

S. HRG. 116-273

**NOMINATIONS OF THE 116th  
CONGRESS, FIRST SESSION, PART II**

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**HEARINGS**

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE**

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

—————  
PART II

SEPTEMBER 19, 2019 TO DECEMBER 17, 2019  
—————

Printed for the use of the Committee on Foreign Relations



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**NOMINATIONS OF THE 16TH CONGRESS,  
FIRST SESSION, PART II**

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U.S. GOVERNMENT PUBLISHING OFFICE

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# CONTENTS

Responses to additional questions from the committee and any additional material submitted for the record are located at the end of each hearing transcript.

## PART I

<b>March 6, 2019</b> .....	1
Abizaid, General John P., to be Ambassador Kingdom of Saudi Arabia .....	6
Tueller, Hon. Matthew H., of Utah, to be Ambassador to the Republic of Iraq .....	10
<b>March 12, 2019</b> .....	65
Johnson, Ronald Douglas, of Florida, to be Ambassador to the Republic of El Salvador .....	69
Fitzpatrick, Michael J., of Virginia, to be Ambassador to the Republic of Ecuador .....	72
<b>March 27, 2019</b> .....	113
Destro, Robert A., of Virginia, to be Assistant Secretary of State for Democracy, Human Rights, and Labor .....	121
Krach, Keith, of California, to be Under Secretary of State for Economic Growth, Energy, and the Environment; U.S. Alternate Governor of the European Bank for Reconstruction and Development; U.S. Alternate Governor of the International Bank for Reconstruction and Development; and U.S. Alternate Governor of the Inter-American Development Bank .....	123
Stilwell, Brigadier General David, USAF (Ret.), of Hawaii, to be Assistant Secretary of State for East Asian and Pacific Affairs .....	128
<b>April 9, 2019</b> .....	207
Eberhardt, Jeffrey L., of Wisconsin, to be Special Representative of the President for Nuclear Non-Proliferation .....	211
Gilmore, Hon. James S., of Virginia, to be U.S. Representative to the Organization for Security and Cooperation in Europe .....	214
Swendiman, Alan R., of North Carolina, to be Deputy Director of the Peace Corps .....	217
<b>April 11, 2019</b> .....	251
Crawford, Edward F., of Ohio, to be Ambassador to Ireland .....	254
Byrnes, Kate Marie, of Florida, to be Ambassador to the Republic of North Macedonia .....	257
Satterfield, Hon. David Michael, of Missouri, to be Ambassador to the Republic of Turkey .....	260

IV

	Page
<b>May 16, 2019</b> .....	303
Brink, Bridget A., of Michigan, to be Ambassador to the Slovak Republic .	305
Howery, Kenneth A., of Texas, to be Ambassador to the Kingdom of Sweden .....	307
Klimow, Colonel Matthew S., USA (Ret.), of New York, to be Ambassador to Turkmenistan .....	310
Daigle, John Jefferson, of Louisiana, to be Ambassador to the Republic of Cabo Verde .....	313
<b>May 21, 2019</b> .....	343
Bates, Pamela, of Virginia, to be U.S. Representative to the Organization for Economic Cooperation and Development .....	347
Landau, Christopher, of Maryland, to be Ambassador to the United Mexican States .....	350
Nordquist, Jennifer D., of Virginia, to U.S. Executive Director of the International Bank for Reconstruction and Development .....	353
Pedrosa, Eliot, of Florida, to be U.S. Executive Director of the Inter-American Development Bank .....	356
<b>June 20, 2019</b> .....	393
Bremberg, Andrew P., of Virginia, to be U.S. Representative to the Office of the United Nations and other International Organizations in Geneva .....	397
Goldberg, Hon. Philip S., of the District of Columbia, to be Ambassador to the Republic of Colombia .....	400
Manchester, Doug, of California, to be Ambassador to the Commonwealth of the Bahamas .....	402
Zuckerman, Adrian, of New Jersey, to be Ambassador to Romania .....	405
Norland, Hon. Richard B., of Iowa, to be Ambassador to Libya .....	430
Cohen, Jonathan R., of California, to be Ambassador to the Arab Republic of Egypt .....	433
Rakolta, John, Jr. to be Ambassador to the United Arab Emirates .....	436
<b>July 17, 2019</b> .....	605
Marks, Lana, of Florida, to be Ambassador to the Republic of South Africa .....	606
Lapenn, Jessica, of New York, to be U.S. Representative to the African Union .....	609
Bell, Richard K., of Pennsylvania, to be Ambassador to the Republic of Cote D' Ivoire .....	612
Leonard, Hon. Mary Beth, of Massachusetts, to be Ambassador to the Federal Republic of Nigeria .....	615
Bekkering, Michelle, of the District of Columbia, to be an Assistant Administrator of the U.S. Agency for International Development, Economic Policy, Economic Growth, Education, and Environment .....	618
<b>July 30, 2019</b> .....	701
Carwile, John Leslie, of Maryland, to be Ambassador to the Republic of Latvia .....	703
McKee, Erin Elizabeth, of California, to be Ambassador to Papua New Guinea, Ambassador to the Solomon Islands, and Ambassador to the Republic of Vanuatu .....	706
Godfrey, Anthony F., of Virginia, to be Ambassador to the Republic of Serbia .....	710
Mustafa, Herro, of California, to be Ambassador to the Republic of Bulgaria .....	714

	Page
<b>September 19, 2019</b> .....	759
Billingslea, Hon. Marshall, of Virginia, to an Under Secretary of State for Civilian Security, Democracy, and Human Rights .....	772
Boehler, Adam Seth, of Louisiana, to be Executive Officer of the U.S. International Development Finance Corporation .....	776
Pack, Michael, of Maryland, to be Chief Executive Officer of the Broad- casting Board of Governors .....	778
<b>October 16, 2019</b> .....	897
Cantor, Carmen G., of Puerto Rico, to be Ambassador to the Federated States of Micronesia .....	899
DeSombre, Michael George, of Illinois, to be Ambassador to Thailand .....	902
Kim, Hon. Sung Y., to be Ambassador to the Republic of Indonesia .....	906
Tan, Morse H., of Illinois, to be Ambassador at Large for Global Criminal Justice .....	908
Currie, Hon. Kelley Eckels, of Georgia, to be Ambassador at Large for Global Women's Issues .....	911
<b>October 29, 2019</b> .....	965
Cabral, Roxanne, of Virginia, to be Ambassador to the Republic of the Marshall Islands .....	966
Degnan, Kelly C., of California, to be Ambassador to Georgia .....	969
Gilchrist, Robert S., of Florida, to be Ambassador to the Republic of Lithuania .....	972
Kim, Yuri, of Guam, to be Ambassador to the Republic of Albania .....	975
<b>October 30, 2019</b> .....	1017
Sullivan, Hon. John Joseph, of Maryland, to be Ambassador to the Rus- sian Federation .....	1025
<b>October 31, 2019</b> .....	1167
Castillo, Andeliz N., of New York, to be U.S. Alternate Executive Director of the Inter-American Development Bank .....	1170
Golden, Dr. Alma L., of Texas, to be an Assistant Administrator of the U.S. Agency for International Development .....	1172
Haymond, Peter M., of Virginia, to be Ambassador to the Lao People's Democratic Republic .....	1176
Romanowski, Alina L., of Illinois, to be Ambassador to the State of Kuwait .....	1179
Tsou, Leslie Meredith, of Virginia, to be Ambassador to the Sultanate of Oman .....	1182
<b>November 20, 2019</b> .....	1255
Biegun, Stephen E., of Michigan, to be Deputy Secretary of State .....	1260
<b>December 17, 2019</b> .....	1393
Chapman, Hon. Todd C., of Texas, to be Ambassador to the Federative Republic of Brazil .....	1396
Hennessey-Niland, John, of Illinois, to Ambassador to the Republic of Palau .....	1399
Shea, Dorothy, of Virginia, to be Ambassador to the Lebanese Republic ....	1403
Wright, Dr. Donald, of Virginia, to be Ambassador to the United Republic of Tanzania .....	1406



## NOMINATIONS

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THURSDAY, SEPTEMBER 19, 2019

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS  
*Washington, D.C.*

The committee met, pursuant to notice, at 9:33 a.m., in Room SD-419, Dirksen Senate Office Building, Hon. James E. Risch, chairman of the committee, presiding.

Present: Senators Risch [presiding], Johnson, Gardner, Romney, Barrasso, Paul, Young, Cruz, Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, and Merkley.

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

The CHAIRMAN. The committee will come to order.

Today, the committee will hold a nominations hearing for four very important positions, some of which have been pending for a long period of time. Our nominees today are: The Honorable Marshall Billingslea, to be Under Secretary of State for Civilian Security, Democracy, and Human rights; Mr. Adam Seth Boehler, to be Chief Executive Officer of the United States International Development Finance Corporation; The Honorable Darrell Issa, to be Director of the U.S. Trade and Development Agency; and Mr. Michael Pack, to be Chief Executive Officer of the U.S. Agency for Global Media, also known as the Broadcasting Board of Governors.

Before we take that on, we have the honor and privilege of having two of our distinguished colleagues present with us today who would like to make an introduction.

So, with that, Senator Whitehouse and Senator Cassidy, I will give you the floor to make some. If you—I—who is the chairman of your delegation, Senator Whitehouse?

Senator WHITEHOUSE. I think—

[Laughter.]

The CHAIRMAN. Never—

Senator WHITEHOUSE [continuing]. Senator—

The CHAIRMAN. You do not have to answer that question.

Senator WHITEHOUSE [continuing]. Cassidy said that he would—he will bat cleanup, and I can be his leadoff batter.

[Laughter.]

**STATEMENT OF HON. SHELDON WHITEHOUSE,  
U.S. SENATOR FROM RHODE ISLAND**

Senator WHITEHOUSE. Chairman, thank you very much, and Ranking Member Menendez, members of the committee, for having me here today to be part of the bipartisan Cassidy-Whitehouse tag team introducing Adam Boehler.

The President has called on Adam to run an entirely new institution in the U.S. International Development Finance Corporation. This bank will combine several functions and capabilities from existing Federal agencies to perform the vital role of fostering economic development and prosperity. As someone who grew up in the Foreign Service, I know well the importance of that mission. Ensuring this agency's success will take more than a steady hand, it will take vision and innovation and determination. Others can testify to Adam's background in finance, which will serve him well in this position.

I am here as a result of our work together when Adam served at the Center for Medicare and Medicaid Innovation. As Rhode Island's Attorney General, I helped to found the Rhode Island Quality Institute, an organization aimed at bringing people together to improve the quality and performance of our healthcare system. So, CMMI's work is very close to my heart, and it was that work that brought me and Adam together.

Adam has led CMMI in the move towards value-based healthcare, a shift that helps innovative States like mine lower healthcare costs while improving quality. Adam and CMMI developed new models to pay primary care physicians for high-quality, coordinated care, and to encourage physicians to care for high-need, seriously-ill patients, who often lack effective care coordination. These new models can help remove red tape for providers, and can help patients and their families access the care that they need.

Adam's work at CMMI also focused on reining in drug prices and led a important charge to improve care to patients with kidney disease, and to expand access to medication-assisted treatment, which has been a pivotal weapon in the battle in the opioid crisis.

Adam comes before this committee with experience in healthcare, finance, and global investment. He has been, in all of my dealings with him, a consummate professional who has always been honorable, responsive, innovative, determined, and smart. I have been very impressed with my dealings with him at CMMI.

I wish him great success in his new role. And I am happy to be Senator Cassidy's leadoff batter.

The CHAIRMAN. Thank you so much.  
Senator Cassidy.

**STATEMENT OF HON. BILL CASSIDY,  
U.S. SENATOR FROM LOUISIANA**

Senator CASSIDY. Mr. Chairman, Mr. Ranking Member, it is a privilege to introduce fellow Louisianan Adam Boehler as he seeks confirmation to head the Overseas Private Investment Corporation.

Adam has, just, a really innovative mind. And problems that stymie others, he develops solutions which benefit all. And I think the country will be well-served by his ability as he brings this ability to international development.

Now, sustainable prosperity depends upon developing market forces, which create and distribute wealth to the broadest part of society. And sustainable development can be started, if you will, by public investment. This will be Adam's task and challenge, and it is a—the additional challenge to do it in places which have underperformed relative to their potential. So, if I am going to enthusiastically nominate somebody for such a position with such a task, it would behoove me to kind of review that and his resume that would support this enthusiastic endorsement.

Adam graduated from Wharton Business School at the University of Pennsylvania. He served in the private sector as a partner in an international investment firm, and worked in several high-level positions in equity and analytics, conducting business around the world.

But, I actually know of him through his last role, before he joined this administration. He founded Landmark Health, in which they—Landmark Health took the sickest of the sick in Medicare and Medicaid patients, optimized their health, and, at the same time, saved dollars for the

American taxpayer. Now, if you want to talk about a system that is underperforming its potential in caring for those who have needs, the Medicare/Medicaid patient are among those.

And, as a physician, seeing the innovation which he brought made me enthusiastic when he joined this administration as the head of the CMMI. In that role, he was creative, inclusive, and energetic, which is why Whitehouse and Cassidy flank him as he seeks this nomination. He will be accessible and ready to listen as he embarks on this new role, because that is how he was as he headed CMMI. He is ideally suited.

I urge a speedy confirmation and wish him godspeed in fulfilling the task of heading the Overseas Private Investment Corporation.

Thank you.

The CHAIRMAN. Senator Cassidy, thank you so much.

Both Senator Whitehouse, Senator Cassidy, thank you for joining us this morning. I know you have other things that you have to attend to, and we have a lot of work to do here this morning, so we will excuse you.

And with that, we would ask the—our other nominees to join us at the table.

And with that, I am going to make an opening statement, yield to Senator Menendez to do so. We will then hear from our nominees, and then have a round of questions.

So, with that, today we are going to consider the nomination of these four individuals to serve our Nation for very important capabilities. Three out of the four have been waiting long times, some over a year, for this moment, and we are glad to have you here. We welcome you and thank you for your willingness to serve, and, just as importantly, your willingness—your families' willingness to allow that and cooperate with you in your service.

First, we have The Honorable Marshall Billingslea, nominated to serve as the Under Secretary of State for Civilian Security, Democracy, and Human Rights. Mr. Billingslea has a long history of public service, most recently as an Assistant Secretary at the Department of Treasury, where he addresses terrorist financing and the

threats that illicit finance pose to the United States. Prior to his service at Treasury, Mr. Billingslea worked at the Department of Defense in NATO. This Under Secretary position oversees critical bureaus and offices, including the Bureau on Counterterrorism, Countering Violent Extremism, the Bureau of Democracy, Human Rights, and Labor, and the Office to Monitor and Combat Trafficking in Persons. I look forward to hearing from you on these and many other issues during today's hearing.

I have a number of letters in support of Mr. Billingslea's nomination that I will enter into the record. It includes, interestingly enough, a letter from the President of Venezuela, the legitimate President of Venezuela, Juan Guaido.

Next, we have Adam Smith—Adam Seth Boehler, nominated to be Chief Executive Officer of the United States International Development Finance Corporation. Mr. Boehler is already—has already been introduced by our distinguished colleagues, and I wanted to highlight the importance of the position he has been nominated for. The DFC will create new opportunities for U.S. businesses and open pathways for private-sector-led growth in developing countries, will also provide an alternative to the malign development model of the Chinese and others. I am looking forward to hearing how you plan to run this new organization.

Next, we have Congressman Darrell Issa, who is nominated to be Director of the Trade and Development Agency. Congressman Issa was the Republican U.S. Representative for California's 48th and 49th Congressional Districts. He served in Congress from 2001 till the end of last Congress. From January 2011 to January 2015, he served as Chairman of the House Oversight and government Reform Committee. Prior to serving in Congress, Mr. Issa served as CEO of Directed Electronics, which he cofounded in 1982 and is one of the largest makers of automobile after-market security and convenience products in the United States. At a time where our President is focused on promoting American companies and products around the world, the U.S. Trade and Development Agency plays a critical role in that agenda. I look forward to hearing more about your plans to engage with the private sector in development projects.

Finally, we have Mr. Michael Pack, who is nominated to be the Chief Executive Officer of the U.S. Agency for Global Media, also known as the Broadcasting Board of Governors. Mr. Pack is the president of Manifold Productions, Inc., an independent film and television production company that he founded in 1977. Mr. Pack has previously served twice at the Corporation for Public Broadcasting, first as the co-chair of the International TV Council in 1993, then as senior vice president for television programming from 2003 to 2006. Additionally, his public service includes a term on the National Council on Humanities from 2002 to 2005, as well as the director of Worldnet, the U.S. Information Agency's global satellite network. It is no secret the challenges we face when it comes to disinformation from our adversaries. USGAM plays a critical role in our national security by ensuring that true, factual stories about current events are available in societies where simply reporting the reality around you can get a reporter tossed in jail, or worse.



Thanks, to all of you, for being with us here today.  
And now I will turn it over to the Ranking Member Menendez for his opening statement.

**STATEMENT OF HON. ROBERT MENENDEZ,  
U.S. SENATOR FROM NEW JERSEY**

Senator MENENDEZ. Thank you, Mr. Chairman.

Mr. Chairman, I have to be honest. I wish we were not here today. We could be holding a normal nominations hearing, where we ask the nominees about the serious challenges facing our country and the world, where we could spend the committee's time wisely, discussing policy and judging the substance of the qualifications of the witnesses for ourselves. But, today is not a normal nominations hearing, and I think that your process has made sure of that.

This hearing is occurring over my objection and the objections of every Democrat on this committee, something I have never witnessed during my time on this committee for 14 years, and something I never did when I served as Chairman. And let us be clear, our objection was not over policy, although, for as long as I am aware, members on this committee and in this body, Democrats and Republicans alike, have objected, at time, to specific nominees on policy grounds. Our objection is over the administration's refusal to provide the committees information to secure basic vetting information.

We requested that you not move forward with Mr. Billingslea and Mr. Issa until members had the information needed to assess whether these two nominees are fit for confirmation. Instead, we are being asked to evaluate the two nominees without knowing all the facts. Why do we not know all the facts? Because there is information that the White House controls and this administration refuses to share. I am not talking about a nominee's favorite color or where they had dinner, I am talking about serious issues that go to credibility and suitability for these positions.

Mr. Chairman, my concerns about the fitness of nominees is not hypothetical. Senior officials have been allowed to engage in corrosive, unacceptable retaliation against career employees, sometimes with any—without any consequences for the offender, even despite shocking findings by the State Department Inspector General. Another senior official forcibly resigned after it came to light that he—and I wish I was making this up—carried a whip around the office and harassed employees. Another left following allegations of mismanagement. And that is only for the State Department. If I went down the list of issues for the administration as a whole, we would be here all day. There are real consequences for the men and women who work in the State Department and across the Federal government.

So, yes, Mr. Chairman, it has taken some time to try to get answers, but it is not for lack of trying. For Mr. Billingslea, in particular, we have asked the same exact questions, in some cases for almost a year, without any serious response. What is astounding and dismaying is that, while these efforts to get answers were ongoing, you decided to schedule this hearing anyway. We have a constitutional duty. At a minimum, "advise and consent" means that

we ensure that the individuals we are sending to serve as senior department officials, to serve at embassies overseas, to manage career Federal employees are not experienced and qualified, but suitable for public service. But, if we cannot do that, if we do not—we cannot do that if we do not have the basic facts.

Now, Mr. Chairman, you have told me and some of my colleagues that, as a former prosecutor, you treat a nominations hearing like a trial. We gather all the relevant information, air it at the hearing, and let the chips fall where they may. I hope you will help me understand this, because, based on that, we are not even meeting your own standard. We simply do not have the information we need to make informed decisions.

With regard to Mr. Issa, as you know, there is information in his FBI background investigation that concerns me greatly and that I believe members may find problematic and potentially disqualifying for Senate confirmation. I firmly believe that every member on this committee should have the opportunity to review that information. There is ample precedent for doing so. And you joined me in requesting that the White House make good on that request, which we appreciated. So, I am a little confused as to why we have Mr. Issa before us today, when no other member has been granted access.

Our joint request to the White House concerning Mr. Issa's file has gone unanswered. So, let that sink in for a moment. The White House simply has ignored the joint request of the Chairman and the Ranking Member of this committee for additional information on an executive branch nominee. Yet, here we are, holding a hearing for that very nominee.

In the case of Mr. Billingslea, the administration has not been forthcoming on two separate vetting-related matters. The first is related to Mr. Billingslea's role in the development and implementation of Bush-era detainee torture policies while working in the Office of the Secretary of Defense under Secretary Rumsfeld. Given that Mr. Billingslea, if confirmed, would be the senior U.S. government official responsible for human rights, a fulsome and accurate understanding of his involvement in detainee torture matters is both essential and directly relevant to his current nomination.

It took the administration months to dig up memos that Mr. Billingslea authored or approved on torture. First, it was two, then ten, then a few more. From the beginning, it was clear that documents that were, quote, according to the Department, "missing"—missing attachments, missing pages. But, each time, the administration and the Chairman's staff said, "That was it, the search was complete, do not be ridiculous, stop asking." And then, when we pressured, they would find more.

