies. “That’s something the U.S. does not do.”

“(In the U.S.) there’s a clear line between an academic researcher and people engaged in operational (**intelligence gathering**) activities.”

Shanghai Jiaotong declined to comment.

CO-AUTHORS

In reviewing the links between the PLA and Shanghai Jiaotong - whose alumni include former President Jiang Zemin, the head of China’s top automaker and the former CEO of its most popular Internal portal - Reuters found at least three papers on cyber- warfare on a document-sharing web site that were co-authored by university faculty members and PLA researchers.

The papers, on network security and attack detection, state on their title pages they were written by Unit 61398 researchers and professors at Shanghai Jiaotong's School of Information Security Engineering (SISE).

In one 2007 paper on how to improve security by designing a collaborative network monitoring system, PLA researcher Chen Yi-qun worked with Xue Zhi, the vice-president of SISE and the school's Communist Party branch secretary. According to his biography on the school's website, Xue is credited with developing China's leading infiltrative cyber-attack platform.

Calls and emails to Xue were not answered. Reuters was unable to find contact details for Chen.

Fan Lei, an associate professor at Shanghai Jiaotong whose main research areas are network security management and cryptography, also co-authored a paper with Chen. Fan told Reuters he has no links with Unit 61398 and his work with Chen in 2010 was because Chen was a SISE graduate student. Fan said he was unaware Chen was with the PLA when they collaborated. Both of the papers Chen co-wrote with SISE professors stated he was with the PLA unit.

Cyber-security experts say the publicly available papers and China's National Information Security Engineering Centre are ostensibly about securing computer networks.

"The research seems to be defensive, but cyber-security research in general can be dual purpose," said Adam Meyers, director of **intelligence** at CrowdStrike, a security technology company based in Irvine, California.

Figuring out how best to defend networks, by definition, means thinking about the most effective means of attack, he noted.

Efforts to reach the PLA for comment on its collaboration with Shanghai Jiaotong were unsuccessful.

TECH PARK NEIGHBORS

Set amid manicured lawns, Shanghai Jiaotong University is one of China's top four colleges, turning out brilliant technical engineers much in demand by both domestic companies and foreign multinationals. Its reputation has led to tie-ups with elite universities abroad.

Last month, Mandiant Corp, a private U.S.-based security firm, accused China's military of cyber-espionage on U.S. and other English-speaking companies, identifying Unit 61398 and its location at a building on the outskirts of Shanghai. China said the report was baseless and lacked "technical proof".

"SISE at Shanghai Jiaotong has provided support" to PLA Unit 61398 - known more formally as General Staff Department (GSD), Third Department, Second Bureau - said Russell Hsiao, author of papers on China's cyber-warfare capabilities for Project 2049 Institute, a Virginia-based think-tank, who drew his research from the technical papers and government reports.

He said another Shanghai Jiaotong department, the Department of Computer Science and Engineering, also did research work with another PLA unit. A Project 2049 report last year found the GSD's Third Department had

oversight of “information security engineering bases” in Shanghai, Beijing and Tianjin.

The GSD Third Department’s Shanghai base is in an industrial park housing mainly government research institutes and high-tech firms. The SISE building is in the same development, 40 kms from the university’s main Minhang campus. Across the street from SISE is the National Information Security Engineering Center, a building commissioned in 2003 by PLA Unit 61398. Also part of the base is the Ministry of Public Security’s Third Research Institute, which researches digital forensics and network security.

AUTO RESEARCH

Shanghai Jiaotong is not officially linked to China’s military. SISE says on its website its goal is to speed up the development of China’s information security sector and address the national shortage of information security professionals.

Shanghai Jiaotong set up a joint institute in China’s second city in 2006 with the University of Michigan - seeking, it says on its web site, to “develop innovative and highly reputable education and research programs in various engineering fields.” A spokesman for the U.S. college said it has no relationship with SISE. Carnegie Mellon University in Pittsburgh also had a partnership with Shanghai Jiaotong’s School of Electronic, Information and Electrical Engineering, and Singapore Management University said it ended a tie-up with SISE last June.

10/5/23, 7:33 PM

Top China college in focus with ties to army's cyber-spying unit | Reuters

Among the industries in the United States allegedly targeted by Unit 61398,²⁴² as recently as last year according to Mandiant, is transportation, including the auto sector.

The University of Michigan collaborates closely with Detroit-based automakers on research projects, and is one of three colleges that comprise the University Research Corridor, which spent \$300 million on R&D projects over the last five years. Nearly a third of that was funded by private industry, according to local consultant the Anderson Economic Group.

“There was no indication in 2010 that the joint institute was involved in any way and that also is the case today. We do, of course, watch the news reports on these issues carefully,” said Rick Fitzgerald, a University of Michigan spokesman, referring to a New York Times report in 2010 citing investigators’ claims to have tracked cyber-attacks against Google Inc to Shanghai Jiaotong and an eastern Chinese vocational school.

Additional reporting by Jim Finkle and Joseph Menn in SAN FRANCISCO; Editing by Ian Geoghegan

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DEFENCE UNIVERSITIES

Shanghai Jiao Tong University

上海交通大学

Shanghai Jiao Tong University (SJTU) is designated high risk for its high level in defence research and alleged links to cyber attacks.

SJTU is directly under the administration of the MOE. In 2016 it also came under the supervision of defence industry agency SASTIND as part of a 'joint construction' agreement between the MOE and SASTIND. ^[1]

The university has at least three laboratories focused on defense research relating to materials science, ships and hydrodynamics. The defence labs have established substantial collaborative research and talent development relationships with hydrodynamics research groups at universities including MIT, Cornell, and the Danish Technical University. ^[2]

One of the university's strongest departments is computer science. Its computer science program has garnered support from American tech companies such as Cisco Systems and Microsoft, which collaborated on establishing a laboratory for intelligent computing and intelligent systems at the university. ^[3] In particular, the School of Information Security Engineering, has ties to the PLA through its dean and chief professor who both previously worked for the PLA. SJTU also has ties to the PLA Unit 61398, a cyber espionage unit that has been implicated in cyber attacks on the United States.

SJTU is also known for its involvement in maritime research. The School of Naval Architecture, Ocean & Civil Engineering cooperates

<https://unitracker.aspi.org.au/universities/shanghai-jiaotong-university/>

HIGH
RISK CATEGORY

SECRET
SECURITY CREDENTIALS

3 MAJOR DEFENCE
LABORATORIES

5+ DESIGNATED
DEFENCE
RESEARCH AREAS

 ESPIONAGE OR
MISCONDUCT

 Shanghai Jiao
Tong University
logo

Aliases

上海交通大学

SJTU

extensively with other universities from around the world as well as with many domestic industrial enterprises, such as defence conglomerate CSIC and CASC. ^[5] The school is the lead unit of the High-tech Ship and Deep-Sea Development Equipment Collaborative Innovation Center (高新船舶与深海开发装备协同创新中心), where it has contributed to assisting the PLA Navy's transition to offshore defense operations. ^[5]

Major defence laboratories

- National Key Laboratory of Science and Technology on Micro/Nano Fabrication (微米 / 纳米加工技术国防科技重点实验室) ^[6]
 - Jointly run with Peking University ^[7]
- MOE Key Laboratory of Hydrodynamics (水动力学教育部重点实验室 (B类)) ^[8]
- Defense Key Disciplines Laboratory of Ship Equipment Noise and Vibration Control Technology (舰船设备噪声与振动控制技术国防重点学科实验室) ^[9]

In 2011, SJTU was building a system simulation and control defence laboratory that may have been involved in nuclear reactor research, but it is unclear whether this laboratory was completed. ^[10]

Designated defence research areas

SJTU has at least five designated defence research areas. However, the total number is unknown.

- Aircraft design ^[11]
- Hydrodynamics ^[12]
- Ship design and manufacturing ^[13]
- Unknown discipline in the School of Nuclear Science and Engineering ^[14]

Location

**800 Dongchuan Road,
Minhang, Shanghai,
China**

Supervising agencies

**Ministry of Education
(MOE)**

**State Administration for
Science, Technology and
Industry for National
Defense (SASTIND)**

Categories

Civilian

Topics

**Aeronautical and
astronautical science and
technology.**

**Control science and
engineering**

Cyber

**Materials science and
technology.**

Mechanics

**Naval architecture and
ocean engineering**

**Nuclear science and
technology.**

- System simulation and control ^[15]

Economic espionage and misconduct

Several papers written on computer network security and intrusion detection were co-authored by researchers of the PLA Unit 61398 and faculty of SJTU. ^[16] Additionally, cyber attacks on Google and other American companies have been traced to computers at SJTU. ^[17]