My staff, at my request, first asked for more information on these, quote, "missing" documents in November of 2018. That is almost a full year ago. Despite repeated requests, the administration has not shared how many documents are, quote/unquote, "missing," or the titles of those documents, and they have refused to provide any information on how they searched for the "missing" documents. Instead, in effect, they said, "Trust us." Well, I am sorry, but "trust us" does not cut it when it comes to "missing" torture documents,

and it does not cut it when it comes to this administration and its propensity for obfuscation and lies.

The second line of inquiry related to Mr. Billingslea pertains to an incident that we have sought more clarity and details on, but have been stonewalled. These allegations are more appropriate for discussion in closed session, so I will not, at the moment, go into detail on the substance. What I will say is that the administration has refused to provide any information related to these allegations. And it was only until this morning, in a way that I just cannot ascertain the veracity of it, that Mr. Billingslea came forward with some information.

I would also add that we are talking about two nominees, here, Mr. Chairman. Two. Despite the fact that, under this administration, we are facing an unprecedented number of nominees, who, in the past, never would have made it out of the White House, let alone to a committee hearing. Democrats have joined Republicans in agreeing to advance more than 150 nominees to this committee and to confirmation. Only a small fraction have moved at a slower pace, largely due to concerns of personal character or fitness.

Need I remind my colleagues of the not-so-distant past? Need I remind them of the more than 50 ambassadorial nominees that stalled in this body under the last administration, of nominees who languished, some for years—for years—without ever receiving a hearing or a vote? Need I read back to the list of reasons that were cited for holding up nominees, which had nothing to do with vetting concerns and everything to do with sticking it to the administration?

So, Mr. Chairman, I think even you would agree, that is not your quibble here. We have raised some serious, very basic concerns. We are discussing the same concerns now that I discussed with you at the beginning of this Congress. And it is stunning that this is where we are.

It is no secret what is happening here. Starting with the President, this administration seems to view Congress as a nuisance. Unless they absolutely need to engage us, they will not. Why would the administration bother to respond, even in a cursory fashion, to future vetting requests as long as, at the end of the day, they know the Chairman will move a nominee anyhow?

So, my fellow committee members, I appreciate your forbearance. I know that I have spoken for quite some time, longer than I have ever felt compelled to speak at a nomination hearing. But, I believe it is critical for us to understand exactly how we wound up at this moment, and reflect on it.

If this White House gets away with treating the committee with such disdain, you can bet future Presidents, regardless of what party they come from, will do the same. Given the nature of the outstanding vetting questions related to Mr. Billingslea and Mr. Issa, I continue to believe that it is preferable to discuss those matters in closed session so that, at a minimum, Senators can have a frank discussion about what we currently know and how best to proceed, and so we can have that discussion without causing embarrassment or harm to any of the nominees.

As such, Mr. Chairman, I move to go into closed session, pursuant to committee rule III:f:3.

Senator CARDIN. Second.

The CHAIRMAN. The motion has been made, and duly seconded, that we go into closed session. And the Chairman will oppose the rule so we can have an open hearing and people can hear what everyone has to say. I think these nominees have subjected themselves to that and are going to have to tolerate whatever embarrassing things that you wish to bring up. But, the public should be able to see this, so I am going to oppose a motion—the motion to go into closed session.

So, with that—

Senator PAUL. Mr. Chairman, may I speak to the motion?

The CHAIRMAN. You may.

Senator PAUL. You know, as much as I am for public scrutiny of things, I think it is actually a courtesy to people, if you are going to talk about things that may go to their character that may or may not be true, that we hear about them in private. And it is not that I have drawn a conclusion on any of this, but, frankly, if it is very emotional, I would rather not speak about it in front of people's kids and everybody else if it is not true, or may or may not be true. So, I think there is a role for committees like ours—you know, I think, you know, during the Supreme Court hearings, I kind of wished some of that had been done a little more in closed hearing. But, I will support this, not because I have prejudged it, but I will support the motion, because I think there are times when we should have some discussions. Not that we are not going to have a public hearing. We would have a public hearing after we have a private discussion of some of the things that, hopefully, if true or untrue, might be damaging to people and to their public, you know, and to their family. So, I am in favor of, if this is sensitive material, to discussing it in private.

The CHAIRMAN. Thank you, Senator.

Any other Senators wishing to speak to the motion?

[No response.]

The CHAIRMAN. If not, could I have the Clerk call the roll?

Oops, I am sorry.

Senator COONS. Mr. Chairman?

The CHAIRMAN. Senator Coons.

Senator COONS. Mr. Chairman, I just want to speak in support of the comments of the Ranking Member and to express my appreciation to the Senator from Kentucky, as well.

In confirmation hearings, there come times when we need to have an opportunity to air things that are probably best first discussed, because they are contentious, because they are private, in a closed session, and then, if appropriate, air them publicly.

The CHAIRMAN. Thank you, Senator.

If the committee wishes to go to—into a closed session, that is what we will do. And the Clerk will call the roll.

The CLERK. Mr. Rubio?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Johnson?

Senator JOHNSON. No.

The CLERK. Mr. Gardner?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Romney?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Graham?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Isakson?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Barrasso?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Portman?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Paul?

Senator PAUL. Aye.

The CLERK. Mr. Young?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Cruz?

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Menendez?

Senator MENENDEZ. Aye.

The CLERK. Mr. Cardin?

Senator CARDIN. Aye.

The CLERK. Mrs. Shaheen?

Senator SHAHEEN. Aye.

The CLERK. Mr. Coons?

Senator COONS. Aye.

The CLERK. Mr. Udall?

Senator MENENDEZ. Aye, by proxy.

The CLERK. Mr. Murphy?

Senator MURPHY. Aye.

The CLERK. Mr. Kaine?

Senator Kaine. Aye.

The CLERK. Mr. Markey?

Senator MENENDEZ. Aye, by proxy.

The CLERK. Mr. Merkley?

Senator MERKLEY. Aye.

The CLERK. Mr. Booker?

Senator MENENDEZ. Aye, by proxy.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The Clerk will report.

The CLERK. Mr. Chairman, yeas are 11, the nays are 11.

The CHAIRMAN. The motion has failed.

Senator Menendez, I appreciate the motion that you have made. I simply disagree with that. This is the purpose of what we are doing here, is the American public can hear exactly what the complaints are that you have. And these people have subjected themselves to this. They know what is coming. They know what is in their background. They know what is in these reports. Let us get at it.

Senator CARDIN. Mr. Chairman? Would the Chairman yield for one moment?

The CHAIRMAN. In just a moment, Senator.

I think we ought to get at it. I think we ought to have this hearing. And you—you have looked at those FBI reports, you know what the issues are here. We ought to litigate them. And, when we are done, we should vote. And I understand that there will be a

lot of no-votes, as there usually are on these kinds of things. But, the American public have a right to know. And so, let us get at it.

Senator CARDIN.

Senator CARDIN. If I understand correctly, and please correct me if I am wrong, both the Chairman and Ranking Member believe that, with one nominee, information which only the two of you know should be made available to all members of this committee. How can we talk about that in an open session if only two members know about it and the rest of us are in the dark in regards to that information?

The CHAIRMAN. Well, first of all, I am not opposed to all members seeing this. I have always said, anything that is available to myself and the Ranking Member ought to be available to everybody.

Senator CARDIN. Well, my question is, in an open session, where we have not been privy to that information, how can we talk about it?

The CHAIRMAN. Well, we can talk about it. I am not going to stop anybody from talking about it. And Senator Menendez has seen the entire file. He knows what all the facts are in it. So, he can bring that up and then you guys can follow it up on it. And I am not—I am not going to restrain any discussion of these facts.

Senator CARDIN. But, how can I question about it if I do not know about it?

The CHAIRMAN. Well, Senator Menendez has seen it, and—

Senator MENENDEZ. Mr. Chairman, if I may, to be responsive to Senator Cardin.

The Senate rules do not permit us to speak about it unless, of course, there is a vote of the committee to do so. Since we are now in uncharted territory, not only are Mr. Billingslea and Mr. Issa here, in violation of comity, where we are now operating outside of the scope of the committee rules for closed session, which is unfortunate. These are not matters that should be discussed in an open session. I think it is unfair to the nominees. And because of restraints on releasing committee confidential information, it would be extraordinary to adequately and appropriately discuss these issues in full public. I feel deeply uncomfortable with this approach. But, if that is what the Chair and the majority of the members has agreed to, and have this discussion in open, then I will reluctantly defer to that path forward.

With that in mind, however, I move for a vote on the question of approval of discussion of the Billingslea and Issa matters, to the extent possible, in open session.

Senator SHAHEEN. Mr.—

The CHAIRMAN. Is there a second?

Senator CARDIN. Second.

The CHAIRMAN. It has been moved—

Senator SHAHEEN [continuing]. I did you wish to speak to the motion?

I need a clarification. Who makes the decision that this information was not available for the rest of the committee? And if—and should we not take a look at how that decision is being made? I mean, if your position is everybody should be able to see it, and what you are telling me, Senator Menendez, is that Senate rules

prohibit that, then that seems to create a contradiction in how we operate that we ought to try and fix.

The CHAIRMAN. Well, I think that—the White House, I think, has said that they—that the matter is closed. But, we are about to have a motion, here, which I am going to support, by the way, that allows us to discuss everything here in open session. And we need to get at it. And if there are things there that need further—we can have questions for the record. And I—

Senator PAUL. Mr. Chairman, may I speak, when you are done, to the issue?

Senator SHAHEEN. Can I just get a followup on that?

Senator PAUL. Go ahead.

Senator SHAHEEN. So, does that mean that we will have access to that information after this hearing so that we can read it?

The CHAIRMAN. Yeah. I am going to do everything I can to get access to that. But, Senator Menendez has seen it. I suspect, when the meeting is over, you are not going to need to see it, because he is going to talk about everything that is in there. So, that—

Senator MENENDEZ. Mr. Chairman, if I may respond to the Senator's question.

The White House is refusing to give access, at this point, to all members, in a bipartisan fashion, to the files that are in question. And, to the Chairman's credit, he joined me in a letter, which I think speaks volumes as to the importance of you all getting the opportunity to read what is in it, to the White House which has gone unresponded and was one of the reasons I, you know, would not agree to this hearing, because I believe we need a response. And hopefully, that response would be that, in this case, all members would have access to the file. You would read the file, and you would come to your own judgments, as I have, as a result of what is there. And, unfortunately, we have not had an answer from the White House.

So, the question you have posed, Senator Shaheen, "Who is barring you?"—at this point, it is the administration.

The CHAIRMAN. Fair enough. And I will go even further—

Senator CARDIN. After Senator Paul, if I could be recognized.

The CHAIRMAN. Okay. In response to Senator Shaheen, the Ranking Member and I are in full agreement on this, that all members should have access to this. I commit to this committee, there will be no vote on Mr. Issa until the White House has agreed to allow you all to see that. When this hearing is over, you may not—and it may not be necessary, because we are about to vote on a motion that allows Senator Menendez to ask any questions about what he has seen in the file.

Senator SHAHEEN. Thank you.

The CHAIRMAN. Fair enough.

I think, Senator Paul is next.

Senator PAUL. You know, I am supportive of Congressman Issa for the position. I have not yet seen the reports, but I would like to see it, but I am supportive of his nomination. But, at the same time, I have known him for years. I do not want to, like, vote to say, "Oh, we are going to release the FBI report, and we are all going to talk about an accusation to him that may be unfounded, or may go to his character, or may be something that should not

be said in front of his family or anybody else.” I have no idea what is in the FBI report. You are going to ask me to vote on whether it should be public; we all get to talk about it, while only two of you have read it. I think this is a terrible process and a terrible precedent and an injustice to people you support. If you support Congressman Issa, and you are going to just say we are going to release all this and have—and talk up and down about his character or some accusation? We could not talk about this in private and then decide what is in the report before we decide to discuss it in front of everybody? This is exactly the opposite of what we all complained about with the Supreme Court, that they did not talk about it all in private before it became public. So, I think it is a terrible, rotten thing that we are doing, and I will oppose the motion to talk about something I have no idea of what is in the report. I just think it is a bad idea.

The CHAIRMAN. Thank you, Senator Paul.

Senator Murphy.

Senator MURPHY. I mean, Mr. Chairman, I understand you to be saying that you will not hold a vote until we have access to the information—

The CHAIRMAN. Correct.

Senator MURPHY [continuing]. But you will hold a hearing before we have access to the information. You will not allow the committee to go into closed session. And so, what you are essentially guaranteeing is that none of us have the ability to ask questions of the nominee regarding what is in this file. You are guaranteeing that we will be able to look at it before the vote.

The CHAIRMAN. Yeah.

Senator MURPHY. But, if you are willing to say we will not have a vote before we have access, why would you not just postpone the hearing? Why deny all the members of your committee the ability to have access to the information so that, if we chose, we could question the nominee, if you are willing to make sure we have access to that information before the vote? I just cannot understand that.

The CHAIRMAN. Well, you are going to have access to all that information before you—

Senator MURPHY. But, why not do it for the hearing if you are willing to do it before the vote? I just do not understand the difference.

The CHAIRMAN. Senator—

Senator MURPHY. It really—I mean, I—to be honest, it—there is only one reason to do that. The only reason to do that is to deny us the ability to be able to question the nominee about that information.

The CHAIRMAN. Senator Coons.

Senator COONS. Following up on Senator Murphy’s point, I assume the only member of this company on our side of the dais who had access to it, and thus could fully question the nominee, is the Ranking Member. Has the nominee been given the opportunity to review the file? And is he willing to simply consent to an open debate about it?

The CHAIRMAN. I cannot—



Senator COONS. That is the one way to cure the concern that I think Senator Paul has reasonably raised.

The CHAIRMAN. I cannot answer that, whether you have—Senator—or, Congressman Issa, have you had access to the file?

Senator CARDIN. Mr. Chairman, can I just ask a question, first, before we get to that point?

The CHAIRMAN. Senator Cardin.

Senator CARDIN. Because I think it is important.

I have been in the Senate a long time. I know the procedures that we use. Senator Paul is raising a very valid point. I have reviewed FBI files. I was Ranking Member for a period of time here when I reviewed FBI files. And there were issues in the FBI files that I was concerned about. I had a chance to talk to the nominee in private about those issues before making a judgment as to where we should go next with that issue. I believe that Senator Menendez and your request should be honored, and every member of this committee should have an opportunity to take a look at the FBI file. But, I also believe we should have an opportunity to talk to the nominee in private before having to go through a public hearing in regards to that information. Now, I do not know what that information is.

So, I would just urge the Chairman to exercise the regular process we use here, and not require this to be released in public without an opportunity for us to have that discussion. I just do not think this is the right process to be used, and I urge the Chairman to exercise restraint here to give us an opportunity to talk about this in private before a decision is made in regards to an FBI record.

The CHAIRMAN. Thank you, Senator Cardin.

Senator MERKLEY. Mr. Chairman.

The CHAIRMAN. Senator Merkley.

Senator MERKLEY. Thank you, Mr. Chairman.

Putting any of ourselves into the same seat as those who come before this committee, I think all of us would feel uncomfortable with a public discussion of issues that may be just rumors or unfounded accusations. And I was just pondering, because I know that, in your life, you have served both in the role of prosecutor and the role as trial attorney, and there is a basic—I am not a lawyer, but I understand, I believe, that to have a fair hearing in any world, whether it is the—a civilian challenge on a trial-attorney basis or it is a criminal issue, like, information—basic information has to be shared in advance so that the—both teams can have the same information, and ponder it.

I just think that, for multiple reasons, fairness to each member's ability to participate, we need to be able to see, in advance, the information, ponder it. And, in fairness to those who come before this committee now and in the future, I would hate for the idea to be that someone may be absolutely unfairly treated to a public airing of unfounded rumors or possibilities. I—if we could just, maybe, delay this for a week, get the information in advance, it just seems like it is a fairness factor that would benefit everyone.

The CHAIRMAN. Some reasonable requests here.

Senator Menendez and I have had a sidebar, and we are going to take a short recess while we counsel with Congressman Issa to get his view on the matter.

Senator JOHNSON. Mr. Chairman? Just real quick, because I am going to run out of time with this recess. I came, really, to question Mr. Pack. I would just ask that, "The World"—the article by The Hill, "The World Will be Freer, Safer By Smashing Firewalls of Closed Societies" be entered into the record for this hearing, because I will not be able to be here when you come back.

And, Mr. Pack, I will be submitting questions for the record that I hope I can get good answers and good responses from you on that.

So, thank you, Mr. Chairman.

The CHAIRMAN. Thank you, much, and that will be put in the record.

[The information referred to can be found at the following website:]

<https://thehill.com/opinion/technology/445360-the-world-will-be-freer-safer-by-smashing-firewalls-of-closed-societies>

The CHAIRMAN. And with that, the committee will be at ease, hopefully briefly.

[Recess.]

The CHAIRMAN. The committee will come back to order.

After a sidebar between Senator Menendez and I and the nominee and others, we have agreed that, as far as the—a number of the requests here are very reasonable requests—we are going to postpone the hearing on Mr. Issa, to which he has agreed. We are going to get this file opened so that all of you can have a chance to review that file and be able to ask questions intelligently. The question whether the meeting be open or closed after that, we will discuss at a future time. That is an open question at this point. Again, we can get everybody's input into that. Senator Paul has issues on it, others have issues on it, and we will take it up at that point.

But, in any event, reasonable requests accommodated, and we will move on with the other three nominees.

The bad news for you is that we will have more time to ask you questions.

[Laughter.]

The CHAIRMAN. Thank you so much.

Well, moving on, we will turn now to our first nominee, Mr. Billingslea. Your full statement will be included in the record. And if you would please keep your remarks to no more than 5 minutes, we have a lot of work to do yet this morning.

So, with that, Mr. Billingslea, your statement, please.

**STATEMENT OF HON. MARSHALL BILLINGSLEA, OF VIRGINIA,  
NOMINEE TO BE AN UNDER SECRETARY OF STATE FOR CIVILIAN SECURITY, DEMOCRACY, AND HUMAN RIGHTS**

Mr. BILLINGSLEA. Thank you, Chairman Risch and Ranking Member Menendez and members of this committee. I am honored to appear before you today as the President's nominee for Under Secretary of State for Civilian Security, Democracy, and Human Rights.

And, Senators, at the outset, I thank my family—my wife, Karen, and my two daughters, Morgan and Elsa—for having supported me in my decision to accept a second nomination from the President; in this case, to serve at the Department of State. These positions do require enormous family sacrifice, and I could not do this without their love and their backing.

I have had the opportunity, over the past year, to meet with a number of members of the committee. And it has been very helpful for me to hear about a wide range of issues that are viewed as important with respect to the “J Family” of bureaus at the Department of State. And, if confirmed, I look forward to working with all of the members of the committee and your staff on the full range of topics.

The recent discussions notwithstanding, I must say at the outset that it is wonderful to be back in this hearing room. I began my government career, nearly 25 years ago, on the staff of this august committee. And, in thinking about this hearing, I vividly remember one of the very first hearings I attended—in fact, I believe it was the very first hearing I attended in my capacity as a staff member—sitting back on the bench in that corner over there, and it was on a matter highly relevant to the Office of the Under Secretary, both then and now. The topic was Chinese repression of the Tibetans.

So, my familiarity and my involvement with issues falling within the purview of J goes back more than two decades, and to the very beginning of my time in government service. From the days on this committee staff, working with the Department’s counterterrorism experts, to my work with the International Narcotics and Law Enforcement Bureau on Colombia and Afghanistan while I was at the Pentagon, and my present role in driving the use of Treasury authorities to combat human rights abuses across the globe, from Nicaragua to Venezuela, Burma, I have been fortunate to work with the many fine career professionals within the J Family.

There are three points I would like to emphasize today:

First, support for civilian security, democracy, and human rights is crucial to advancing vital American interests. For example, fighting terrorists, disrupting transnational organized crime, and stopping the trafficking of opioids and other illicit drugs protects the American people and our communities. And building the capacity of foreign partners to strengthen their own law enforcement capabilities and to counter trafficking helps them take on greater responsibility for addressing common threats. And championing our values, such as justice, humanitarian ideals, religious freedom, and other human rights, inspires and promotes strong, stable global partners.

Second, threats to civilian security and democracy and human rights are prevalent, and they are multifaceted. And Venezuela is an example of what can happen when a regime engages in massive corruption and undermines the rule of law and fails to respect basic human rights and fundamental freedoms. And I am gratified that a number of human rights group in support of my nomination from Venezuela are here today. Indeed, Mr. Chairman, I believe you inserted in the record letters from opposition leader Maria Corina Machado Antonio Ledezma, and Julio Borges, but I am also

humbled, as you said, that President—interim President Juan Guaido has written a letter to this committee on my behalf. These are incredible men and women, and they are valiantly speaking out against the brutality of the Maduro dictatorship, in hope for a better future for the Venezuelan people. And, if confirmed, I commit to using the Office of the Under Secretary, as I have used my current office within the Department of the Treasury, to do everything I can to help alleviate the suffering in Venezuela, as well as the suffering of those around the world who are preyed upon by despots, oligarchs, and criminals.