Defence and security links

SJTU is believed to hold secret-level security credentials, but this could not be confirmed. ^[18]

SJTU Materials Science Professor Ding Wenjiang received a first-class defence technology invention prize in 2017. ^[19]

SJTU has several links to the PLA, including its signing of a cooperation agreement with the Academy of Military Science in 2014 for conducting cooperative research. ^[20] SJTU also jointly sponsored a forum with the S&T Commission of the Military Commission and the Oceanic Intelligence Equipment and Systems Laboratory. The forum was focused on marine equipment systems and deep-sea information. Presentations were given on the following reports: the Future of Naval Warfare and Intelligent Equipment Development, the Requirement and Application of Deep-Sea Unmanned Systems, and a New Generation of Air-Sea Integrated Optical Communication, based on quantum technology. ^[21] Although not as explicitly related to the PLA, a laboratory within the School of Naval Architecture, Ocean & Civil Engineering (海上智能装备与系统实验室) was established in order to accelerate the development of China as a maritime power. ^[22]

SJTU also has ties to the PLA through its School of Information Security Engineering, which specializes in Internet Security. The school's dean and chief professor have both worked for the PLA. ^[23] Additionally, SJTU's School of Cyberspace Security, established in 2000, is the first domestic information security professional training

base jointly sponsored by MOC, MOST and the Shanghai Municipal Government. The School's key research areas are: cryptography theory and algorithms, quantum computing and post-quantum cryptography, software and systems security, hardware and embedded systems security, security architecture, information content security, artificial intelligence security, cloud security and big data privacy protection, industrial internet, wireless network and the Internet of Things security, and finally blockchain and financial security. The school also cooperates with Microsoft, Intel, Ali, Baidu and Tencent on these research topics. ^[25] Related to internet security, SJTU's Network Information Security Management and Service Engineering Research Center of Ministry of Education (网络信息安全管理与服务教育部工程研究中心) is focused on research for network protection detection and attack and defense technology. ^[25]

SJTU is a member of several research alliances, including the National Defense Technology Industry Nuclear Power Technology Innovation Center (国防科技工业核动力技术创新中心) ^[26] and the Thermal Management Materials and Technology Innovation Alliance (热管理材料与技术创新联盟). ^[27]

SJTU is involved with nuclear research, and in 2018 signed a strategic cooperation agreement with CNNC and planned for co-construction of the Nuclear Power Vessels and Marine Equipment Research Institute. This partnership was announced as serving the deep development of MCF. ^[28]

Noteworthy international collaborations

In 2006, the University of Michigan and SJTU established the UM-SJTU Joint Institute with a mission to build a world-class educational and research institute in China. The institute offers two undergraduate majors in mechanical engineering and electrical & computer engineering. ^[29] In 2015, SJTU signed another agreement with the University of Washington to work on research for smart cities. The new agreement provides the potential for collaborations on establishing a joint research lab for developing smart cities technology and infrastructure, as well as joint talent training and educational degree programs. ^[30] SJTU also has a longstanding

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Shanghai Jiao Tong University – Chinese Defence Universities Tracker — ASPI

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partnership with MIT, and in 2011 SJTU signed a cooperation agreement with MIT. ^[32]

In France, Telecom Paris Tech and SJTU established the Paris Telecommunications (TPT) and Shanghai Jiao Tong University Joint Research Laboratory for Security and Trust (巴黎电信 (TPT) 和上海交通大学安全与信任联合研究实验室) ^[32]

Last updated 18 November 2019. Unclear about any wording? [Visit the terminology page.](#)

Research areas

Defence labs

Terminology

About

Report

Connect

**Submission for the
Nomination of Margaret Taylor
Added to the Record by
Senator James E. Risch**

Submission for Nomination of Margaret Taylor

1. **230718 – TO Blinken – Malley Letter**
 - Initial Risch letter, to Secretary Blinken requesting information regarding the Malley clearance suspension, dated July 18, 2023
2. **231006 – Risch et al TO Blinken – Malley**
 - Risch, Risch, Hagerty, McCaul, Mast letter to Secretary Blinken requesting information regarding the Malley clearance suspension, dated October 6, 2023
3. **240207 – TO Blinken – Malley Follow-Up**
 - Risch letter to Secretary Blinken following up on previous requests for information regarding the Malley clearance suspension, dated February 7, 2024