I mentioned Tibet at the outset. China continues to seek to silence criticism of its severe human rights violations and abuses there. And, as Secretary Pompeo has said, China is home to one of the worst human-rights crises of our time. And these are all issues that fall within the responsibility of the J structure to address.

This brings me to my final point in the final time allowed, Mr. Chairman, which is to say that, in order to address these complex challenges effectively, we have got to bring holistic solutions that leverage not just all of the tools currently in the repository of the Department of State, but also the additional tools that this committee is able to provide through the legislative process. As a former senior professional staff member on this committee, I worked for many years on a wide range of bipartisan issues that had overwhelming support. The same is true of my work at the Treasury. And the same, if confirmed, Mr. Chairman and Ranking Member, will be true for my work at the Department of State.

Thank you, sir.

[The prepared statement of Mr. Billingslea follows:]

PREPARED STATEMENT OF HON. MARSHALL BILLINGSLEA

Chairman Risch, Ranking Member Menendez, and members of the committee, I am honored to appear before you today as the President's nominee for Under Secretary of State for Civilian Security, Democracy, and Human Rights.

Senators, at the outset I thank my family—my wife Karen and my two daughters Morgan and Elsa, for having supported my decision to accept the President's nomination to the Department of State. These positions require enormous family sacrifice, and I could not do this without their love and backing.

I have had the opportunity over the past weeks to meet with several members of the committee, and it has been very helpful for me to hear about a wide range of issues that are viewed as important with respect to the "J Family" of bureaus and offices at the State Department. If confirmed, I look forward to working with all members of the committee, and your staff, on the full range of topics.

At the outset, I must say that it is wonderful to be back in this hearing room. I began my government career, nearly twenty-five years ago, on the staff of this august committee. In fact, I vividly remember one of the very first hearings I attended, sitting on the bench in the corner over there. It was on a matter highly relevant to the Office of the Under Secretary, both then and now; the topic was Chinese repression of Tibetans.

So my familiarity and involvement with issues falling within the purview of J goes back more than two decades, to the very beginning of my time in government service. From the days on this committee's staff, working with the Department's counterterrorism experts, to my work with the International Narcotics and Law Enforcement Bureau on Colombia and Afghanistan while I was at the Pentagon, and my present role in driving use of Treasury authorities to combat human rights abuses and corruption across the globe, from Nicaragua and Venezuela, to Uganda and Burma, I have been fortunate to work with the many fine career professionals within the J Family.

There are three points I would like to emphasize today:

First, support for civilian security, democracy, and human rights is crucial to advancing vital American interests. For example, fighting terrorists, disrupting transnational organized crime, and stopping the trafficking of opioids and other illicit drugs protects the American people and our communities. Strengthening the rule of law overseas improves the investment climate for American businesses, while advancing international labor standards the playing field for American workers. Building the capacity of foreign partners to strengthen their law enforcement capabilities and counter trafficking helps them to take on greater responsibility for addressing common threats. Championing our values such as justice, humanitarian ideals, religious freedom, and other human rights inspires and promotes strong, stable global partners that help keep the American people more safe and secure.

Second, threats to civilian security, democracy, and human rights are prevalent and multi-faceted. Venezuela is an example of what can happen when a regime engages in massive corruption, undermines the rule of law, fails to respect human rights and fundamental freedoms, dismantles democracy, and drives instability in the region. These efforts to strangle the democratic aspirations of the Venezuelan people have created the largest refugee crisis in Latin American history as four million Venezuelans have fled. I have been outspoken in my current role regarding the appalling acts perpetrated by the former Maduro regime, from its use of food and hunger as a political tool, to the ecocide conducted in the Orinoco belt, to the kleptocratic, wholesale looting of Venezuela's natural resources. Like you, I am appalled at the former regime's unconscionable human rights abuses, including torture and extrajudicial killings. I am therefore so gratified that my courageous friends in the Venezuelan opposition have written to the committee in support of my nomination. Mr. Chairman, I submit for the record letters from opposition leaders Maria Corina Machado, Antonio Ledezma, and Julio Borges. These are incredible men and women, valiantly speaking out against the brutality of the former Maduro regime in the hope of a better future for the Venezuelan people.

I commit, if confirmed, to using the Office of the Under Secretary to do everything I can to help alleviate the suffering in Venezuela, as well as to help those around the world preyed upon by despots, oligarchs, and criminals. I mentioned Tibet at the outset. China continues to seek to silence criticism of its severe human rights violations and abuses there, as well as its detention of more than one million Uighurs, ethnic Kazakhs, Kyrgyz, and other Muslims in Xinjiang since April 2017. As Secretary Pompeo has said, "China is home to one of the worst human rights crises of our time." More broadly, places such as Syria, Central America, and Burma all show the interconnectedness of religious intolerance, impunity, violence, porous borders, trafficking of illicit goods, human rights abuses, human trafficking, and large-scale forced displacement.

These are all situations where the multiple capabilities housed within "J" must be brought to bear in a synchronized fashion.

This brings me to my final point: to address these complex challenges effectively we must develop holistic solutions that leverage all of the tools and resources at our disposal. This begins by sustaining a close, bipartisan working relationship with Congress. In partnership with Congress, the State Department has developed a broad range of tools to promote civilian protection. In addition to diplomatic engagement, these include foreign assistance programs; human rights and corruption-related visa restriction regimes; terrorism, drug trafficking, organized crime, and other rewards, sanctions, and designation efforts; and public reports that draw global attention to issues such as human rights, religious freedom, human trafficking, atrocity prevention, narcotics control, and terrorism. The Under Secretary for Civilian Security, Democracy, and Human Rights is uniquely positioned to ensure the Department leverages these tools to achieve our strategic objectives.

As a former senior professional staff member on the Foreign Relations Committee, I worked for many years on a range of issues that enjoyed overwhelming bipartisan support. The same is true for my work at Treasury. I look forward to continuing to work in a strong bipartisan fashion, if confirmed, in this new role.

In conclusion, Chairman Risch and Ranking Member Menendez, I greatly appreciate the opportunity afforded by the committee to appear before you today as you consider my nomination. Over more than two decades, I have had the privilege of working closely with the Department of the State on counterterrorism, conflict stabilization, illicit finance, and other issues, and I believe I would bring a unique combination of executive branch, legislative, and private sector experience to the role of Under Secretary. If confirmed, I will collaborate with this committee to design and implement the policies and strategies necessary to advance civilian security, democracy, and human rights.

The CHAIRMAN. Thank you very much, Mr. Billingslea.

Now we will turn to Mr. Boehler. Your statement, please.

**STATEMENT OF ADAM SETH BOEHLER, OF LOUISIANA, NOMINEE TO BE CHIEF EXECUTIVE OFFICER OF THE UNITED STATES INTERNATIONAL DEVELOPMENT FINANCE CORPORATION**

Mr. BOEHLER. Thank you, Chairman Risch, Ranking Member Menendez, and members of the committee.

I want to thank Senators Cassidy and Whitehouse also for their kind words and their partnership.

It is an honor to be here today in front of you to be the nominee for the Chief Executive Officer of the International Development Finance Corporation. This committee's ongoing insights will be critical to ensure that we serve the interests of the American people by addressing development challenges through investment and economic growth.

I am joined this morning by my wife, Shira, and our four children, Ruth, Abraham, Esther, and Rachel. I hope they are not too young to appreciate witnessing democracy in action.

I would also like to say hi to the first and third great classes at Newman Elementary School in New Orleans, who I think are still watching it live.

[Laughter.]

Mr. BOEHLER. Maybe not.

The CHAIRMAN. I doubt it, but go ahead.

[Laughter.]

Senator MENENDEZ. You should have told me that before the hearing.

[Laughter.]

Mr. BOEHLER. I would like to start by recognizing the talented professionals at OPIC and at USAID's Development Credit Authority. If confirmed, I am committed to working in partnership with USAID and other Federal agencies to further build upon the goals that Congress established with the BUILD Act.

I would like to thank the current acting and former presidents of OPIC, David Bohigian, Elizabeth Littlefield, Rod Mosbacher, and Peter Watson, for being here today with me, as well as Ray Washburne, for all of his insights.

I grew up in a small town outside of Albany, New York. My father is a primary care physician, and my mother is a speech pathologist who made home visits to children in need. Their commitment to helping others made a deep impression on me.

My first professional experience was in South Africa. The mayor of Johannesburg was taking executive education classes at my university, and I stood outside his class to meet with him. This led to a summer working for the Financial and Fiscal Commission, an agency set up by the South African Parliament to advocate on behalf of the nine provinces. That summer, I was fortunate enough to attend President Mbeki's inauguration and watch as Nelson Mandela passed the torch.

The first half of my career was focused on domestic and international investing in the United States and Israel. I then started three successful businesses, the most recent being Landmark Health. At Landmark, we cared for chronically ill patients by pro-

viding 24/7 home medical care. My team and I grew Landmark from an idea to the largest home physician medical group in the country, with 20 offices and over 1,000 employees in the United States and India.

Two years ago, my predecessor at CMS, Dr. Patrick Conway, asked if I would consider joining the government to run innovation for our country. This meant walking away from a company that I had built and loved. It was one of the most difficult decisions in my life. I chose to do this because I saw public service as an opportunity to go from helping thousands to helping millions. I am proud of the 600 committed people on my team and all that we are accomplishing at HHS.

I believe in empowering others and that diverse viewpoints drive successful innovation. If confirmed, I will apply this same belief, along with my international investment, entrepreneurial, and public-sector experience to DFC.

The need for a nimble, strategic development finance agency is clear in today's geopolitical landscape. The challenges facing less-developed countries are vast. Private capital is an essential ingredient in solving the problems that people in emerging countries grapple with every day. From water purification in India to energy in El Salvador, from a clinic in Cameroon to thousands of loans to women entrepreneurs throughout the world, DFC will work to improve conditions in developing countries. DFC will further benefit from close collaboration with other Federal agencies as well as our allies internationally. DFC will be a critical tool in American foreign policy to address the growing influence of China and other authoritarian governments. American values, transparency, rule of law, respect for people, and environment offer—afford us a unique competitive advantage.

DFC is a product of this committee's bipartisan collaboration. If confirmed, I commit to work together with you and your staffs to ensure that we realize its full potential.

When I entered public service, I did not realize how emotional it would be. I did not realize that I would feel a bit different when I see our flag or when I stand for our national anthem. I am proud to be an American, and I am proud to have the opportunity to continue to serve our great Nation.

Thank you for considering my nomination.

[The prepared statement of Mr. Boehler follows:]

PREPARED STATEMENT OF ADAM BOEHLER

Thank you, Chairman Risch, Ranking Member Menendez, and members of the committee. Thank you, Senators Cassidy and Whitehouse, for your kind introductions and your partnership.

It is an honor to appear before you as the nominee for Chief Executive Officer of the new U.S. International Development Finance Corporation. This committee's ongoing insights will be critical to ensure that we serve the interests of the American people by addressing development challenges through investment and economic growth.

I am joined this morning by my wife Shira and our four children: Ruth, Abraham, Esther, and Rachel. I hope that they are not too young to appreciate witnessing democracy in action. I would also like to say hi to the first and third grade classes at Newman Elementary School in New Orleans who are watching this hearing right now.

I would like to recognize the talented professionals at OPIC and USAID's Development Credit Authority. If confirmed, I am committed to working in partnership

with USAID and other federal agencies to further the goals established by Congress through the BUILD Act.

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I grew up in a small town outside of Albany, New York. My father is a primary care physician, and my mother is a speech pathologist who made home visits to children in need. Their commitment to helping others made a deep impression on me.

My first professional experience was in South Africa. The mayor of Johannesburg was taking classes at my university, and I stood outside his class to introduce myself. This led to a summer working for the Financial and Fiscal Commission, an agency set up by the South African Parliament to advocate on behalf of the provinces. That summer I was fortunate to attend President Mbeki's inauguration and watched Nelson Mandela pass the torch.

The first half of my career was focused on domestic and international investing in the United States and Israel. Later I started three successful businesses, the most recent being Landmark Health. At Landmark, we cared for chronically ill patients by providing 24/7 home medical care. My team and I grew Landmark from an idea to the largest home physician group in the country, with 20 offices and over 1,000 employees in the U.S. and India.

Two years ago, Dr. Patrick Conway, my predecessor at CMS, asked me if I would consider joining the government to run health care innovation for our country. This meant walking away from a company that I had built and loved. It was one of the most difficult decisions of my life. I chose to do this because I saw public service as an opportunity to go from helping thousands to helping millions. I'm proud of the 600 committed people on my team and all that we are accomplishing at HHS.

I believe in empowering others and that diverse viewpoints drive successful innovation. If confirmed, I will apply this same belief, along with my international investment, entrepreneurial, and public sector experience, to DFC.

The need for a nimble, strategic development finance agency is clear in today's geopolitical landscape. The challenges facing less developed countries are vast. Private capital is an essential ingredient in solving the problems that people in emerging countries grapple with every day. From water purification in India, to energy in El Salvador; from a clinic in Cameroon to thousands of loans to women entrepreneurs throughout the world, DFC will work to improve conditions in developing countries. DFC will further benefit from close collaboration with other federal agencies as well as our allies internationally.

DFC will be a critical tool in American foreign policy to address the growing influence of China and other authoritarian governments. American values—transparency, rule of law, respect for people and the environment—afford us a unique competitive advantage.

DFC is a product of this committee's hard work and bipartisan cooperation. If confirmed, I commit to work together with you and your staffs to ensure that we realize its full potential.

When I entered public service, I did not realize how emotional it would be. I did not realize that I would feel a little bit different when I see our flag or stand for our national anthem. I am proud to be an American, and I am proud to have the opportunity to continue to serve our great nation.

Thank you for considering my nomination today. I look forward to answering your questions.

The CHAIRMAN. Thank you, Mr. Boehler.  
Mr. PACK. the floor is yours.

**STATEMENT OF MICHAEL PACK, OF MARYLAND, NOMINEE TO  
BE CHIEF EXECUTIVE OFFICER OF THE BROADCASTING  
BOARD OF GOVERNORS FOR THE TERM OF THREE YEARS**

Mr. PACK. Good morning, Chairman Risch, Ranking Member Menendez, and distinguished members of this committee. It is an honor to be with you today as the President's nominee to serve as CEO of the Broadcasting Board of Governors, recently renamed the U.S. Agency for Global Media.

With me today is my wife of 33 years, Gina—she is my business partner and closest confidant—and the oldest of my three sons,



William. I want to thank Gina, William, and my entire family for their support.

I have a long love affair with international broadcasting. In 1992, my wife and I were living in Los Angeles and running our independent film company. My wife was pregnant with our first child, William. Our life was very much on track. Then I received a call from the U.S. Information Agency asking if I would serve as director of Worldnet, which is now the television component of the Voice of America. The Cold War had recently ended, and the VOA had helped make that happen. Now I could be part of this storied institution. Without hesitation, my very pregnant wife and I rerouted our lives, sold our home, moved to D.C., and never looked back.

Let me tell you a little about myself. I was born and raised in New York City, where I started my film company, Manifold Productions, in 1977. I have produced more than 15 documentaries, which have been nationally broadcast on PBS. We made films about the Nation's founding fathers, the entertainment industry, the history of America's political parties, great engineers and scientists, and much more. Over the years, I have also served as a senior executive in media companies.

In 1993, I went to the Corporation for Public Broadcasting to launch the International TV Council geared to arranging co-productions in the former Soviet Union. Years later, in 2003, I returned to CPB as the senior vice president for television programming. Part of my mission was to launch new programming initiatives. One of these was the series "America at a Crossroads," which examined challenges facing America after September 11th from a variety of perspectives.

In between my stints at CPB, I was nominated by President George W. Bush and confirmed by the Senate to serve on the National Council of the National Endowment for the Humanities. More recently, I was president and CEO of the Claremont Institute, a think tank based in southern California, and I have since returned to Manifold Productions, the successful small business which my wife and I have run for over 30 years.

Now I feel called back to international broadcasting. America's adversaries have stepped up their propaganda and disinformation efforts. I am reminded of this famous quote from Abraham Lincoln, quote, "Public sentiment is everything. Without it, nothing can fail. Against it, nothing can succeed. Whoever molds public sentiment goes deeper than he who enacts statutes or pronounces judicial decisions," unquote. Although Lincoln had democratic America in mind, in today's connected age, molding global public sentiment matters. As Lincoln would have counseled, we need to counter lies with the truth.

If confirmed, I would have three goals:

The first is to raise employee morale at the agency. USAGM consistently ranks at or near the bottom in surveys of midsized agencies, in terms of morale. I will make it a priority to change that.

The second is addressing the scandals besetting USAGM. The agency has been rocked by a series of scandals, including accusations of bribery, anti-Semitism, and malfeasance by a senior official. I will make certain that the agency is doing everything that

it can to make sure such scandals cease and do not occur in the future.

Third, and most important, my mission will be to make the agency more effective.

There was bipartisan support to create this new CEO position. The hope was that a CEO would provide the leadership and vision to ramp up the impact of the five broadcasting entities, and to create a more effective U.S. international broadcasting effort on the world stage. That will not be easy or fast. I will confer extensively with the talented and dedicated men and women of USAGM, and I will consult with all stakeholders, including here in Congress. So, you will be hearing from me often.

Thank you for your time this morning, and I look forward to answering your questions.

[The prepared statement of Mr. Pack follows:]

#### PREPARED STATEMENT OF MICHAEL PACK

Good Morning Chairman Risch, Ranking Member Menendez, and distinguished members of the committee. It is an honor to be with you today as the President's nominee to serve as CEO of the Broadcasting Board of Governors, recently re-named the U.S. Agency for Global Media. As you all know, this is a new position, and I want to thank the committee for having had the foresight and vision to create it.

With me today is my wife of soon to be 33 years, Gina Cappel Pack; she is my business partner and my closest confidant. Our anniversary is tomorrow. The oldest of my three sons, William, is also in the audience. I want to thank Gina, William and my entire family for their support and encouragement. Let me also thank my good friend Ambassador Paula Dobriansky for making time to introduce me today.

I have a long love affair with international broadcasting. In 1992, my wife and I were living Los Angeles and running our independent film company. We had recently bought a new home in the Hollywood Hills with a lovely view. My wife was eight months pregnant with our first child, William. Our life was very much on track.

Then, I received a call from the U.S. Information Agency asking if I would serve as Director of Worldnet, which is now the television component of the Voice of America.

The biggest event of my life—the end of the Cold War—was recent history, and the VOA had helped bring that about. Now, I could be part of this storied institution and help it bring free media and fact-based reporting to the now newly-liberated states of the former Soviet Union, and rest of the world. Without hesitation, my very pregnant wife and I rerouted our lives, sold our home, moved to DC, and never looked back.

Since then, I have been a participant, an observer, and a fan of international broadcasting. I have never wavered in my admiration and support of its mission and the men and women who work so hard to fulfill it.

Let me tell you a little about myself. I was born and raised in New York City, where I started my film company—Manifold Productions—in 1977. As I said, we moved to LA in 1988, and then to DC in 1992. I have produced more than 15 documentaries which have been nationally broadcast on PBS, all received favorable reviews and excellent ratings.

Our films tell America's story—also one of the goals of international broadcasting. The stories we've told range from history to politics to culture. We've made films about our nation's founding fathers, the entertainment industry, the history of America's political parties, Congress, great engineers and scientists, and much more.

In addition to my documentary filmmaking, I have served as a senior executive in media companies, gathering experience managing journalists, writers, professors, staff and others. Often, I have had to restructure and move these organizations in new directions.

I've already mentioned my time serving as Director of Worldnet under President George H.W. Bush. I reported to both the Director of the U.S. Information Agency and the Director of the Voice of America and managed a staff of 291, mostly civil servants but also contractors and foreign service officers. During my time there, we were able to more fully integrate Worldnet with the VOA, producing their first ever

collaboration, a weekly public affairs television series for Ukraine. And, I forged life-long friendships that continue to enrich my life today.

After leaving Worldnet, I took what I had learned about international broadcasting to the Corporation for Public Broadcasting and launched, with Paula Dobriansky, the International TV Council, geared to arranging co-productions between American producers and their counterparts in the former Soviet Union, to aid in their transition to independent, free media.

Years later, in 2003, I returned to the Corporation for Public Broadcasting as the Senior Vice President of Television Production. Part of my mission was to launch new programming initiatives, which CPB had not done in many years. The first was America at a Crossroads, a series of prime-time documentaries examining challenges facing America after September 11th, from a variety of perspectives. The second was the History and Civics initiative, employing all media, from traditional TV to video games, to address middle and high schoolers' declining knowledge of our nation's past. Both these initiatives, in their way, focused on telling America's story.