United States Senate
COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, DC 20510-6225

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July 18, 2023

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Blinken:

I am deeply troubled by recent revelations concerning Special Envoy for Iran, Robert Malley. Despite the Department telling my staff for weeks that Mr. Malley has been on an extended absence for serious illness in the family, we learned only through social media on 16 June that he had in fact been suspended without pay for the mishandling of classified information. I am even more troubled to learn that the FBI is now leading the investigation. I expect greater transparency from the Department. Mr. Malley's outsized role in executing the administration's contentious Iran policy and implications for Congress demand greater transparency and consultations with key stakeholders on Capitol Hill.

Second, as the administration pursues dangerous "proximity talks" with the Iranian regime on wrongfully detained Americans and nuclear compliance, I am concerned that Mr. Malley's lapses in judgement may have negatively impacted U.S.-Iran policy or improperly influenced proximity talks with the regime. Further, we've received troubling reports that Mr. Malley has been meeting with families of wrongfully detained Americans as recently as three weeks ago. If he is indeed suspended, why is he performing duties?

I look forward to your prompt responses to specific questions below.

- (1) On what date did Mr. Malley stop serving as the special Envoy to Iran?
- (2) Is it true that Mr. Malley was on personal leave for serious family health issues? If yes, which dates did the leave begin and end? If not, who was responsible for providing this response to congressional inquiries?
- (3) Has Mr. Malley's security clearance been suspended? If so, on what date was Mr. Malley notified that his security clearance had been suspended?
- (4) Is the FBI leading an investigation regarding Mr. Malley?
- (5) On what date(s) did the alleged event(s) occur that led to the investigation or suspension? Please provide details of the alleged conduct that resulted in such investigation or suspension.
- (6) Is Mr. Malley's investigation related to his work as the Iran Special Envoy or is this an unrelated issue? If so, how? Please provide details.

The Honorable Antony Blinken
 July 18, 2023
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- (7) Can you confirm or deny reports that Mr. Malley met with wrongfully detained Americans' families as recently as three weeks ago? If true, in what capacity did he take the meeting(s)?
- (8) When did Mr. Malley, as required by 12 FAM 233, turn in all "Department-issued credentials that provide logical or physical access to classified systems or designated classified spaces/facilities and any and all Special Issuance Agency-issued passport(s) to the Office of Personnel Security and Suitability (DS/SI/PSS)"?
- (9) What are the implications for discussions with Iran moving forward?

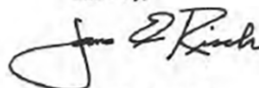
Apart from the Malley investigation, I am seeking legal clarification regarding the appointment of Mr. Abram Paley as the acting Special Envoy to Iran. Iran remains one of the most consequential foreign policy challenges facing the United States and, per the Department's website, the envoy is "responsible for directing, reviewing, and coordinating all aspects of the State Department's Iran-related activity, and reports directly to the Secretary of State."

Effective January 2023, Sec. 5105 of the FY22 NDAA places certain parameters on the appointment of such envoys.

- (10) How long has Mr. Paley served in this position?
- (11) Will Mr. Paley be "exercising significant authority pursuant to the laws of the United States" in this position?
- (12) If yes, does the administration plan to send the appointment to the Senate for advice and consent or rely on a temporary appointment exception, which would trigger certain reporting requirements to Congress 15 days prior to such appointment?
- (13) If Mr. Paley will not be "exercising significant authority," sec. 5105 requires the Department to certify to Congress an explanation regarding why not 15 days prior to such appointment. Has the Department made such a certification?

I am disappointed by the Department's lack of transparency on a matter that impacts critical national security issues. It is my sincere hope that you and the State Department will take this as an opportunity to strengthen future cooperation and transparency. I look forward to your response.

Sincerely,



JAMES E. RISCH
 Ranking Member

Congress of the United States
Washington, DC 20515

October 6, 2023

The Honorable Antony Blinken
Secretary of State
Department of State
2201 C Street N.W.
Washington, D.C. 20520

Dear Secretary Blinken,

We write to express our deep concerns with allegations surrounding Special Envoy for Iran Robert Malley and an alleged Iranian regime-sponsored influence campaign in the United States.

Communication from the State Department on the suspension of Mr. Malley's security clearance has been woefully inadequate. The Department has failed to adequately respond to repeated formal requests for additional information. We continue to have significant concerns regarding the circumstances surrounding the suspension of Mr. Malley's clearance, and the degree to which Mr. Malley and the Department adhered to official guidelines and standards regarding access to classified information and suspensions of security clearances. Further, we seek immediate clarity on whether, and the extent to which, Mr. Malley's actions and the actions of his team have impacted or otherwise influenced U.S.-Iran policy, including reported proximity talks with the Iranian regime in Oman, or the conduct of the Department during negotiations for the United States to return to the Joint Comprehensive Plan of Action.

Our concerns over the potential national security implications of Mr. Malley's activities and those of his associates continue to grow. Recent press reports revealed that the Iranian regime initiated the "Iran Experts Initiative" (IEI) in 2014 as part of an influence operation aimed at U.S. and European policymakers and expert communities. According to this same reporting, the regime tasked the IEI and its members to cultivate a network of organizations and individuals to help advance Tehran's agenda.

Several of those allegedly involved in the IEI had direct, and in some cases continuing, communications with members of the Iranian regime. This includes at least three current or former associates of Mr. Malley. One associate, Ariane Tabatabai, was recruited to the State Department, where she served as a senior advisor supporting Mr. Malley's negotiating team. She has since left the State Department and, we are troubled to note, she currently serves in the Department of Defense with access to special operations programs. The Department of Defense is now investigating whether all law and policy was followed in granting Ms. Tabatabai a security clearance.

The Intelligence Community has consistently identified Iranian malign influence operations as a major threat to U.S. national security interests. Like China and Russia, Iran pursues long-term malign influence campaigns through loosely-affiliated networks of individuals and organizations.

On its own, the discovery of the IEI would represent an important step in unraveling a broader Iranian malign influence network. However, the involvement of the IEI in influencing Mr.

The Honorable Antony Blinken
October 6, 2023
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Malley's confidants, when Mr. Malley himself is the subject of an ongoing security clearance investigation, raises serious questions about whether this Iranian influence operation succeeded in penetrating the U.S. government and influenced the policies of this administration. The State Department's continued obstruction and ongoing refusal to provide the basic information that we have requested substantially increases these concerns, and effectively blocks congressional oversight over the State Department and U.S.-Iran policy.

Specifically, we request immediate answers to the following questions:

- (1) Was the suspension of Mr. Malley's security clearance related to the IEI or any other Iranian malign influence operations or activities? Was it related to the passing of sensitive or classified information to members of the IEI network, such as Ali Vaez?
- (2) Was Diplomatic Security, or any other entity within the Department or broader inter-agency, aware of Ms. Tabatabai's alleged affiliation with IEI, or past contact with members of the Iranian regime?
- (3) Did Diplomatic Security conduct Ms. Tabatabai's background investigation? If so, did Ms. Tabatabai disclose her alleged involvement in IEI or any known members of IEI?
- (4) Is Diplomatic Security conducting an investigation into whether all law and policy were followed in granting Ms. Tabatabai a security clearance while she was at the State Department? If not, why not?
- (5) Does Diplomatic Security have any counter-intelligence concerns regarding IEI or any other Iranian regime influence operations? If so, are changes to any of State Department's operating guidelines or security procedures being considered?
- (6) When did the State Department become aware of Mr. Malley's connections to individuals with direct contact with the Iranian regime? Can you confirm whether a Department-wide investigation is actively being pursued to ensure the circumstances that led to the suspension of Mr. Malley's clearance do not involve any other current or former U.S. government employees?
- (7) Was Mr. Malley read into any covert action programs or DoD special access programs (SAPs)?
 - (a) If so, which departments or agencies and who at those departments or agencies sponsored his request?
 - (b) If so, were there any objections from the relevant departments or agencies?
 - (c) Were standard vetting procedures governing these programs followed, or did Mr. Malley receive any waivers? If so, from whom did he receive waivers?