In between my stints at CPB, I was nominated by President George W. Bush and confirmed by the Senate to serve on the Council of the National Endowment for the Humanities.

Most recently, I was the President and CEO of the Claremont Institute, a think tank based in Southern California. The Institute is dedicated to restoring the principles of the American Founding to the rightful, preeminent authority in our national life. I opened the Institute's first Washington, D.C. office and its first communications department, which significantly raised the profile of the Institute. And under my direction, we launched a website based on its flagship publication, the Claremont Review of Books.

My many years running Manifold Productions, in between these other professional opportunities, has provided varied and relevant management experience. Each film produced is like launching a mini-company, with 50 to 75 associates, from journalists and historians to film professionals and other experts, all working on it at one time or other over several years. In addition to the creative work, my wife and I are responsible for all business functions, from raising and managing the finances to marketing and development and we have run this successful small business for over 30 years.

Although making documentaries is very satisfying work, I feel called back to international broadcasting again, just as I was originally called in 1991, though this time my wife is not pregnant, and we don't have to move three thousand miles.

America's adversaries have stepped up their propaganda and disinformation efforts. They are aggressively promoting their very different visions of the world. Consider this famous quote from Abraham Lincoln's first debate with Senator Stephen Douglas, "Public sentiment is everything. With it, nothing can fail; against it, nothing can succeed. Whoever molds public sentiment goes deeper than he who enacts statutes or pronounces judicial decisions."

Although Lincoln had democratic America in mind, in today's connected age, molding global public sentiment matters. As Lincoln would have counseled, we need to counter lies with the truth. We need to make clear to the world the ideals America strives to live up to. That is the mission of the U.S. Agency for Global Media. I would be honored to assist in that noble effort.

If confirmed, I have would have three goals: The first is to raise employee morale at the Agency. USAGM consistently ranks at the bottom in surveys of mid-sized Agencies in terms of morale and job satisfaction. I will make it a priority to improve morale. The second is addressing the scandals besetting USAGM. In recent years, the Agency has been rocked by a series of scandals including accusations of bribery, anti-Semitism, and malfeasance by a senior official. I will make certain that the Agency is doing everything it can to make sure such scandals cease and put processes in place to prevent such situations in the future. Third, and most importantly, my mission will be to make the Agency more effective. There was bi-partisan support to create this new CEO position and to replace the existing Broadcasting Board of Governors. The hope was that a CEO would provide the leadership and vision to help ramp up the impact of the five broadcasting entities and to create a more effective U.S. broadcasting effort on the world stage. Fulfilling that hope won't be easy or fast. I will confer extensively with the talented and dedicated men and women of USAGM and will consult with all stakeholders, most definitely including here in Congress. So, you will be hearing from me often.

Thank you for your time this morning. I look forward to answering your questions.

The CHAIRMAN. Mr. Pack, thank you very much.  
And thank you, to all of our nominees.

We are now going to do a round of questions, 5 minutes each. I am going to reserve my time.

And, with that, I will yield to Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Let me start with Mr. Billingslea. I still have some issues that I want to pursue on the other matter, and I will pursue those. But, since you are here and the Chairman has decided to move forward with your nomination, let me ask you some questions. I want to ask you questions particularly on your record on interrogation and torture.

Do you consider the bipartisan 2008 SASC Detainee Report an accurate and reliable account of the events that led to the abuse of detainees in U.S. custody?

Mr. BILLINGSLEA. Senator, I do.

Senator MENENDEZ. The SASC report found that the interrogation technologies requested by GITMO on October 11th of 2002, and approved by Secretary Rumsfeld in December, quote, “influenced and contributed to the use of abusive techniques, including military working dogs, forced nudity, stress positions in Afghanistan and Iraq.” October 10th, the day before GITMO made that formal response, was the last day of an 8-day interrogation of one of the detainees which had used military dogs and stress positions. It was also the day—October 10th—that military personnel from the Afghanistan Special Mission Unit Task Force, over which your office at DOD exercised policy oversight, left GITMO after studying the new interrogation techniques.

On October 10th, that also was the day that you wrote a member—a memo, I should say, to Secretary Rumsfeld titled “Detainees at GITMO.” While in this setting, I cannot say exactly what you wrote in that memo. I can say that I found it very disturbing, and I urge my colleagues on both sides of the committee to read that important memo.

Mr. Billingslea, I want to ask you about another memo that we can talk about in public that you wrote, this one in April of 2003, titled “Interrogation Methods for GITMO.” In it, you recommended that Secretary Rumsfeld approve 11 interrogation techniques, which you supported, but, at that point, he no longer did—meaning the Secretary. These are the same techniques that the SASC report concluded—bipartisan SASC report concluded led to abuses in Afghanistan and Iraq. In the memo, which is quoted in the SASC report, you wrote that the techniques were, quote, “not controversial from either a legal or policy standpoint,” end quote. But, the Judge Advocate Generals from every military service raised serious legal and policy objectives to these techniques, including that they violated the UCMJ and domestic criminal law, and could expose servicemembers to possible prosecution, would have a negative effect on the treatment of U.S. POWs by their captors, would adversely impact the pride, discipline, and self-respect within the United States Armed Forces, and would adversely affect human intelligence exploitation and surrender of foreign enemy forces and cooperation and support of friendly nations,” close quote.

Why did you write that stress positions, hooding, 20-hour interrogations, forced grooming, and scenarios designed to convince the detainee that death or severely painful consequences were immi-

ment for him or his family, were not controversial, when all the military services had clearly stated that they were highly controversial?

Mr. BILLINGSLEA. Senator, I was not then, and I am not today, an expert on interrogation. I had to rely at the time on what people from the combatant commands told us about how different techniques would be used, and I had to rely on lawyers up and down the chain of command to tell us that these things were legal. I never supported any measure that was even remotely possibly determined to be illegal by the lawyers. In fact, in 2015, Congress passed a law making clear what is allowable and what is not. But, this was 2002. We did not have the benefit of the investigation that you referenced by the bipartisan group of the Senate Armed Services Committee. And we were—I was in the Pentagon on 9/11. All—many of us remember those dark days. Some of the interrogation techniques, as you point out, that were proposed by the combatant command—proposed by the combatant command, not by me—in the aftermath of the attack are now clearly prohibited by law. And if I were ever called upon, and I hope never to be again, to have a view on these matters, I would, without question, uphold the law and reject anything not contained in the Army Field Manual.

Now, Senator, I am honored and I am humbled that Senator John McCain voted for my confirmation to the current position. As we all know, he was tortured gravely by the North Vietnamese. He would not have done that if I were a torture advocate.

The different assertions that are being made in the press in the past days are decades-old claims that were examined and discarded by the very investigation of the Senate Armed Services Committee that you referenced. That bipartisan investigation lasted a year and a half. They reviewed hundreds of thousands of documents. They interviewed, in person, more than 70 people. And they did not ever ask to talk to me. And the reason is that they knew I was not involved in advocating for torture, Senator. In fact, do not take my word for it, take Senator Levin's own—one of his own lead investigators, Dr. Mark Jacobson, who has written letters on my behalf and made himself available to your staff on the Minority committee staff, who has made crystal clear that I did not advocate for torture, that I was not in a deciding role, and that I was one of the key people trying to bring order to an orderless, chaotic process at GITMO.

Senator MENENDEZ. I have allowed you to use most of my time to answer the question, because it is a serious one. And, in follow-ups, I would like to explore what you have just answered, because, in fact, you were the author of the memos, you were the approver of some others. So, regardless of what you try now to claim was the framework, you know, the—maybe this would not be an issue, except for the position that you are being nominated for. You are going to travel the world on behalf of the United States. You are going to speak out against torture. You are going to, supposedly, speak out for human rights. Well, it is difficult to be in some country in the world speaking about that, when they are going to reference your own history. And that is why I am asking this line of

questioning. But, in deference to my colleagues, I will wait for our second round.

The CHAIRMAN. Thank you, Senator—

Senator MENENDEZ. I do have, also, other questions, as well, for the other nominees. I do not want them to think I have no affection for you.

[Laughter.]

Senator MENENDEZ. I will have questions for Mr. Boehler, though I largely support his nomination. I have spoken to Mr. Pack, and there are some questions that have arisen of late, but our meeting, I thought, went relatively well, and we will look forward to how you answer those questions.

But, I will, hopefully, follow up on a second round.

The CHAIRMAN. Thank you, Senator. Affection is good.

[Laughter.]

The CHAIRMAN. We will go on with our round of questioning, and we will back to you, Senator Menendez, so you can pursue some more.

Senator Paul.

Senator PAUL. I would like to continue on that line of questioning with Mr. Billingslea. You no longer support these, but I think, at the time, it was clear that you did support these enhanced interrogation techniques. In April of 2003, Richard Myers proposed to Rumsfeld the authorization of 24 interrogation techniques. You then sent a memo, which I believe is authored by you, to Secretary Rumsfeld recommending that he approve 11 additional abusive techniques that are now illegal. So, it seems to me that you were an advocate for things that are now illegal.

Mr. BILLINGSLEA. Senator, thank you for that question.

As the Armed Services Committee report makes clear, I was not pushing techniques that the lawyers group had rejected. The group had decided on all the various techniques—

Senator PAUL. Which are now illegal.

Mr. BILLINGSLEA [continuing]. Senator, yes, they—

Senator PAUL. But, you were an advocate for them when they were legal, when people thought they were legal. No one was telling you they were illegal. You were an advocate for these techniques. You are no longer for them, now that they are illegal.

Mr. BILLINGSLEA [continuing]. So, Senator, again, I am not an expert on interrogation. I had to go on the basis of what we were told by those who had described the techniques, and I had to rely on the—I am not a lawyer, either, so we had to rely on the legal counsel.

Senator PAUL. But, there were a considerable amount of legal counsel on the other side. Major General Thomas Romig was the Judge Advocate General of the U.S. Army. He responded verbally to you, and has recounted that he was against the expansion of the enhanced interrogation. So was his assistant—let us see if I have got it here—the Deputy Judge Advocate General and also the Navy JAG, Michael Lohr. So, I am assuming they are all lawyers, and they were all very much opposed to what you were for at the time. So, there were some lawyers saying it was legal, some lawyers saying it was illegal. But, at the time, you did agree to these things, and I think that is an important fact.

I guess the question is, is that—do you think that these interrogation techniques—advocating for them, did you think, at the time, that there might be an adverse effect on our POWs, that, once they are captured, if we are torturing people here, that other countries might say, “Well, hell, if America does it, why do we not do it to their people, as well?” Did you ever consider that it might have an adverse effect on our POWs?

Mr. BILLINGSLEA. Senator, absolutely. In fact, that is the reason why I was the individual in the Pentagon who blocked the use of waterboarding at Guantanamo, for exactly that reason. And that is why it was never considered, beyond the early stages of discussion, by the various legal groups. In fact, I am pleased, and the committee should have a letter on my behalf from Dr. Michael Gelles, who, at the time, was the chief psychologist for the Naval Criminal Investigative Service, and someone who was raising major concerns about what was going on at GITMO. And he has supported my nomination. And Dr. Gelles has made crystal clear that I have never supported torture, nor anything resembling torture, based on all the information I was given at the time.

Senator PAUL. But, you did support 11 additional enhanced interrogation techniques, which are now illegal. And whether we call them “torture” or not, people, later on, did decide, and the Judge Advocate at that time did also think, that these were not advisable.

I guess another reason to think about this is whether or not, you know, we can ultimately prosecute and keep in prison potentially bad people. So, the prisoner, Slahi—I know you were involved with advocating for enhanced interrogation there, as well. The problem ended up being that the prosecutor—the military prosecutor, who went—joined after 9/11, because he was gung-ho to do something to our enemies—in the end, this is a guy who really wanted to convict the enemy, dropped the charges because he felt like the information that was gathered was done under stress and could never be used in court.

Ultimately, though, people have also said that, when you do all these things to people, when you pretend to drown them, when you take them out to sea and you say, “We have got your mother now, and this is the paperwork. We have got your mother, and we are killing her tomorrow”—when you do these abusive techniques, you get information that largely is not true. And so, I think that was the case with Slahi. And it also is not only not true, it ended up not being usable.

So, I think it really was a judgment error. And, I mean, I think it is great, now, that you do not believe in torture, and you will obey the law, but I do question whether or not this is a problem, that, at the time, you were advocating, you were writing reports, you were the author of someone who wanted to go beyond even what Rumsfeld was willing to approve. You know, there were 24 approved, and you were for 11 more different enhanced interrogation techniques. So, I am bothered by it. I am willing to hear your answer here today, but also in writing, if you would like to follow up.

Mr. BILLINGSLEA. Senator, yes. Because, again, I think a lot of the different dynamics are not getting conveyed in the way that the Armed Services Committee examined the matter.

The memo you are referencing—I will talk about Slahi, with permission of the Chairman—but, the memo you are talking about, the decision—my concern was not trying to push one set of interrogation techniques or another, it was that we had worked for months to even get to a point where there was a process by which the legal teams would meet and discuss these matters. The entire—GITMO was complete chaos. In fact, what the committee has seen in the way of memoranda—the committee has seen a huge number of documents where I am literally personally trying to get people out of Guantanamo, get them onto planes and send them home, where I am trying to document human rights abuses that are being alleged by these detainees, where I am focused on making sure they have reading materials. These are not the kinds of interventions that a torture advocate would be making.

Senator PAUL. One thing that would help me in my vote would be if there are contemporaneous documents. We have reports that sound like you are advocating for more enhanced interrogation. If there are any reports or documents, from that period of time that we are not aware of, where you are arguing the opposite, I am more than happy to look at that. It seems like what I am seeing from the time, the contemporaneous stuff, is, you were advocating for more enhanced interrogation, with your memos and your reports.

Mr. BILLINGSLEA. So, Senator, the—Chairman, with your permission—the very memo you referenced with regard to Slahi is a good example, where that was a request, started at GITMO, on how to do—we did not come up with these—this was not our—this is not my plan. This was a request made by the Joint Task Force at GITMO. It made its way past their lawyers. It came to U.S. Southern Command. It made its way past those lawyers. It came to the Joint Staff. It made its way past those lawyers. Then it got to me. And handwritten on that memo is me saying that OGC, the legal team, has concurred that this is legal. Senator, what that tells you is that, despite the fact that dozens of lawyers at every which level had looked at this document, I did not trust it, and I wanted to hear, for myself, again, that these measures were legal. That is not something a torture advocate would do.

The CHAIRMAN. Senator Cardin.

Senator CARDIN. Let me thank all of our nominees, thank your families.

Mr. Pack, I want to start with you, because you are from Maryland. We had a wonderful discussion in my office. Very impressed with your background and your desire to serve our country. You would be the first confirmed CEO of the agency now known as the U.S. Agency for Global Media.

We talked in my office, but I want to put this on the record, the balance that you are required to do as CEO. The law provides that you respect the professional independence and integrity of the agency. First and foremost, you are reporters, so you have to have the integrity of presenting the facts and the news. But, on the other side, this is a government-supported function, and we are countering propaganda that is out there that is anything but factual, which is clearly aimed at a political objective. So, how do you



go about balancing the professional integrity of the reporting versus the mission to counter propaganda that is out there?

Mr. PACK. Thank you, Senator. An excellent question and a difficult problem.

But, I want to say that I think the whole agency rests on the belief that the reporters are independent, that no political influence is telling them how to report the news and what to say. Without that, without that trust, I think the agency is completely undermined. So, I think that is a bedrock principle.

On the other hand, I think that you can decide what countries to focus on, you can make some decisions that keep the work of this agency in line with what the United States global interests are. But, it is a difficult balancing act.

But, the first principle has to be the editorial independence of journalists in the field. And no one should be telling them which reporter how to shade the news.

Senator CARDIN. I agree completely with that statement, and I tell you, you will find that tested, because political expediency, at times, will challenge the bedrock principle. But, I concur with how you answered that question and tell you, you have allies in Congress who will support that principle and urge you to rely upon that bedrock support incorporated in the law itself.

Mr. Billingslea, I want to, first, underscore the point that Senator Paul made and Senator Menendez made, in that we are not comfortable that we have all of the information we need in regards to the history of your role in regards to enhanced techniques, interrogation techniques. I will be asking you some questions for the record. Others will. To the extent that you can provide that information, it will make our task a little bit easier in evaluating this.

But, I want to get to the question that Senator Menendez ended with that has really troubled me, that the press reports about your support for the use of enhanced techniques, interrogation techniques, for expediency purposes will run up against people that you will be meeting internationally. If you are confirmed for a democracy and human rights agenda for our country, you will be in Turkey, where their leaders will say, "Well, we had to suspend civil rights in order to prevent a coup or a future coup in this country, so it is important to suspend human rights." Or you will be Hungary, where you will have leaders who have a concentration of the media messaging in that country through their relationships with the oligarchs, and they will say they needed that in order to be able to keep popular support for elections, and their elections are not free and fair today. Or you will run into the Philippines and the leaders there saying, "Well, extrajudicial killings, no one likes it, but we needed to do that in order to control our national security on drug infiltration." So, how do you respond when you raise those issues and they say, "Well, you were a head, or part, of the process of the United States that said enhanced interrogation techniques were necessary—i.e., torture—in order to protect the security of your own country. Do not yell at us. You did the same thing?" How do you answer that?

Mr. BILLINGSLEA. Thank you, Senator.

Well, first of all, to start with the simple fact that I am not an advocate for torture, and I never have been.

Secondly, I travel—in the current role, I travel the world, I have hit 77 different countries, some of them repeats, in the current capacity, where I have worked on more than 700 human-rights-related designations of all manner of vile behavior, whether we are talking about the Burmese army units that have repressed the Rohingya or we are talking about the former police chief in Uganda, where I was, and what he was doing to local populations. I am very plain-spoken with my counterparts, and there is no ambiguity over the fact that we will uphold human rights and combat corruption at every step of the way. And there is no doubt of my commitment, when I deal with these interlocutors, over the intensity with which both the United States government and I hold these issues.

So, we have to be, just, very clear that there were a series of representations and legal determinations that were made 18, 19 years ago, in the wake of 9/11, which have subsequently, in 2015, codified into law, which I will advocate for and respect. But, that is actually part of the narrative here, which is that we have to talk to our counterparts about the fact that we are a nation of law, and we learn from our mistakes, and we evolve. And therefore, we will expect that other countries understand this and learn with us on these matters.

Senator CARDIN. Thank you.

Thank you, Mr. Chairman.

Senator CRUZ[*presiding*]. Thank you very much.

Mr. BILLINGSLEA. I want to talk with you a little bit about the service you have been providing at Treasury. And you and I had a long and, I think, productive conversation in my office on these topics just a few days ago. By all accounts, you have excelled in the position you are currently serving in. Nonetheless, as you know, I have some concerns about policy that I would like to discuss.

First of all, regarding Iran, as you know, the Europeans are currently engaged in efforts to circumvent our sanctions against the ayatollahs, including through a range of initiatives. One of those initiatives is the so-called special-purpose vehicle. I am deeply concerned about this vehicle, and I believe it would badly undermine our campaign of maximum pressure. Could you please give me your assessment of the effect you think the vehicle would have on our maximum pressure campaign?

Mr. BILLINGSLEA. Senator, I share your concern about the so-called INSTEX vehicle, which is the special-purpose vehicle. Ostensibly, that vehicle is intended—we are told is intended to allow for the furnishing of humanitarian assistance. It is not clear to me why that is required, because the Department of the Treasury has never impeded or otherwise objected to humanitarian assistance and medical—provision of medical support anywhere in the world. So, they seem to be developing it, perhaps, for other purposes. We have made incredibly clear, to the European countries involved, that we are following INSTEX very closely, and we will not allow it to be used to circumvent United States sanctions or the maximum pressure campaign we have on Iran.

Senator CRUZ. I want to also dig a little deeper in the issue with another initiative the Europeans are proposing. And, specifically, the French are proposing extending a \$15 billion credit line to the

ayatollahs. What effect do you think providing a \$15 billion credit line would have on our pressure campaign?

Mr. BILLINGSLEA. Senator, I think that would be very counter-productive, and the Secretary of the Treasury has made clear that this is not something we support.

Senator CRUZ. I am glad to hear it.

Let us shift to another part of the world. As you know, I am also concerned about Russia's construction of the Nord Stream II pipeline, which would go to Germany and give Putin much greater control over Europe's energy security. Can you please give me your assessment of what the completion of the Nord Stream II pipeline would do to our national security and to Europe's security?

Mr. BILLINGSLEA. Senator, the President has made clear that he opposes the Nord Stream II pipeline. Likewise, Secretary Pompeo and Secretary Mnuchin have both been clear with our counterparts that we think this is an unwise development. There have been representations made to us about how the Ukrainians will be shielded from the development of a whole new pathway that, frankly, I think, would allow Russia to bypass Ukraine and deny Ukraine the revenue that they currently generate from the existing pipeline structure. And I think that gives us great pause, as well.