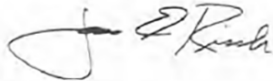
The Honorable Antony Blinken
 October 6, 2023
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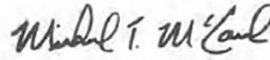
- (8) Did the actions that resulted in the suspension of Mr. Malley's clearance:
- (a) Impact the conduct of U.S.-Iran policy;
 - (b) Unduly influence, inform, or otherwise impact reported proximity talks with the Iranian regime; or
 - (c) Influence, inform, or otherwise impact the conduct of the Department during negotiations related to Iran's nuclear program, potential sanctions relief, or the release of Americans wrongfully detained by the regime?
- (9) On August 27, 2023, the *Tehran Times* released an allegedly authentic "sensitive but unclassified" memorandum dated April 21, 2023, informing Mr. Malley of his suspended security clearance because of serious concerns regarding personal conduct, handling protected information, and use of information technology. Is this memorandum authentic?¹
- (10) Has the Department performed, begun to perform, or is it intending to perform a top-to-bottom security review following these troubling developments and the release of allegedly authentic sensitive government documents?

We hope you appreciate the seriousness of these concerns and we look forward to your response.

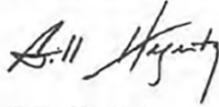
Sincerely,



JAMES E. RISCH
 Ranking Member
 Senate Foreign Relations Committee



MICHAEL MCCAUL
 Chairman
 House Foreign Affairs Committee



BILL HAGERTY
 United States Senator



BRIAN MAST
 United States Representative

¹ <https://www.tehrantimes.com/news/488429/Final-Say>

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 JOHN BARRASSO, UTAH
 TED CRUZ, TEXAS
 BILL HARTZELL, TENNESSEE
 TWEEDY, SOUTH CAROLINA

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United States Senate
 COMMITTEE ON FOREIGN RELATIONS
 WASHINGTON, DC 20510-8225

February 7, 2024

The Honorable Antony Blinken
 Secretary
 Department of State
 2201 C Street N.W.
 Washington, D.C. 20520

Dear Secretary Blinken:

I write to express deep concern and frustration regarding the State Department's complete lack of cooperation with the Senate Foreign Relations Committee regarding oversight of Special Envoy for Iran Robert Malley's security clearance status.

I had hoped and expected to receive a substantive update on this situation during last week's meeting with John Bass, Undersecretary for Management, and Gentry Smith, the Assistant Secretary of the Bureau of Diplomatic Security. Unfortunately, it quickly became clear that the Department had no intention of sharing any meaningful information on the substance of the allegations against Mr. Malley. They provided no substantive answers and no legal basis for withholding this information. This conduct is utterly unacceptable.

Members of this committee continue to have serious concerns with the lack of communication from the Department. Specifically, I am seeking additional clarity on the circumstances surrounding the publicly reported suspension of Mr. Malley's clearance, the degree to which Mr. Malley and the Department adhered to official guidelines and standards regarding access to classified information, the extent to which Mr. Malley's actions have impacted U.S.-Iran policy, including reported proximity talks with the Iranian regime in Oman, and the conduct of the Department during negotiations for the United States to return to the Joint Comprehensive Plan of Action.

In addition, I have had a number of private meetings with Mr. Malley where I discussed highly sensitive matters on these topics in my capacity as ranking member of this committee and as a senior member of the Senate Intelligence Committee. I need to understand whether any of these discussions were compromised or, inversely, whether any of the information Mr. Malley shared with me was influenced inappropriately as a result of his conduct.

Despite my having sent you letters requesting this information on July 18 and October 6 of last year, the Department has failed to substantively respond to these repeated formal requests for additional information in any meaningful way.

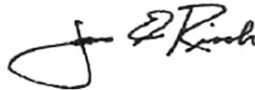
The Honorable Antony Blinken
February 7, 2024
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When I have asked why the Department has not provided me with substantive answers to these questions, Department officials have made vague references to the federal Privacy Act – despite the fact the Privacy Act clearly outlines a bright line exception for disclosures to congressional committees.¹ Additionally, there are not any other laws, regulations, or rules that prohibit the Department from sharing basic facts about serious allegations against a senior administration official with its oversight committee.

The Department's blatant disregard for statutory requirements and for this committee's legitimate oversight concerns is utterly unacceptable and will not be tolerated. Until I receive the information I am asking for, I'll be taking further action to utilize tools at my disposal as ranking member of the committee, including nominations and Congressional Notifications.

Sincerely,



JAMES E. RISCH
Ranking Member

¹ Specifically, 5 USC §552a (b)(9) outlines an exception to federal disclosures covered by the federal Privacy Act for "... either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee[.]"