But, ultimately, if your question is going to be whether we feel that disrupting Nord Stream II through the application of sanctions—at the moment, the perspective of the United States government is that that is not the right way to address it. And we, on the Treasury side, speaking in my Treasury capacity, are working with the Department of State to ensure that the diplomatic channels are maximized in an effort to prevent this pipeline from coming online.

Senator CRUZ. When you say it is the administration's view that sanctions are not the right way to address it, why is that?

Mr. BILLINGSLEA. Those sanctions authorities, first of all, do not reside with the Treasury Department, so I have not been privy to the internal deliberations within the State Department on it. But, at this stage, I think our goal is to attempt to work through other ways of disrupting the pipeline, with European allies, including passage through various territorial waters.

Mr. BILLINGSLEA. Senator, I will need to look into this with Ambassador Sales and understand how he is thinking about reorganization of the mission. But, I think it is very, very important that we provide clarity on the swim lanes that exist within the different Department of State bureaus. And, if confirmed, you have my commitment that I will look into this and get back to you.

Senator CRUZ. I look forward to working with you on it.

A final question. Many of us are deeply horrified by the Chinese persecution against the Uyghur minorities. Religious liberty will be within your portfolio if you are confirmed. The Chinese have created a 1984 dystopia, where they track the movement of millions of people, using cutting-edge biotechnology and artificial intelligence. I have introduced legislation to prevent exports and re-exports of U.S. goods to the companies that are aiding China in this persecution. Could you please describe both the Chinese campaign and how you intend to counter it, should you be confirmed?

Mr. BILLINGSLEA. Senator, as I mentioned in my opening statement, the idea that China could be doing to the Uyghur population in Xinjiang today what they are doing in this day and age is—it is outrageous, it is reprehensible. We are, and I am personally, alarmed by the repressive campaign. As you mentioned, it is not just the cruel and inhumane treatment, it is the pervasive high-tech and arbitrary surveillance of the population. But, it goes beyond that. It also involves the insertion of the Han—ethnic Han Chinese into the houses, into the families of Uyghurs, some of whom’s heads of household are imprisoned in these camps. And Chinese claims that these are humane job training centers is an outright falsehood, and it is belied by a wide range of evidence. In these camps, China is trying to force the Uyghurs to renounce their ethnic identity, their religious beliefs, and their religious practices. And this is unacceptable. They have to be held to account, and we have to decry this behavior in every shape and form and fashion.

Senator CRUZ. Thank you.

Senator Kaine.

Senator Kaine. Thank you, Mr. Chair.

And congratulations, to the witnesses, for your nominations.

Mr. BILLINGSLEA. I want to ask you a question about the position into which you could be confirmed. The important role that you will play includes many portfolios, but one of the portfolios of importance to this committee is the Magnitsky Act. And I know you are familiar with the Act, because, at Treasury, you have been involved in Magnitsky Act’s decisions and sanctions. The committee was very discouraged earlier this year. In February, 120 days after the—it was—Committee under a Republican majority, there was a bipartisan request to the President to make a determination about culpability for the assassination of Virginia resident, Washington Post journalist, Jamal Khashoggi. The Magnitsky Act requires such a determination. The President has 120 days to respond to a direct request from Congress about violations of the Act. The administration’s answer, after 120 days, was, quote, “The President maintains his discretion to decline to act on congressional committee requests, when appropriate.” That was the White House’s response.

This was not just a congressional committee request, it was pursuant to a statute that is in law, that was a statute that was signed by a President. So, it is not just a request, like a document request or something pedestrian—more pedestrian. It was a legal requirement. And I think there was a sense, on the committee, Democratic and Republican, that the President was flouting the law by not giving us an answer. And the answer was—either these people are responsible and others are not, and the administration was asked to make a decision, one way or the other, and refused to answer.

Do you know what the role of your position would be, should you be confirmed, in a process with the White House to render Magnitsky Act determinations, when requested by Congress?

Mr. BILLINGSLEA. Well, Senator, I am not steeped in the State Department side of the Magnitsky Act. I have studied on it, and especially following our conversation, because I understand, in addition to just the fact that this was a horrific, barbaric act perpetrated, it was also one of your constituents, and those who were

involved have to be held accountable. The Treasury Department, as you know, has designated, now, 18 of the individuals involved. I understand, however, that there are a series of legal issues that date back to the Obama administration and the signing of the Act, in terms of how, when, where, and if the executive branch responds to these kinds of requests. And again, I am not—I have not been party to those discussions—

Senator Kaine. Are you aware of a—of an earlier case, where a President refused to answer the Magnitsky Act's question that is established pursuant to the statute?

Mr. Billingslea. I am not. But, I am also not—I am not aware of how many such requests have been made. But, Senator, what I would commit to you to do—and I—also, I think you may have seen—the committee may have seen intelligence on this issue, which I have not. So, if you do confirm me into this job, I view it as a fundamental responsibility to make sure that the details and the considerations regarding human rights abuses are escalated and furnished to the Secretary of State, to give the best possible advice, and to ensure that those topics do not fall off the table when other equities and considerations are being presented to the Secretary of State.

Senator Kaine. I think that is very important. Obviously, a decision has to be made at some point about what are the equities in the relationship between the United States and Saudi Arabia, but I worry that it sends a very, very bad signal about our commitment to human rights when the White House is unwilling to answer a question about whether there has been a human rights violation or whether certain individuals are responsible for human rights violations.

Mr. Boehler. Let me ask you a question. I was pleased that, in your discussion with my staff, one of the things you talked about was the desire to focus on investments in the Northern Triangle. You know, we have been bedeviled here with all kinds of issues dealing with immigration and others. And my strong belief, having lived in Honduras many years ago, is, if we do not deal with some of the root causes of challenges in that region, we can do whatever we want here, but there will be a natural desire of people to protect themselves, and that might include leaving their neighborhoods, leaving their cities, leaving their countries if they do not feel like they are safe. What would you intend to do, should you be confirmed, to prioritize the Northern Triangle with the development work you would be charged with?

Mr. Boehler. Thank you for the question, Senator.

I think, now that DFC will be a new agency, and if I am confirmed, I have the opportunity to be the first CEO. I think it represents an excellent opportunity to have that discussion with the administration and to work closely together with this committee to address that issue.

Senator Kaine. I think it is important, just as I close. Because what we are seeing is the administration, you know, being pretty harsh in terms of slashing funding—

Mr. Boehler. Yeah.

Senator Kaine.—for initiatives in these countries, and then bemoaning the fact that people from the countries are leaving neigh-

borhoods of violence to come to the United States or elsewhere. I think if we really want to deal with this migration issue, the smartest way to do is to go upstream and try to work in partnership with these countries, as we have with Colombia, for example, to try to promote more internal stability. And I would look forward to working with you on that.

Thank you, Mr. Chair.

The CHAIRMAN [presiding]. Thank you, Senator Kaine.

Back to Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Let me return to Mr. Billingslea. As the Principal Deputy Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, your office had policy oversight of the Special Mission Unit Task Forces in Afghanistan and Iraq, which were composed of Special Operation Forces in charge with finding WMD and high-value targets. According to the 2008 SASC report, those units' interrogation policies, quote, "were a direct cause of detainee abuse and influenced interrogation policies at Abu Ghraib and elsewhere in Iraq," close quote. There are numerous written records, including Department of Justice IG interviews with FBI agents, which state that concerns about the abuses that I just mentioned by those units were raised directly with you. Did you take any steps to address those abuses?

Mr. BILLINGSLEA. Thank you, Ranking Member Menendez.

First of all, I need to be very, very clear, we did not, and I never, provided, nor did I have the authority to provide, policy oversight to Special Mission Units operating in Afghanistan or Iraq. That is not the way SOLIC is organized. The office created by Congress for the Special Operating—the senior civilian for Special Operations is responsible for engaging with U.S. Special Operations Command in Tampa directly. Those Special Mission Units were elements of the Joint Special Operations Command, and they worked for the regional combatant commanders. They were well outside of any kind of direct engagement or direct contact.

Moreover, we had no role in, and had no input into, any type of interrogation activities or techniques being employed by these units. Our sole involvement in the interrogation process that we were trying to create was focused on Guantanamo.

Senator MENENDEZ. But, you were directly told that there were concerns about the abuses of those units. What did you do?

Mr. BILLINGSLEA. So, Senator, thank you.

It came to our attention—I do not know that we were told—it came to our attention that, actually, in the case of, I believe, an individual in—may have been Bagram—that there had been a death in one of these facilities. And I escalated that issue, personally, to the Special Operations combatant commander and asked him, in effect, what is going on here?

Senator MENENDEZ. All right. So, that is a specific incident. I assume that, in that specific incident, there would be some written record as to what happened. Is that a fair statement?

Mr. BILLINGSLEA. I believe the Armed Services Committee looked into this exhaustively and tackled this question. But, again, I had no role—

Senator MENENDEZ. On the broad question that you were directly—according to these FBI agents, that they brought this directly to your attention about the abuses at Abu Ghraib, about the abuses of this policy, what did you do? You mentioned one specific incident. Did you say, “We need to review this policy of torture? We need to end some of this?”

Mr. BILLINGSLEA. Senator, I was long gone from SOLIC—I was at NATO at the time Abu Ghraib happened.

Senator MENENDEZ. You know, I heard your previous answer to me. And the problem is that all of the service chiefs and others, like Alberto Mora and William Taft, were strongly opposing torture. They were telling everyone who would listen to them that torture was ineffective, immoral, and illegal. You were clearly not among the group who sought to oppose that torture. What you are claiming is that you were trying to put order around a disorderly process. Well, that is bureaucratic jargon. What it means is that you furthered the machinery of torture. You put a process around memos, decisions, et cetera, but you did not seek to stop it. You advocated for it, and then you helped advance the development and implementation of torture.

So, you cannot change history, or hide from it in bureaucratic jargon. And this goes—you may be doing a good job in what you are doing now, but this goes to the very heart of the position you have been nominated for. I do not know how you go talk to the Chinese about the Uyghurs. I do not know—when, you know, we were conducting torture against other Muslim entities. I mean, I—do you not understand the debility, based upon your past, in terms of this specific position?

Mr. BILLINGSLEA. Well, Senator, simply put, I dispute the claim that I ever advocated for torture. And again, I refer you to multiple individuals, who felt strongly and disagreed strongly with what was occurring at Guantanamo, who have made the point that I never advocated for torture or anything resembling it. And again, I repeat, I opposed waterboarding at Guantanamo, as an example of the stand that I took.

Senator MENENDEZ. Would you urge the Department of Defense to provide us all of the documents that involve you in this regard so that we could come to a clear understanding before there is a vote on your nomination?

Mr. BILLINGSLEA. Senator, I have asked the Department of Defense to give you everything. But, I think, more importantly, you are retreading ground that has already been well covered by the Senate Armed Services Committee in an exhaustive bipartisan investigation that lasted more than a year and a half. And that report, the definitive report which led to the changes in law, in no way, shape, or fashion remotely accuses me of having been a proponent for torture. They simply did not—in fact, to the point that they never even asked to talk to me about this matter.

Senator MENENDEZ. Well, we have seen no documents to support the statements you have made about waterboarding. We need to see them all. And that is, ultimately, the challenge with your nomination.

Let me turn to Mr. Boehler, if I may. Mr. Boehler, I want to know from you whether the—the committee passed the BUILD Act

because we saw the need to modernize and expand our development finance capabilities. As you noted in your statement, it is critical that the DFC offer an alternative to State-directed investment. There is a lot of expectations here. But, as far as I can tell, the administration is asking DFC to take on all the new requirements of the BUILD Act with, essentially, the same resources as before. How will you deliver, under those circumstances? And what can we do to help?

Mr. BOEHLER. Thank you for the question, Senator.

First, I am a big believer in using what you have. And I do not see DFC as independent of other U.S. government agencies. I think it is a great opportunity to work very closely with USAID, with our missions, with our embassies internationally. I think you rightly identify—we lack boots on the ground, to a large extent. We have 300 employees. And so, it will be critical to use and leverage our other partners, like USAID and State.

I would also note, I think there is a huge opportunity to partner with our allies to work together to counter China and other autocratic governments.

And finally, I would note that I would love to work closely with the committee as we think about resources, going forward. It is important to me, as I am sure it is to you, that the DFC is—comes into being as this Congress intended. And I would work closely with you to ensure that.

Senator MENENDEZ. Can we rely upon you, if confirmed, to answer truthfully when you are asked a question, for example, such as resourcing?

Mr. BOEHLER. Yes, Senator.

Senator MENENDEZ. There are four members who had to leave. All happen to be members of the Appropriations Committee who are also members of this committee. So, I think it is a very good opportunity to be honest with them when they ask you, because you have several allies among them, as well as myself.

Let me ask you one other question. What is your opinion—the USDFC is authorized to create enterprise funds—new enterprise funds—what is your opinion on them and their dual mandate to increase development but also to make a return on investment?

Mr. BOEHLER. Senator, I think enterprise funds are a potentially excellent opportunity, both looking at regions as well as product-specific-type enterprise funds. And I think the new DFC could be a tool to operate them in an effective manner. So, I am interested in that potential tool, going forward.

Senator MENENDEZ. Yeah. The problem is—is the history—you know, development funds, in and of itself, has a national policy purposes, a foreign policy purpose. Getting a return on investment is not always easy as it relates to development funds. So, I hope we are not constrained in the enterprise funds in a way that the return on investment outweighs the national interest as it relates to the actual development.

Mr. PACK. Some issues have arisen since we spoke, and I am not going to raise it here today, but my staff has asked you a series of questions. I am—I want you to state for the committee: Do you commit to providing the committee prompt and complete responses



to those questions, as well as any followups, before we advance your nomination to the full Senate?

Mr. PACK. Senator, I did get those questions yesterday afternoon. And the extent and breadth of the questions made it impossible to answer quickly. They will require adequate research, consultation, going back over some relevant documents. But, I absolutely commit that I will get you the answers as expeditiously as possible. And I take the questions seriously, and I will put in the time and energy to get them to you as quickly as I possibly can.

Senator MENENDEZ. Well, I appreciate it. That is why I am not asking you today. I do not expect you to have the answers. But, I do want a commitment to get them.

Finally, this is an incredibly important position. The Chairman and I were talking about this entity, and how important it is. And you and I talked a little bit about this, but I want to establish it for the record. Much has been made of your collaboration with former Trump campaign advisor Steve Bannon. In 2017, you penned an article titled, quote, "Will Steve Bannon Help Break the Left's Monopoly on Documentaries," in which you wrote—"Democracy," as well—but, in any event, "Documentaries," in which you wrote, "Given the explosion of interests in documentaries and the rise of conservative news and talk radio, you might expect that Steve and I are typical of a large and growing group of conservative documentarians." You continued, quote, "Trump, with Bannon's help, campaigned against political correctness and self-dealing elites, and they won," close quote.

Now, my question, based upon that, is, How can we expect someone who has publicly embraced his role as a conservative documentarian to steward an agency that is charged with supporting independent, politically unmotivated press?

Mr. PACK. Senator, well, that article—that op-ed called for diversity in documentary programming, something I still believe in. But, I think you should look to my track record. I have worked at other institutions, and I have had the same political views—for example, the Corporation for Public Broadcasting—where I had a charge to assist programming and reflect the highest journalistic standards and a diversity of opinion. I cited, in my opening remarks, "America at the Crossroads," a series that I caused to—I initiated at the CPB, that was 30-plus programs that dealt with post-9/11 issues from a variety of perspectives. I did not try to impose my views on the filmmakers. And they were very well received, and they did not have my views enforced upon them.

I think it is very different to write an op-ed and have a role—at the time, I was CEO of a think tank. I think that is a very different kind of a role than the role at USAGM, where I think I would not—or I would take seriously that it is not my job to impose my views on journalists. As I said earlier, their independence is the bedrock of the institution.

Senator MENENDEZ. So, let me finalize, then. How will you protect the firewall between journalists and political interference?

Mr. PACK. Well, I am not sure about all the journalistic practices and techniques inside the agency now to do that, but I would look at those and try to strengthen them. I guess it comes down to that we need to say no when you get a call from somebody—a political

person telling journalists what to do. But, I will look for ways to make sure that journalists maintain—

Senator MENENDEZ. Are you capable of saying no?

Mr. PACK. I think so. I have said no before.

Senator MENENDEZ. Well, there is going to be enormous pressure, at times, here. And, regardless of the quarter—I do not care if it is the Ranking Member of the Foreign Relations Committee, the leader of the Senate or the House, or the President of the United States calling and saying, “You need to have your journalists tell this story in this way.” That is not what broadcasting is across the globe. If we have independent, free, balanced reporting, then people in the world will listen to what we have to say. If we are just promoting somebody’s view, then people in the world will very quickly—I give people a lot of credit, at the end of the day—they will very quickly, you know, tune off and turn out.

So, that is one of the critical elements of this job, and I hope that what you said, that you have the ability to say no—I hope you are never called upon to say no, but, if you are, I would expect you to say no.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

And thank you, to our nominees, for your patience with us this morning.

For information of the members, the record will remain open until close of business on Friday, including for members to submit questions for the record.

With many thanks to this committee, this committee is now adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

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### Additional Material Submitted for the Record

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO HON. MARSHALL BILLINGSLEA BY SENATOR ROBERT MENENDEZ

*Question.* Mr. Billingslea, no matter what other talents you might bring to this position, it would be remarkable that someone who worked to advance this nation’s use of enhanced interrogation techniques would be serving in the job of Under Secretary for Civilian Security, Democracy, and Human Rights. Do you see how that threatens to undercut America’s moral voice, harm our strategic interests, and undermine the morale of our diplomatic workforce?

*Answer.* In my capacity as Assistant Secretary of the Treasury, I have made human rights a foundational cornerstone of my work. In this role, I have advocated for—and driven implementation of—more than 700 sanctions using human-rights and corruption-related authorities. I have traversed the globe pursuing human rights abusers and their finances, and a number of them have found their access to the international financial system cut off due to these actions. If confirmed by the Senate, I will bring to the role of Under Secretary a strong moral voice that will advance our strategic interests and a proven track record of leadership that will bolster the morale of our diplomatic workforce.

*Question.* How will you look torture survivors in the eye and tell them that what happened to them is wrong, and that the United States stands with them? Why do you think that they should trust you?

Answer. As I stated in the hearing, I have never advocated for torture. If confirmed, I look forward to making clear that torture is illegal, counterproductive, and wrong.

*Question.* How will you engage in conversations—with America’s friends and foes alike—about how torture is illegal, counterproductive, and wrong?

Answer. As someone who has never advocated for torture, if confirmed I will engage aggressively in conversations to make clear that torture is illegal, counterproductive, and wrong.

*Question.* When you’re engaged in a conversation with Chinese officials about how that government is systematically locking up and abusing its Muslim population, do you not expect that they will reference your own history of advocating for the mistreatment of (Muslim) detainees?

Answer. I have never advocated for torture or the mistreatment of detainees. Indeed, the committee staff have seen multiple classified documents showing that I was very concerned with everything from ensuring detainees had appropriate reading materials, to ensuring that detainees were returned home from Guantanamo Bay Naval Base. If confirmed, I look forward to making clear that torture is illegal, counterproductive, and wrong.

*Question.* How do you believe that engaging in this conversation could possibly advance U.S. interests and work to the benefit of repressed Uighurs?

Answer. I will actively pursue the human rights of repressed Uighurs, if confirmed by the Senate.

*Question.* Similarly, you will, no doubt, be called upon to engage with some of America’s security partners, like Saudi Arabia, UAE, and Egypt, who are known to routinely torture their citizens at home and abroad. You will need to engage in difficult, but important conversations around how repression drives radicalization and foments instability. How are we, members of the committee, to believe that your very presence in these conversations will not send a signal that, for now, the U.S. government stands not with the tortured, but with the torturer?

Answer. As stated in Answer 1, in my capacity as Assistant Secretary of the Treasury, I have made human rights a foundational cornerstone of my work. In this role, I have advocated for—and driven implementation of—more than 700 sanctions using human-rights and corruption-related authorities. If confirmed, I look forward to making clear that torture is illegal, counterproductive, and wrong.

*Question.* As you know, the State Department is currently grappling with historically low morale due to mismanagement, ill-conceived hiring freezes, and in some instances, outright political retribution. If confirmed, many of the staff members that you will oversee have dedicated their lives to fighting on behalf of the most marginalized, including torture victims. In some instances, they’ve spent years in conflict-ridden and inhospitable locations. They’ve seen first-hand how torture and other forms of repression break bodies, break communities, and break societies. Yet in their new boss, they will see that when the going got tough, you decided to dispense with law and policy (e.g., the Army Field Manual dictating acceptable interrogation techniques). They will know that the torture policies you played a role in led to a massive stain on America’s standing in the world. They will know that the torture inflicted on detainees held in U.S. custody meant that these detainees, some of whom sought to harm America, could never be brought to trial. They will know that your engagement with foreign officials on human rights issues leaves the United States with a weak hand.

Given all of this, how can you in good conscience argue that you are the appropriate person to lead the human rights bureau and serve as Under Secretary for Civilian Security, Democracy, and Human Rights?

Answer. As stated in previous answers and my testimony, in my capacity as Assistant Secretary of the Treasury, I have had the opportunity to work with the outstanding professionals within the “J Family” on a wide range of topics. Many staff know that I have made human rights a cornerstone of my work and that I have advocated for—and driven implementation of—more than 700 sanctions based upon human-rights and corruption-related authorities. If confirmed by the Senate, I look forward to leading this organization to advocate strongly around the world for human rights.

*Question.* If confirmed, you will oversee a significant portion of the State Department’s foreign assistance in key accounts related to human rights, refugees, and law enforcement, among other things. The Trump administration has consistently sought to decimate U.S. foreign assistance, including in many accounts you will

oversee. Will you commit to defend and strengthen critical foreign assistance aimed at improving governance, upholding human rights, supporting democracy, and precluding conflict?

Answer. Yes. In the FY 2020 Request, the administration requested nearly \$2 billion in foreign assistance funding to support democracy, good governance, and human rights, as well as to mitigate conflict and promote stabilization, reflecting its commitment to these priorities.

The work of the family of bureaus and offices which report to the Under Secretary for Civilian Security, Democracy, and Human Rights—including the foreign assistance they provide—is essential to protecting the United States and projecting our values abroad. If confirmed, I will do everything I can to support these bureaus, offices, and U.S. missions overseas as they do this important work.

*Question.* Thousands of people have fled persecution, violence, and deprivations in Honduras, Guatemala and El Salvador. Many are unable to secure protection from governments wracked with corruption. Yet the U.S. has failed to stand up for major anti-corruption initiatives in the region, and is cutting programs in these countries that were aimed at improving access to protection in these countries—for instance, for children targeted by gangs. Do you agree that cutting aid aimed at fighting corruption and reducing crime serves the U.S. national interest?

Answer. I understand that President Trump and Secretary Pompeo believe the governments of El Salvador, Guatemala, and Honduras must take clear action to stem migration to the United States. These governments must address corruption, enhance citizen security and the rule of law, and promote economic development. I understand that the United States continues to support anti-corruption efforts whether or not we provide foreign assistance. It is clear that political will and partner commitment are critical to ensuring the effectiveness of any such assistance. If confirmed, I will make the case to our partners that when we share a strong commitment, our combined efforts better serve U.S. interests.

*Question.* What steps, if any, will you take to ensure the State Department advances the human rights of people in these countries, instead of undermining their ability to secure protection at home—pushing many to flee in search of protection?

Answer. I believe the United States must continue to support human rights and anti-corruption efforts regardless of whether we provide foreign assistance through one specific program or another. If confirmed, I will work to engender political will and partner commitment so that all people at risk are not pushed to flee in search of protection.

*Question.* How do you see this position to which you have been nominated as supporting and/or being impacted by implementation of the State Department's reorganization efforts?

Answer. If confirmed, I will work with the Under Secretary for Management to ensure any potential reorganizations are coordinated and bureaus and offices within the J family are positioned to advance foreign policy priorities.

*Question.* What is your current understanding of how any reorganization efforts may affect the bureaus for which you would be responsible?

Answer. I am not currently involved in any discussions related to potential reorganization efforts within the Department of State that would affect bureaus and offices within the J family.

*Question.* From your perspective, what affect has the hiring freeze instituted under Secretary Tillerson had on staffing levels within the bureaus and offices overseen by the position?

Answer. If confirmed, I will analyze the current staffing levels within the bureau under my purview and work with the Under Secretary for Management and Director General to ensure appropriate staffing levels to advance foreign policy objectives.

*Question.* If confirmed, you will oversee the Bureau of Population, Refugees, and Migration (PRM). In many cases, key U.S. allies are struggling to host large numbers of refugees in the face of declining aid and resettlement, both of which are key tools that help support the stability of these allies as they continue to provide refuge to the persecuted. As you know, the Trump administration has already reduced refugee resettlement to the lowest level ever, and is considering simply eliminating the program. Two weeks ago, 27 retired generals and admirals—a veritable who's who of recent four and three-star commanders of America's military—spoke out in opposition to this decision. The retired generals and admirals wrote that, among other things, the U.S. refugee resettlement program has “demonstrated our humanitarian

leadership and values,” “provided life-saving assistance,” and “served critical national security interests.” In particular, these retired military leaders referenced the Special Immigrant Visa (SIV) and Iraqi Direct Access (P-2) programs that directly support the safety of U.S. service members. Given the truth of this perspective, if confirmed, will you state unequivocally that you will strenuously advocate not just the maintenance of the refugee resettlement program, but for a return to historic resettlement levels for this critical national security tool?

*Answer.* I understand that the United States remains one of the largest resettlement countries in the world. I am also aware that the United States exercises international leadership as the single largest donor of humanitarian assistance worldwide, last year delivering more than \$8 billion in life-saving aid around the world. If confirmed, I will support the President’s emphasis on coordinated, effective, and efficient international responses, as well as the need for other governments and private sector actors to contribute to humanitarian efforts.

*Question.* In light of U.S. interests, as explained by former U.S. military leaders, what steps will you take to strengthen—and increase—US refugee resettlement?

*Answer.* If confirmed, I look forward to working with the career professionals dedicated to managing refugee programs. I understand that the United States anticipates resettling up to 30,000 refugees in FY 2019 under the refugee ceiling. These refugees will join hundreds of thousands of asylum seekers who are already inside the United States awaiting adjudication of their claims. The refugee admissions program must take into account this operational reality. I understand that in consideration of both the U.S. national security interest and the urgent need to restore integrity to an overwhelmed asylum system, the administration is focusing on addressing the humanitarian protection cases of those already in the country. Moreover, it is important that the refugee ceiling number should not be viewed in isolation from America’s other, expansive humanitarian programs. I understand that in FY 2018, the United States provided more than \$8 billion in humanitarian assistance, including to refugees.

*Question.* Please comment on PRM’s response capacity and contingency planning. To what extent does the current level of staffing of the PRM bureau adequately address its fundamental areas of responsibility?

*Answer.* If confirmed, I am committed to ensuring that the Bureau of Populations, Refugees, and Migration (PRM) has sufficient staff to carry out its diplomatic, program management, and oversight functions, including humanitarian response and contingency planning, in order to implement efficiently and effectively the funds appropriated by Congress. This includes having sufficient refugee coordinators overseas as well as staff within the bureau at the Department.

*Question.* What is your view of the role of the United States in global fora, such as the global compacts on refugees and migration?

*Answer.* Our National Security Strategy states that the United States will continue to lead the world in humanitarian assistance and that we will provide this generous assistance as close to refugees’ homes as possible in order to meet their needs until they can return home safely, voluntarily, and with dignity. I understand that the United States remains the largest single donor of humanitarian assistance worldwide, and supports engagement to create conditions for predictable response and greater burden-sharing among U.N. member states and other stakeholders, including development actors, refugee-hosting communities, and the private sector.

*Question.* What do you see as the key drivers for the U.S. withdrawal from participation in the Global Compact on Migration?

*Answer.* I understand the United States does not support the Global Compact on Migration or any process that imposes or has the potential to impose international guidelines, standards, expectations, or commitments that might constrain our ability to make decisions in the best interests of our nation and citizens. The Compact is inconsistent with how we choose to exercise our sovereignty in managing our immigration system and establishing national policy and laws.

*Question.* What do you see as the U.S. role in refugee resettlement?

*Answer.* I understand that the United States offers humanitarian protection to the most vulnerable of those who have experienced persecution or who fear persecution, while prioritizing the safety and security of the American people. The National Security Strategy says that the United States will prioritize supporting displaced people close to their homes to help meet their needs until they can safely and voluntarily return home. I understand that U.S. humanitarian assistance reaches mil-

lions of refugees and displaced people worldwide every year, including those who will never be considered or qualify for resettlement.

*Question.* The U.S. refugee ceiling for FY2019 is historically low at 30,000. In the area of humanitarian protection, the administration has stated that it is giving priority to the adjudication of asylum cases. Do you think the United States will (or should) continue to be the leading country for the resettlement of refugees? Why or why not?

*Answer.* I understand that the United States anticipates resettling up to 30,000 refugees in FY 2019 under the refugee ceiling. These refugees will join hundreds of thousands of asylum seekers who are already inside the United States awaiting adjudication of their claims. The refugee admissions program must take into account this operational reality. I understand that in consideration of both the U.S. national security interest and the urgent need to restore integrity to an overwhelmed asylum system, the administration is focusing on addressing the humanitarian protection cases of those already in the country. Moreover, it is important that the refugee ceiling number should not be viewed in isolation from America's other expansive humanitarian programs. I understand that in FY 2018, the United States provided more than \$8 billion in humanitarian assistance, including to refugees.

*Question.* If you were making a recommendation to the President today on what the resettlement number should be, what would that recommendation be and why?

*Answer.* Each year, the President makes an annual determination, after appropriate consultation with Congress, regarding the refugee admissions ceiling for the following Fiscal Year. I understand that determination is expected to be made prior to the start of Fiscal Year 2020 on October 1, 2019. I cannot speculate on internal and interagency deliberations or communications involved in such deliberations.

*Question.* What message do you think it sends to other countries that resettle refugees that the U.S. is drastically lowering its resettlement number? Are you concerned about the ripple affect the U.S. approach could have on refugee resettlement globally?

*Answer.* I understand the United States continues to be one of the largest resettlement countries in the world. U.S. advocacy—through engagement within the United Nations, other multilateral fora, as well as bilaterally with nations around the world—focuses on expanding the number of donors, increasing global contributions to humanitarian appeals and response, and ensuring that American taxpayer dollars serve our foreign policy interests. The administration applauds those refugee-hosting countries that are making generous and critical contributions to support refugees. I agree that a global response, with the increasing financial support of multiple nations and non-traditional actors, is critical to ensuring regional stability and creating conditions so that refugees can return home voluntarily and safely.

*Question.* What will your priorities be for the CT Bureau?

*Answer.* If confirmed, counterterrorism will be one of my top priorities. While the United States has made real progress, the threats from ISIS, al-Qa'ida, and Iran and its proxies are far from behind us. I believe that the State Department is central to any successful counterterrorism strategy and approach. In this effort, we must fully leverage the Department's diplomatic, foreign assistance, and sanctions tools, among others. While the United States will continue to lead the global campaign to defeat terrorist groups, it is not a battle that we can win on our own. Working with the Coordinator for Counterterrorism, I will focus on ensuring our partners do their part and appropriately share the burden.

*Question.* What policies or activities may need to be reassessed or improved?

*Answer.* While our partners around the world have taken significant steps in recent years to address the terrorist threats confronting the international community ≥- particularly in countering the rise of ISIS—significant gaps remain. Some countries still lack the basic counterterrorism tools mandated by U.N. Security Council resolutions, including UNSCR 2396 on terrorist travel, which the State Department was instrumental in conceiving and adopting. I also worked closely with the CT Bureau in my current capacity to secure UNSCR 2462, which requires nations to criminalize the financing of terrorism even when the financial flows are not associated with a particular terrorist attack. Many nations have not addressed either of these two critical resolutions. The State Department is assisting countries on the front line to build these capabilities, but I believe we can do even more. However, these partners must be equally committed to this effort. If confirmed, one of my top prior-

ities would be ensuring that our partners are doing their part and that we are doing everything we can to help them.

*Question.* How do you envision CT/CVE informing and supporting the work of the other bureaus and offices you will be leading?

*Answer.* The Bureau of Counterterrorism (CT) guides and coordinates the Department's countering violent extremism (CVE) policy, assistance, and programming, which is conducted by a range of State Department bureaus and offices including those that, if confirmed, I will lead. Countering violent extremism requires a whole-of-government and whole-of-society approach. The Department has many bureaus and offices that can bring their expertise and programming to bear. If confirmed, I will work to ensure the Department works collaboratively to bring all of our resources to bear on CT and CVE.

*Question.* How will you address and resolve potential internal State Department counterterrorism-related coordination issues?

*Answer.* While there are a number of bureaus and entities in the State Department that play an important counterterrorism role, the Bureau of Counterterrorism (CT) is at the forefront of these efforts. The Global Engagement Center, the Special Envoy for the Global Coalition to Defeat ISIS, and various other bureaus also have a vital role to play. While these actors may have individual views at times about counterterrorism policy, strategy, and approach, if confirmed, I will work with other Department leaders to ensure that the Department is speaking with one voice to the interagency, to our international partners, and to the public and media.

*Question.* How do you see the role of the National Security Council (NSC) in supporting the activities of the Bureau of Counterterrorism?

*Answer.* The National Security Council (NSC) plays a critical role in setting United States counterterrorism policy, strategy, and approach. The State Department works closely with the NSC in this effort. For example, I understand that the State Department was integrally involved in the development, drafting, and implementation of the NSC-led National Strategy for Counterterrorism. The NSC's interagency Counterterrorism Security Group, in which the State Department participates, serves as the key venue to coordinate counterterrorism policy, through which the CT Bureau and U.S. Chiefs of Mission ensure foreign policy and counterterrorism efforts remain aligned around the world. The CSG, along with the Deputies and Principal Committee, are fora where the Department can ensure our counterterrorism efforts are aligned to broader U.S. foreign policy objectives.

*Question.* The annual Country Reports on Terrorism are often criticized for putting forth politicized findings. Do you agree with this assessment? What changes, if any, do you envision for this report?

*Answer.* The State Department's annual Country Reports on Terrorism, submitted to Congress and released publicly, lay out the United States' assessment of the state of the terrorist threat around the world, significant developments, and other countries' efforts to address the threat. I understand that career professionals serving at U.S. embassies provide substantial input, and the reports are widely reviewed by the experts in the State Department and other U.S. agencies to ensure that they are accurate and comprehensive. I understand the Department continually looks for ways to improve these products so that they are useful and informative. If confirmed, I will consult with stakeholders to determine whether improvements can be made, while fully complying with the Congressional intent in the statute mandating the report.

*Question.* What is your assessment of the effectiveness of U.S. diplomacy in rallying the international community to find and eliminate terrorist cells and to seize their financial assets?

*Answer.* The United States is a global counterterrorism leader that relies on robust international partnerships to ensure a broad and coordinated approach to disrupting and disabling terrorist networks. In addition to domestic terrorist designations, the United States has worked successfully to disrupt ISIS and al-Qa'ida financing through multilateral organizations such as the Counter ISIS Finance Group, the Terrorist Financing Targeting Center, and the U.N. Security Council 1267 Sanctions Committee. The State Department also is actively engaged in a range of efforts to counter the far reaching terrorist and illicit activities of Iran and Hizballah, and continues to urge other countries to designate Hizballah in its entirety.

*Question.* Do you believe that the resources and funding dedicated to U.S. counterterrorism programs at the State Department are adequate?

Answer. I greatly appreciate continued Congressional support for State Department programs, including through the provision of resources. I understand these funds allow the Department to sustain its assistance in the highest priority areas and improve civilian capabilities with some of its most important partners in Afghanistan, Bangladesh, Iraq, the Philippines, Somalia, Tunisia, and beyond. I understand the Department has developed a comprehensive program review and budget planning process to ensure that it knows where every dollar is spent, the effectiveness of its programs, and what threats and needs exist. If confirmed, I look forward to supporting the Department's process to develop its budget request and ensure that it requests the resources it needs to execute the President's strategy.

*Question.* What is being done to win the "hearts and minds" of individuals and groups that may be susceptible to the influences and teachings of radical Islamic fundamentalists?

Answer. I understand the Bureau of Counterterrorism (CT) and USAID have worked to implement a multi-pronged approach to offer alternatives to individuals who may be susceptible to the influences and teachings of radical Islamic fundamentalists. These strategic countering violent extremism priorities and lines of effort inform policy formulation, diplomatic engagement, and foreign assistance programming. If confirmed, I will work with host and affected governments where Islamic fundamentalists may be propagating problematic influences and teachings.

*Question.* How does the State Department assess the effectiveness of efforts to counter violent extremism?

Answer. It is my understanding that CT Bureau senior leadership has been engaged on ensuring that CVE grants and cooperative agreements are achieving desired results by overseeing (1) the development of a single definition for what constitutes CVE programs or projects, and (2) the establishment of a process to verify that CVE grants and cooperative agreements comply with that definition.

*Question.* What particular issues and/or regions and countries within DRL's broad mandate would you direct the DRL Assistant Secretary to prioritize?

Answer. If confirmed, I will build on my work at the Treasury Department and continue to support efforts to isolate and hold accountable perpetrators of human rights abuses in countries such as Venezuela, Iran, Syria, and China. I also will prioritize support for vulnerable communities and persons, such as members of ethnic and religious minority groups living in areas liberated from ISIS. If confirmed, I will work with the Bureau of Democracy, Human Rights and Labor (DRL) to support its Human Rights and Democracy Fund rapid response mechanisms and other initiatives that reinforce U.S. leadership in global human rights promotion. I am aware of longstanding Congressional support for democracy programming, and I pledge to respond quickly and flexibly to changing needs and opportunities to advance human rights around the world.

*Question.* How would you help ensure that democracy and human rights issues are adequately prioritized in our relations with other countries?

Answer. I believe that promoting democracy and human rights is in the best interests of the United States and should always be a part of U.S. foreign relations.

If confirmed, I will raise these issues with counterparts, including when I travel. Consistent with the National Security Strategy, I will use diplomacy, sanctions, and other tools to isolate and hold accountable states and leaders who threaten our interests and whose actions run contrary to our values. I will also support efforts to strengthen democratic institutions and empower democracy and human rights activists, including through U.S. assistance.

Also, if confirmed, I will meet with a broad cross-section of civil society and opposition leaders during my overseas trips. The United States values the voice and opinions of civil society and has a long history of engaging leaders both inside and outside the government, a tradition I will continue. Hearing this range of views is essential in understanding country conditions, including the state of democracy and human rights, and plays a key role in informing and advancing U.S. foreign policy.

*Question.* How do you view DRL's role within the broader State Department and its relation to the regional bureaus?

Answer. The Bureau of Democracy, Human Rights, and Labor (DRL) plays a key role by leading the State Department's efforts to promote human rights, which is in the best interests of the United States. DRL champions American values, including the rule of law and the rights of individuals that contribute to strong, stable, prosperous, and sovereign states. American security is advanced in the struggle against authoritarianism and terrorism when we stand for the freedoms of religion,



speech, and the press, and the rights of people to assemble peaceably and to petition their government for a redress of grievances. I commit to you that, if confirmed, I will be a fierce advocate for DRL continuing to play this vital role, including in its relationships with regional bureaus.

*Question.* Some believe that the United States must balance its promotion of “values” issues with its pursuit of interests, while others tend to argue that promoting human rights and democracy can itself support U.S. interests, particularly over the long term. What is your view? Are there sometimes trade-offs between the pursuit of more immediate security or other interests and these arguably longer term objectives? If so, how should the United States balance these trade-offs?

*Answer.* The National Security Strategy states that, “Liberty, free enterprise, equal justice under the law, and the dignity of every human life are central to who we are as a people.” It also makes clear that a commitment to human rights is essential to advance U.S. influence abroad, and that respect for human rights produces peace, stability and prosperity—making it integral to U.S. national security. I believe the promotion of human rights is in the best interests of the United States, and these issues and concerns should always be at the table when foreign policy decisions are made. If confirmed, I pledge to ensure that human rights and democracy always receive due attention and consideration.

*Question.* Many experts argue that the world is in the midst of a “democratic recession,” with evidence of democratic erosion within existing democracies while key non-democracies such as China are arguably becoming both more repressive internally and more influential internationally. How would you direct DRL to respond to these developments? What implications, if any, do these trends have for DRL policies and programs?

*Answer.* I share these concerns regarding democratic backsliding in many parts of the world. In fact, I believe that the situation may be even more dire than suggested by the question. A number of repressive regimes around the world are actively colluding with one another to counter U.S. and allied efforts to foster democracy and the rule of law. If confirmed, I will work with the Bureau of Democracy, Human Rights, and Labor (DRL) and others to use diplomacy, sanctions, and other tools to isolate and hold accountable states and leaders who act contrary to human rights norms. I am aware of longstanding Congressional support for democracy programming, and I pledge to respond quickly and flexibly to changing needs and opportunities to strengthen democratic institutions and advance human rights around the world. In each of these cases, I will seek to reinforce U.S. leadership in democracy and human rights promotion, for example by using DRL’s Human Rights and Democracy Fund rapid response mechanisms to leverage partnerships with governments, the private sector, faith-based organizations, and other stakeholders.

*Question.* INL has contributed to the U.S. government’s efforts to shine a light on foreign corrupt practices around the world. Please assess how INL’s anti-corruption programming has contributed to U.S. foreign policy efforts and what more, if any, can INL do to ensure U.S. priorities in this area are achieved.

*Answer.* I understand that the Bureau of International Narcotics and Law Enforcement Affairs (INL) has played a variety of important roles in addressing corruption internationally. Its extensive capacity-building programs provide foreign partners with the know-how to adopt effective anticorruption reforms and equip officials with the ability to implement them. INL also has worked with partners to help establish consensus international rules of the road such as the U.N. Convention against Corruption. It also has helped to develop political consensus on these issues in bodies such as the Group of Twenty. Within the U.S. government, I understand that INL assists in implementing the Global Magnitsky Act and coordinates the State Department’s corruption visa restrictions.

*Question.* How have INL programs, activities, and funding been realigned to contribute to U.S. efforts to combat the opioid crisis?

*Answer.* The State Department has developed a comprehensive new strategy to disrupt the supply of illicit synthetic drugs that fuel the U.S. opioid crisis. I understand that to support its implementation, the Bureau of International Narcotics and Law Enforcement Affairs (INL) allocated FY 2018 funding toward a new Drug Supply Reduction (DSR) program and developed a dedicated DSR funding request in the administration’s FY 2020 budget request. DSR programs include expanding public-private partnerships; targeting trafficking by mail; increasing scheduling of new substances; and strengthening national capacities to investigate, detect, and interdict opioids. I understand that these efforts complement INL’s bilateral counterdrug

programs as well as the Department's ongoing work abroad to stop flows of synthetic opioids into the United States and prevent the crisis from spreading.

*Question.* What further efforts, if any, would you propose for INL to pursue under your leadership at State?

*Answer.* I believe that the Bureau of International Narcotics and Law Enforcement Affairs (INL) plays an important role in keeping Americans safe by countering crime, illegal drugs, and instability abroad. I support INL's continued focus on countering narcotics and transnational crime; helping foreign countries assess, build, reform, and sustain competent and legitimate criminal justice systems; and building partnerships and international frameworks to combat 21st century crime.

*Question.* What is your opinion of the effectiveness of the GCJ office in promoting accountability for perpetrators of atrocities, including genocide, crimes against humanity, and war crimes?

*Answer.* The Office of Global Criminal Justice (J/GCJ) leads U.S. policy formulation on redressing atrocities—including genocide, war crimes, and crimes against humanity—and is the U.S. government's primary liaison with criminal tribunals and non-judicial transitional justice mechanisms. My understanding is that J/GCJ—despite its small size—provides senior policymakers with expert advice and actively ensures that accountability for atrocities is a core component of U.S. policy in any country or region. If confirmed, I will review J/GCJ's activities and take steps to maximize its effectiveness.

*Question.* How can the office improve its effectiveness? What do you believe is the future of the U.S.-ICC relationship in meeting the mutual goals of holding perpetrators of atrocity crimes accountable for their actions?

*Answer.* If confirmed, I will review the activities and mandate of the Office of Global Criminal Justice (J/GCJ) and take steps to maximize its effectiveness.

Regarding the U.S. relationship with the International Criminal Court (ICC), I understand that current U.S. policy is not to cooperate with or provide assistance to the ICC given the ICC's attempts to assert jurisdiction over U.S. personnel. Rather, the United States supports meaningful accountability and justice for victims of atrocities, including through legitimate and effective prosecutions by international, hybrid, mixed, and national tribunals.

*Question.* Please comment on how adequately the TIP Office is resourced to carry out its mission. What issues would you direct the TIP Ambassador to prioritize within its broad mission?

*Answer.* Both the White House and the State Department have demonstrated that combating human trafficking is a priority. I know that Secretary Pompeo is committed to making sure the Office to Monitor and Combat Trafficking in Persons (J/TIP) has the resources it needs to continue the Department's critical work on this front. If confirmed, I will work with Congress and Department colleagues to address any needs J/TIP may have while making the most efficient use of its existing resources.

I will also work closely with Ambassador Richmond to continue the excellence of the TIP Report, the State Department's year-round diplomatic engagement and support for the President's Interagency Task Force to coordinate interagency anti-trafficking efforts, and its international programming. Together these efforts advance U.S. interests, consistent with the National Security Strategy.

*Question.* What was the award this year to Global Fund? What was the objective behind previous PEMS awards of over \$23 million to now just a little over \$1 million this year? Please explain.

*Answer.* The Global Fund has received more than \$46 million to date from the U.S. government and has leveraged an additional \$39 million from other governments, all while absorbing and seeking to program these resources at a rate commensurate with its growth as an organization. I understand the Office to Monitor and Combat Trafficking in Persons (J/TIP) has conducted an open and transparent competition for the third tranche of PEMS funding, which expires September 30, and will announce award(s) soon.

If confirmed, I will work hard to ensure that the \$100 million appropriated to date by Congress for the Program to End Modern Slavery (PEMS) will support transformational programming that leads to measurable and substantial reductions of the prevalence of modern slavery in targeted sectors and populations.

*Question.* Will you support efforts to ensure that the tier rankings accurately reflect efforts to combat human trafficking in each country? How will you help ensure the TIP report is seen as credible and objective?

Answer. Combating trafficking in persons (TIP) is a priority for this administration and will be a priority of mine at the Department, if confirmed. From my work at the Treasury Department, I know the Department's TIP Report to be the gold standard in assessing government efforts to monitor and combat trafficking in persons. If confirmed, I will work closely with Ambassador Richmond and State Department experts to ensure that the TIP Report is as credible, objective, and accurate as possible, based solely on a country's efforts to combat trafficking, as required by the Trafficking Victims Protection Act. I am told the Department has had robust engagement with this committee on the Report, and I look forward to continued partnership, if confirmed.

*Question.* The President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF), established pursuant to the Trafficking Victims Protection Act and chaired by the Secretary of State, does not appear to have yet convened during the Trump administration. TIP Ambassador-designate John Cotton Richmond indicated in recent testimony that he hoped the PITF would convene prior to the end of the year. In your view, what is the value of the PITF? Would you work with the TIP Ambassador to support the Secretary of State's convening of a PITF meeting?

Answer. President Trump opened the meeting of the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) on October 11, 2018, at the White House. Secretary Pompeo chaired the meeting and principals of 14 other U.S. departments and agencies attended, as did the U.S. Advisory Council on Human Trafficking, recipients of the 2018 Presidential Award for Extraordinary Efforts to Combat Trafficking in Persons, and other distinguished guests. I understand that plans are underway for PITF to meet again in 2019.

If confirmed, I will work closely with Ambassador Richmond and others across the government in 2020 to commemorate progress over the previous 20 years (since enactment of the Trafficking Victims Protection Act and the Palermo Protocol) and set an even higher bar for future federal anti-trafficking efforts.

*Question.* The United States has been a leader for decades in promoting human rights and ensuring the protection of human rights defenders across the world. In accordance with this leadership, we've been gratified to see the Department's use of Global Magnitsky designations to hold individuals and entities who commit serious human rights violations or who engage in acts of corruption accountable by freezing their assets and denying their visa requests to the United States. Do you support the use of Global Magnitsky designations and calling out human rights abusers as a tool of foreign policy in order to hold individuals and entities to account?

Answer. Yes. The Global Magnitsky Human Rights Accountability Act is an invaluable tool. If confirmed, I will seek to continue to use it with respect to human rights violations or abuses. As I have noted in answers to other related questions, I have been and will continue to be a strong advocate for the application of financial sanctions in response to human rights abuse and corruption. I believe that, because I understand Treasury Department processes related to these designations, I will be a "force multiplier" within interagency deliberations on use of "GloMag" authorities.

*Question.* Do you agree that there should be additional resources provided to those who review Global Magnitsky designations in order to ensure a more robust sanctions regime that targets the worst human rights abusers?

Answer. The Global Magnitsky Human Rights Accountability Act is a valuable tool, which I will seek to use with respect to human rights violations or abuses. If confirmed, I will review the resources available for such designations and ensure that the State Department supports those efforts effectively.

*Question.* What role do you see the 7031(c)-authority playing in upholding human rights abroad?

Answer. The 7031(c) authority is a valuable tool which promotes accountability of those involved in gross human rights violations and can deter future abuses. Its usage sends a clear signal that the United States stands for its values and will not ignore gross human rights violations.

*Question.* This past May, Secretary Pompeo stated that the U.S. "firmly opposes criminalization, violence and serious acts of discrimination such as housing, employment and government services directed against LGBTQI persons." He went on to say that the U.S. uses "public and private diplomacy to raise human rights concerns, provide emergency assistance to people at risk, and impose visa restrictions

and economic sanctions against those who persecute them.” What specific actions will you take to support the human rights of LGBTIQI people abroad?

Answer. If confirmed, I am committed to protecting the human rights and fundamental freedoms of all persons, including historically marginalized or persecuted populations such as LGBTI persons. The safety and security of LGBTI persons is of the utmost importance. LGBTI status or conduct remains criminalized in some seventy countries, so I will focus on supporting local efforts that may lead to decriminalization. I will work with the Bureau of Democracy, Human Rights, and Labor (DRL) and State Department regional bureaus to develop strategies that prioritize regular discussions with local LGBTI community and civil society partners. I will also raise human rights of LGBTI persons in the context of larger human rights and democracy concerns wherever possible. I also note that, while in the Department of the Treasury, I supported application of financial sanctions against Ayub Kataev a ruthless Russian proxy who has perpetrated grave human rights abuses against the LGBTI community in Chechnya. In May of this year, I supported designations of Abuzayed Vismuradov and the Terek Special Rapid Response Team for detention and torture of LGBTI individuals. If confirmed, I will actively pursue the use of both State and Treasury authorities to protect the LGBTI community abroad.

*Question.* In countries around the world, there are criminal penalties associated with exercising sexual and reproductive health and rights. LGBTIQI people are criminalized for who they love and are regularly prosecuted or incarcerated for consensual same sex sexual conduct or in places like Indonesia, Chechnya and Egypt. There are also women who are in jail in places like El Salvador and Senegal for having miscarriages or abortions. These are gross human rights violations. As Undersecretary, would you raise concerns about laws that criminalize same-sex relationships and women’s personal health decisions in public and private diplomatic settings?

Answer. If confirmed, I am committed to protecting the human rights and fundamental freedoms of all persons, including historically marginalized or persecuted populations such as women and LGBTI persons. I will also raise LGBTI and women’s human rights issues in the context of larger human rights and democracy concerns wherever possible, including addressing decriminalization of LGBTI status or conduct. Women should not be jailed for having a miscarriage. If confirmed, I will raise this issue where relevant.

*Question.* Furthermore, do you plan on instructing DRL to report on LGBTI rights and access to sexual and reproductive health services in the Human Rights Report?

Answer. If confirmed, I will support the Bureau of Democracy, Human Rights, and Labor’s approach to the Human Rights Report (HRR), which includes reporting on the rights of LGBTI individuals. I understand that the HRR subsection entitled “Reproductive Rights” by the previous administration was renamed “Coercion in Population Control” consistent with the requirement of U.S. law to report “wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization.” Additional material on maternal mortality, access to contraception, and similar issues is available via hyperlink in the text of each country chapter and in an appendix to the HRR. If confirmed, I will ensure the State Department continues to comply with statutory reporting requirements and delivers objective, evidence-based, rigorous human rights reports.

*Question.* In August 2017, the Burmese military forces increased their attacks against the Rohingya in Rakhine State in a coordinated and widespread campaign of indiscriminate killing, rape, and razing of villages. Following a series of investigations, including by the United Nations Fact Finding Mission and the State Department’s contracting with PILPG, there have been credible reports documenting the egregious human rights violations that have occurred in Rakhine State. These reports have noted that legal determinations should be considered, including crimes against humanity and genocide. Previously, the State Department has acknowledged these atrocities as ethnic cleansing, which has been the U.S.’s stance toward the atrocities taking place in Burma. Do you believe that these crimes amount to crimes against humanity or genocide?

Answer. I am appalled by the ethnic cleansing of Rohingya in northern Rakhine State. Credible reports of massacres, gang rape, and village and mosque burnings shock the conscience, and I am committed to promoting accountability for those responsible.

The U.S. determination of atrocity crimes, including genocide or crimes against humanity, is generally made by the Secretary of State. I would emphasize that

there is no hierarchy of atrocity crimes; they are all equally abhorrent and shocking. If confirmed, I will consult with experts within the State Department and examine all the information to provide the Secretary with my best advice.

*Question.* What position and specific actions will you take with the Burmese military?

*Answer.* If confirmed, I will prioritize promoting accountability for those responsible for these abuses, and justice for victims as part of larger efforts to promote and defend human rights. Further, I will work with State Department counterparts and likeminded partners to promote democratic governance, reduce the military's role in politics, and strengthen civilian control of the security forces to safeguard human rights for all in Burma.

*Question.* The United Nations Fact Finding Mission, the U.S. government, and several non-governmental organizations have documented the Burmese military's killing of tens of thousands of Rohingya, cases of summary executions, mass rapes, and burnings of villages, which led to the displacement of over 700,000 to neighboring Bangladesh. As of August 2019, over 900,000 Rohingya reside in refugee camps in Bangladesh. As Undersecretary, will you commit to more funds and focus going to these refugees through PRM?

*Answer.* The United States has led the donor response to the Rakhine State crisis since it began in August 2017, providing nearly \$542 million in humanitarian assistance in Bangladesh and Burma. If confirmed, I will continue U.S. leadership in the humanitarian response to this crisis, as well as support efforts in developing durable solutions. It is important for the international community to continue providing humanitarian assistance to vulnerable populations affected by the Rakhine State crisis, while durable solutions are being pursued, given that conditions in Rakhine State are not yet conducive for voluntary, safe, dignified, and sustainable returns.

*Question.* How will you ensure that the basic human rights of the Rohingya refugees in Bangladesh are met, including rights to food, livelihood, health care and education?

*Answer.* I understand that the United States is the leading contributor of humanitarian assistance in response to the Rakhine State crisis, having provided nearly \$542 million since the escalation of violence in August 2017, of which nearly \$464 million is for programs inside Bangladesh. This money funds programs that save lives. It helps provide protection; emergency shelter; water, sanitation, and hygiene; healthcare; psychosocial support; food and nutritional assistance; non-food items; site management and development; education, and access to livelihood opportunities to approximately one million beneficiaries in Bangladesh, most of whom are Rohingya women and children from Burma, and the related needs of Bangladeshi host communities, and other vulnerable populations affected by the crisis. If confirmed, I will work with the international community to support efforts of the United Nations and its partners to ensure that human rights and humanitarian needs of Rohingya refugees are met, while durable solutions are being pursued, given that conditions in Rakhine State are not yet conducive for voluntary, safe, dignified, and sustainable returns.

*Question.* Additionally, given that the most effective way to permanently resolve the Rohingya refugee crisis is by restoring their citizenship in Burma and ensuring safe, dignified and voluntary repatriation process, how do you propose employing the Department's resources to resolving the Rohingya refugee crisis in a more permanent manner?

*Answer.* If confirmed, I will continue the State Department's efforts to engage, influence, and lead actions of the international community, including like-minded states, non-traditional partners, and international organizations, to resolve the Rakhine State crisis and advance U.S. interests and values in Burma. I will support efforts and mechanisms at the United Nations to foster justice and accountability for human rights abuses and violations in Rakhine State and other areas of Burma. These include the Fact Finding Mission for Myanmar, the Independent Investigative Mechanism for Myanmar, the U.N. Special Envoy to Myanmar, and the U.N. Special Rapporteur on the human rights situation in Myanmar. If confirmed, I will also continue to call on the government of Burma to fully implement the Annan Commission recommendations, including recommendations related to access to citizenship and freedom of movement, and to create the conditions that would allow for voluntary, safe, dignified, and sustainable returns.

*Question.* What do you see as the role of PRM during this process?

Answer. If confirmed, I will support the Bureau of Populations, Refugees, and Migration (PRM) to lead the humanitarian response and work towards developing durable solutions for communities affected by the Rakhine State crisis. PRM will continue its role working with U.N. bodies, other international and local humanitarian organizations, like-minded countries, and communities affected by the Rakhine State crisis to provide life-saving humanitarian assistance and protection to those in need. Through diplomatic engagements from the beginning of the crisis, the U.S. government with PRM's lead, has effectively pressed Bangladesh to take a principled humanitarian approach to addressing the refugee influx. PRM's longstanding relationships with U.N. agencies and international organizations in both Burma and Bangladesh led to an effective humanitarian response since the outbreak of violence in August 2017.

*Question.* The Department of State's documentation of atrocities in Northern Rakhine State released in September 2018 says the violence was "extreme, large-scale, widespread, and seemingly geared toward both terrorizing the population and driving out the Rohingya residents." In response to these atrocities, the U.S. administration has sanctioned five military officers and two military units thus far under Global Magnitsky. Most recently, in recognition of the second anniversary of the ongoing genocide against the Rohingya people, Secretary Pompeo publicly designated the main architects of the Rohingya genocide, including the military Commander-in-Chief, General Min Aung Hlaing and Deputy Commander-in-Chief Soe Win. What do you believe the impact of these sanctions have been?

Answer. I share your concern regarding the atrocities perpetrated by Burmese security forces against civilians during the ethnic cleansing of Rohingya, and your commitment to seek accountability and justice. I welcomed the United States' leadership for being the first nation to take public action against the Burmese Commander in Chief and the Deputy Commander in Chief for their command responsibility for the gross violations of human rights in Northern Rakhine State. I believe sustained diplomatic engagement, working with likeminded partners, using U.N. mechanisms, such as the International Investigative Mechanism for Myanmar, and other policy tools, including sanctions, can both promote accountability and deter future abuses.

*Question.* Do you believe that the individuals publicly designated in July should also have their assets frozen?

Answer. Absolutely. If confirmed, I will prioritize promoting accountability for those responsible for these abuses. I will aim to continue U.S. leadership of the international response to the Rakhine State crisis and efforts to deter further atrocities. In this regard, I will consider the utility of all policy tools at our disposal, including further sanctions. Further, I would work closely with the U.S. Mission to the U.N. and like-minded countries and regional partners, to press the government of Burma to grant unhindered access to U.N. mechanisms, including the International Investigative Mechanism for Myanmar, the U.N. Special Rapporteur, and the U.N. Special Envoy.

*Question.* Do you pledge to support targeted sanctioning mechanisms when credible information about military officials' role in violations of human rights are provided to the U.S. government?

Answer. Absolutely. If confirmed, I will support the use of targeted sanctions when the State Department has credible information about military officials' role in gross violations of human rights. One advantage I bring to the "J Family" if confirmed, is a detailed understanding of Treasury processes, which will influence and strengthen the manner in which diplomatic reporting is developed and provided to the Treasury for targeted financial designations.

*Question.* The State Department's 2018 Human Rights Report says there were "substantial interference with the rights of peaceful assembly and freedom of association, including arrests of peaceful protesters and restrictions on civil society activity; restrictions on religious freedom; significant restrictions on freedom of movement," among other human rights issues in Burma. How do you propose to protect and promote democratic norms and ideals in a country where the military is conducting human rights abuses with impunity and the space for civic engagement is shrinking?

Answer. I understand that the State Department has focused on changing behavior and promoting accountability in the civilian and military sectors of the Burmese government to ensure the human rights of all persons in Burma, including religious, ethnic and other minorities are respected. If confirmed, I will work with Department experts to promote democratic governance, protect fundamental freedoms, reduce

the military's role in politics, and strengthen civilian control of the security forces to safeguard human rights for all in Burma.

*Question.* To eliminate opposition and consolidated power, Guatemala's Congress is trying to pass a new legislation governing NGOs. If passed, the law would give the Ministry of Interior, and by extension the president and his allies, the power to shut down any organization that challenges them under the guise of protecting public law and order. What are the specific actions that the Department will take to support a vibrant and active civil society in Guatemala, particularly because this is so tied to regional stability and migration?

*Answer.* Protecting and supporting a vibrant and active civil society, including human rights defenders (HRDs) is a key U.S. foreign policy priority. The United States supports HRDs as they work tirelessly—and sometimes at great personal risk—to protect human rights and fundamental freedoms, advocate for government transparency and accountability, promote rule of law, and expose corruption. Democratic governance is strongest when NGOs are able to operate free from burdensome regulation.

The fight against corruption and impunity is of critical importance in Guatemala. The Department takes threats against civil society actors seriously. Those who are involved in such threats can face consequences from the U.S. government including possible economic sanctions and visa restrictions.

*Question.* Given the administration's recent unvetted decision to cut funding from Guatemala and other Northern Triangle countries, how do you intend to ensure regional stability without this funding?

*Answer.* The State Department will continue its long history of engagement with the countries in Central America by working with them and others in the hemisphere on the many shared challenges we face, including narcotics smuggling, human trafficking, illegal immigration, natural disasters, malign outside influences, and others. It is only through coordinated, cooperative action that the nations of the hemisphere can successfully address such problems, and it is that very coordinated effort that will help promote stability in the region. If confirmed, I will continue Department efforts to work bilaterally, and through multilateral organizations such as the Organization of American States, to ensure peaceful relations within the hemisphere.

*Question.* Guatemala has made incredible strides in promoting accountability for abuses of power, including cases of human rights atrocities and acts of corruption. One of the emblematic institutions created to address corruption and impunity is the U.N.-backed International Commission Against Impunity in Guatemala (CICIG). Since 2007, CICIG identified more than 600 elected officials, businesspeople, and bureaucrats in corruption and broke up 60 criminals' networks in the country. On January 7, 2019, Morales announced that his administration would unilaterally cancel the international agreement that established CICIG, defying Constitutional Court orders in what amounts to a technical coup. Just two weeks ago, CICIG's mandate ended in Guatemala, and since that time human rights organizations and civil servants have reported physical insecurity and threats against their safety. How do you plan to address the ongoing human rights situation in Guatemala, particularly as CICIG is no longer operating?

*Answer.* I understand that the departure of CICIG does not affect the State Department's commitment to continue working with Guatemalan judicial partners to build their capacity to fight corruption and impunity. If confirmed, I will support the Guatemalan people and institutions in their ongoing fight against corruption and impunity, and will use all the tools at the Department's disposal in order to do so.

*Question.* Do you pledge to support other justice and anti-corruption mechanisms in Guatemala through designated U.S. funding?

*Answer.* I understand that the departure of CICIG does not affect the State Department's commitment to continue working with Guatemalan judicial partners to build their capacity to fight corruption and impunity. If confirmed, I will support the Guatemalan people and institutions in their ongoing fight against corruption and impunity, and will use all the tools at the Department's disposal in order to do so.

*Question.* Will you raise concerns about Morales' attacks on CICIG or other mechanisms and support foreign policy measures to defend these bodies?

*Answer.* I understand that the departure of CICIG does not affect the State Department's commitment to continue working with Guatemalan judicial partners to

build their capacity to fight corruption and impunity. If confirmed, I will support the Guatemalan people and institutions in their ongoing fight against corruption and impunity, and will use all the tools at the Department's disposal in order to do so.

*Question.* In his written response to a question on Tibet during his confirmation hearing, Secretary Mike Pompeo said that he “will express publicly, and at the highest levels of government, that Chinese authorities need to engage in meaningful and direct dialogue with the Dalai Lama or his representatives, without preconditions, to lower tensions and resolve differences.” Since 2010, there have been no dialogue between the two sides. If you are designated as the US Special Coordinator for Tibetan Issues, what could be the actions that Secretary Pompeo could take to fulfill this commitment?

*Answer.* As I noted in my testimony, my involvement in supporting Tibetan human rights and the Dalai Lama dates to 1995. I was on the Foreign Relations Committee staff when the Special envoy position was created by law. This administration is committed to raising Tibetan issues with Chinese government counterparts at multiple levels. If confirmed, and if I am designated as the U.S. Special Coordinator for Tibetan Issues, I will continue these efforts to establish conditions that lead to a direct and meaningful dialogue between Chinese authorities and the Dalai Lama or his representatives, without preconditions, that leads to a sustainable settlement.

*Question.* No U.S. Special Coordinator for Tibetan Issues has been able to visit Tibet to date, primarily because the Chinese government refuses to grant access. However, Chinese officials purporting to represent Tibet have been freely coming to the United States and interacting with all levels of the society here. In 2018, the Reciprocal Access to Tibet Act was passed to change the situation. Since the Tibetan Policy Act of 2002 mandates that the Special Coordinator for Tibetan Issues should undertake “regular travel to Tibetan areas of the People’s Republic of China,” if designated to the position, how would you promote reciprocal access to Tibet?

*Answer.* President Trump has regularly stated his desire for reciprocity in the U.S.-China relationship. If confirmed and designated to the position of Special Coordinator for Tibetan Issues, I will raise concerns about the lack of regular access to the Tibetan Autonomous Region (TAR) for U.S. diplomats, journalists, academics, and others. I will work to ensure that U.S. diplomats, as well as journalists, civil society representatives, legislators, religious leaders, and scholars have full access to China, including the TAR and Tibetan areas. I also will support full implementation of the Reciprocal Access to Tibet Act. If confirmed by the Senate, and if named as the Special Coordinator, I will seek aggressively and repeatedly to gain access to Tibet.

*Question.* Since 2007, China has adopted regulations that give to the Chinese atheist state the authority to identify the reincarnation of Tibetan Buddhist masters, in total violation of Tibetan religious freedom. The Chinese Communist Party plans to identify its own reincarnation of the next Dalai Lama. The Tibetan Policy and Support Act of 2019, which is before Congress, makes it a policy of the United States to “ensure that the identification and installation of Tibetan Buddhist religious leaders, including a future 15th Dalai Lama, is determined solely within the Tibetan Buddhist faith community, in accordance with the universally-recognized right to religious freedom.” Would you commit to making the preservation of religious freedom of Tibetan Buddhists a priority of your term in dealing with the Chinese authorities and categorically let them know that the authority of the current Dalai Lama and the Tibetan Buddhists should be respected on matters of reincarnations?

*Answer.* The administration is deeply concerned about Chinese government interference in the selection, education, and veneration of Tibetan Buddhist religious leaders. I believe that Tibetan Buddhist communities, like all faith communities, should be able to select, educate, and venerate their leaders without government interference. If confirmed, I will urge the Chinese government to respect that decisions regarding the selection of Tibetan Buddhist leaders rest with the Dalai Lama, Tibetan Buddhist leaders, and the people of Tibet.

*Question.* The major rivers of Asia that flow from the Tibetan Plateau and are subject to current and potential dam and diversion projects by China. These projects are planned and implemented without the proper involvement of the Tibetan people, who are the best stewards for the preservation of the delicate environment of the Tibetan Plateau. India and other governments in Asia are increasingly worried about China’s plans to dam rivers originating in Tibet which serve over a billion



people downstream. Given that the Tibetan waters play an important role in the Indo-Pacific region, would you raise the need to fully involve Tibetans in the preservation of Tibet's fragile environment with the Chinese authorities? Would you call on the Chinese authorities to engage China's neighbors for the development of a regional framework on water security?

Answer. If confirmed, I will encourage all countries, including China, to manage their water resources soundly and to cooperate on the management of shared waters. I will press China to make decisions on dams and other major water-related infrastructure needs deliberatively, based on the best science available, and in transparent consultation with all affected stakeholders, including the people of Tibet.

*Question.* Will you commit to pressing the Chinese authorities to allow for the opening of a U.S. consulate in Lhasa as highlighted in the Tibetan Policy and Support Act of 2019 that is before the Congress?

Answer. Yes. I am committed to pressing the Chinese government to allow the opening of a U.S. Consulate in Lhasa, consistent with the goals of the Tibetan Policy and Support Act. I am also committed, if confirmed, to working closely with Congress in pursuit of our shared goal of seeing Americans have full access to China, including the Tibetan Autonomous Region and other Tibetan areas.

*Question.* President Trump has made it clear on many occasions that he believes torture is effective and the U.S. should resume waterboarding and approve additional torture techniques. In 2015, President Trump said, "Would I approve waterboarding? You bet your ass I would. In a heartbeat. I would approve more than that. It works and if it doesn't work, they deserve it anyway for what they do to us." In 2016, President Trump wrote, "I have made it clear in my campaign that I would support and endorse the use of enhanced interrogation techniques if the use of these methods would enhance the protection and safety of the nation. Though the effectiveness of many of these methods may be in dispute, nothing should be taken off the table when American lives are at stake." Also in 2016, President Trump said, "We should go much stronger than waterboarding. That's the way I feel." Do you agree with President Trump's statements? Please answer yes or no.

Answer. I do not believe that torture is effective, and I have never supported the use of torture. In fact, as noted in my hearing, I opposed the use of waterboarding at Guantanamo, when the issue arose while I served at the Department of Defense.

*Question.* Do you agree with President Trump's claim that torture is effective? What is the basis for your answer?

Answer. As stated in Answer 73, I do not believe torture is effective.

*Question.* You have said that you do not support waterboarding. If the President decides to "approve" waterboarding, and it is up to you to implement, would you carry out the President's wishes?

Answer. No. I would resign from office before implementing waterboarding.

*Question.* If the President wanted to re-institute waterboarding, putting aside any legal arguments, would you counsel him against it, based on your prior knowledge of the effects of waterboarding?

Answer. Yes. I opposed contemplation of waterboarding for use at Guantanamo, and I would continue to do so.

*Question.* Do you agree with President Trump's desire to "go much stronger than waterboarding"?

Answer. I opposed contemplation of waterboarding for use at Guantanamo, and I would continue to do so.

*Question.* How do you plan to explain or discuss President Trump's public support for torture with countries around the world?

Answer. The United States does not support any action which could constitute torture.

*Question.* How do you plan to explain or discuss your own role in previous U.S. government policy regarding torture with countries around the world?

Answer. As noted in multiple previous answers, and as stated during my testimony, I have never advocated for torture. I will strongly represent U.S. policy against the use of torture.

*Question.* What would you say in meeting a dictator who wants to use torture?

*Answer.* That this is unacceptable. Torture should never be employed under any circumstances. Nations have undertaken solemn national and international obligations that reject the use of torture, and any regime which violates these obligations will suffer the opprobrium of the United States, our friends and Allies.

*Question.* President Trump said in January 2017 that he would allow Defense Secretary Mattis, who opposed reinstating torture, to “override” him on this issue. Secretary Mattis left the Defense Department in January 2019. Do you agree with President Trump that the U.S. should reinstate torture?

*Answer.* I have always opposed the use of torture.

*Question.* If the President wanted to re-instate techniques that constitute torture, how would you counsel him?

*Answer.* I have always opposed the use of torture.

*Question.* In June 2018, the Trump administration announced that the U.S. was withdrawing from the U.N. Human Rights Council. Do you agree with President Trump’s decision to withdraw the U.S. from the U.N. Human Rights Council? Why or why not?

*Answer.* Yes, I agree with the administration’s decision to withdraw from the Human Rights Council. As Secretary Pompeo noted, “the only thing worse than a council that does almost nothing to protect human rights is a council that covers for human rights abuses.”

*Question.* Do you agree with President Trump’s response to the murder of Jamal Khashoggi?

*Answer.* The murder of Jamal Khashoggi was a terrible crime, one that President Trump swiftly condemned. The United States was the first nation in the world to take action against those responsible for his murder, including imposing sanctions and travel bans on 17 Saudi government officials. I understand that the administration continues to review information on the killing and take appropriate action, as well as press the Kingdom of Saudi Arabia to hold accountable any individual involved in the murder.

*Question.* How would you characterize the message that the Trump administration has sent in its response to Khashoggi’s murder?

*Answer.* President Trump has made clear in no uncertain terms that the killing of Jamal Khashoggi was an “unacceptable and horrible crime” that required a swift U.S. government response and full accountability for those involved.

*Question.* Do you think it has undermined the U.S. ability to stand up for human rights and denounce extrajudicial killings around the world?

*Answer.* The administration has taken a strong stance against Jamal Khashoggi’s killing and continues to take steps to promote human rights and denounce extrajudicial killings. The administration sanctioned 17 Saudi government officials involved in Mr. Khashoggi’s killing using the executive order that implements the Global Magnitsky Human Rights Accountability Act. The administration then designated Saudi government officials involved in the killing under Section 7031(c) of the Department of State, Foreign Operations, and Related Programs Act, 2018. The administration further highlighted Mr. Khashoggi’s killing—and denounced extrajudicial killings throughout the world—in the Department’s 2018 Country Reports on Human Rights Practices.

*Question.* Do you agree with President Trump’s decision to believe Saudi Crown Prince Mohammed bin Salman over the assessment of the U.S. Central Intelligence Agency?

*Answer.* The President and Secretary Pompeo have been clear that we will hold accountable all involved. I am not in a position to discuss matters of the U.S. Central Intelligence Agency.

*Question.* If you were counseling President Trump in the aftermath of Khashoggi’s murder, would you recommend any changes to his approach?

*Answer.* The administration took concrete measures to promote accountability for Jamal Khashoggi’s murder. President Trump swiftly condemned Mr. Khashoggi’s killing. In addition, the United States was the first nation in the world to take action against those responsible for his murder, including imposing sanctions and travel bans on 17 Saudi government officials. I understand the administration continues to review information on the killing and take appropriate action, as well as press the Kingdom of Saudi Arabia for full accountability.

*Question.* In October 2018, President Trump told a cheering crowd at a campaign rally that there was once tough talk “back and forth” between himself and North Korean leader Kim Jong-un “and then we fell in love.” What is your assessment of President Trump’s statement that he “fall in love” with North Korean Leader Kim Jong Un, a notorious human rights abuser?

*Answer.* The administration’s goal is to achieve the final, fully verified denuclearization of the DPRK, as committed to by Chairman Kim in Singapore. I understand it is engaged in a diplomatic effort to eliminate the DPRK’s U.N.-prohibited WMD and ballistic missile program. Meanwhile, as the President has said, sanctions on the DPRK remain in effect.

On human rights, the DPRK is among the most repressive authoritarian states in the world. Its human rights situation is deplorable. If confirmed, I will continue the administration’s efforts to work with the international community to raise awareness, highlight abuses and violations, increase access to independent information, and promote respect for human rights in the DPRK.

*Question.* Do you think that is an appropriate statement for the leader of the United States to make?

*Answer.* The administration’s goal is to achieve the final, fully verified denuclearization of the DPRK, as committed to by Chairman Kim in Singapore. On the deplorable human rights situation in North Korea, the United States continues to work with the international community to raise awareness, highlight abuses and violations, increase access to independent information, and promote respect for human rights in the DPRK. If confirmed, I would support these efforts.

*Question.* In February 2019, Trump said that he believed Kim Jong Un’s claim that he did not have prior knowledge of the mistreatment of Otto Warmbier, an American college student who died days after being released, in a coma, from 17 months in captivity in 2017. Do you agree with President Trump’s decision to believe Kim Jong Un about the condition of Otto Warmbier?

*Answer.* As Secretary Pompeo has said, “The North Korean regime is responsible for the death of Otto Warmbier and the humanitarian violations that are continuing to take place.” If confirmed, I will work to advance human rights and accountability in the DPRK by supporting documentation efforts; fostering the free flow of information into, out of, and within the DPRK; and promoting strong international pressure on the DPRK to respect human rights. I also have personally engaged with the member states of the Gulf Cooperation Council (GCC) in my current capacity to bring to a speedy end the use of DPRK workers in the region—a practice which I believe is tantamount to use of slave labor. I am pleased that our Arab partners have made clear that they will not allow these workers to stay beyond the U.N.-imposed deadline, and several countries expelled the workers prior the U.N. General Assembly, at my request.

*Question.* In August 2019, President Trump said the Chinese leader Xi had acted responsibly in handling the Hong Kong protests, for calling the demonstrations “riots,” and for saying the issue is between “Hong Kong and China.” Do you agree with President Trump’s stance on the protests in Hong Kong?

*Answer.* In speaking about Hong Kong, the President has been clear that he supports democracy and liberty, and that he expects the situation in Hong Kong to be resolved in a humane and peaceful fashion. I support this stance.

*Question.* How do you plan to explain or discuss President Trump’s apparent disdain for human rights with countries around the world?

*Answer.* President Trump has made clear that human rights are in our national interest, and his National Security Strategy (NSS) reflects a strong commitment to human rights. The NSS states that, “Liberty, free enterprise, equal justice under the law, and the dignity of every human life are central to who we are as a people.” It also makes clear that a commitment to human rights is essential to advance U.S. influence abroad, and that respect for human rights produces peace, stability and prosperity—making it integral to U.S. national security. Secretary Pompeo has emphasized to this committee that he is firmly committed to defend the human rights of all people and will work to strengthen democracy where it exists and promote it where it does not. If confirmed, I will raise human rights concerns with counterparts, including when I travel.

*Question.* How would you characterize President Trump’s approach to human rights?

*Answer.* As President Trump said in Warsaw, “We value the dignity of every human life, protect the rights of every person, and share the hope of every soul to

live in freedom. That is who we are. Those are the priceless ties that bind us together as nations, as allies, and as a civilization.” Secretary Pompeo noted in his remarks during the release of the 2018 Country Reports on Human Rights Practices that the State Department continues to play a leading role in championing human rights around the globe, honoring the vision of our founders and expressing our time-honored American aspiration for all people to be free. If confirmed, I will uphold those values in defending the human rights of all people and will work to strengthen democracy where it exists and promote it where it does not.

*Question.* If confirmed, what changes would you make or recommend for his administration’s rhetoric and approach to human rights?

*Answer.* The National Security Strategy makes it clear that, “Liberty, free enterprise, equal justice under the law, and the dignity of every human life are central to who we are as a people.” It also emphasizes that a commitment to human rights is essential to advance U.S. influence abroad, and that respect for human rights produces peace, stability, and prosperity—making it integral to U.S. national security. That message is clear, and one that, if confirmed, I will be pleased to advance.

*Question.* In May 2019, on World Press Freedom Day, President Trump criticized the press, saying, “They go out of their way to cover me inaccurately.” President Trump told Russian leader Vladimir Putin in June 2019, “Get rid of them [journalists]. Fake news is a great term, isn’t it? You don’t have this problem in Russia, but we do.” Do you agree with President Trump’s attacks on independent media?

*Answer.* An informed citizenry is a fundamental requirement for free nations and people. If confirmed, I will actively advocate with governments for free expression and freedom of the press. I will also work to strengthen independent voices in the media, and push for accountability for violence against or killings of journalists around the world.

*Question.* Leaders around the world, particularly authoritarian and autocratic leaders, have repeated President Trump’s use of “fake news.” What is your assessment of the impact that authoritarian leaders are using the President of the United States’ words to further attack the media in their countries?

*Answer.* Freedom of opinion and expression is enshrined in the Universal Declaration of Human Rights, and as an obligation in the International Covenant on Civil and Political Rights as a fundamental freedom. All parties to the Covenant have an obligation to provide their inhabitants with these rights. If countries fall short, we should call them out and press for reforms. If confirmed, I will actively advocate with governments for free expression and freedom of the press, and I will push for accountability for violence against or killings of journalists around the world.

*Question.* How, in the face of President Trump’s rhetoric will you stand up for journalists facing violence, threats, and persecution?

*Answer.* Freedom of speech is guaranteed in the U.S. Constitution. Internationally, the Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights cover freedom of speech. If countries fall short, we should call them out and push for reforms. If confirmed, I will actively advocate with governments for free expression and freedom of the press, and I will push for accountability for violence against or killings of journalists around the world.

*Question.* Do you agree with President Trump’s sentiment that Putin is lucky to be able to get rid of journalists?

*Answer.* Freedom of expression is fundamental to democracy. If confirmed, I will actively advocate with governments for freedom of expression, including for the press. I will also work to strengthen independent voices in the media, and push for accountability for violence against or killings of journalists around the world.

*Question.* How do you plan to explain or discuss President Trump’s disdain for a free and independent media with countries around the world, especially those struggling with press freedom?

*Answer.* I understand the Department of State is firmly committed to protecting and promoting press freedom. In addition to its diplomatic engagement on that issue, its annual Country Reports on Human Rights Practices document the status of press and media freedoms, violence and harassment against journalists, and censorship and content restrictions in each country around the world. The Department also has programs to support economic, legal, and regulatory conditions to enable media freedom, as well as support to media outlets and journalists to improve professionalism and financial sustainability. If confirmed, I will continue this work and actively advocate with governments for free expression and freedom of the press.

*Question.* In May 2017, President Trump said in Saudi Arabia, “We are not here to lecture. We are not here to tell other people how to live, what to do, who to be or how to worship. Instead, we are here to offer partnership, based on shared interests and values.” Do you agree with President Trump that the U.S. should not advocate for democratic values abroad?

*Answer.* As President Trump said in Warsaw, “We value the dignity of every human life, protect the rights of every person, and share the hope of every soul to live in freedom. That is who we are. Those are the priceless ties that bind us together as nations, as allies, and as a civilization.” Secretary Pompeo has emphasized to this committee that he is firmly committed to defend the human rights of all people and will work to strengthen democracy where it exists and promote it where it does not. If confirmed, I will raise human rights concerns with counterparts, including when I travel. Promoting human rights and defending the dignity of all persons is in the best interest of the United States.

*Question.* How do you plan to explain or discuss President Trump’s disdain for democratic values with countries around the world?

*Answer.* The President’s National Security Strategy (NSS) reflects the administration’s commitment to democratic values. The NSS states that “We will continue to champion American values and offer encouragement to those struggling for human dignity in their societies. There can be no moral equivalency between nations that uphold the rule of law, empower women, and respect individual rights and those that brutalize and suppress their people.” If confirmed, I will use a range of diplomatic tools to support democracy and human rights around the world.

*Question.* Do you think the Muslim ban is smart policy? Do you have any concerns that it will undermine our effectiveness or advocacy for human rights around the world? What is your assessment of the impact the Muslim ban has had on relationships with Muslim majority countries?

*Answer.* There is no Muslim ban. It is my understanding that Presidential Proclamation 9645 includes exceptions and waiver provisions that will permit travel in certain circumstances and that the Department of State’s consular officers identify and expedite those individuals with urgent travel needs who qualify for exceptions or waivers. If confirmed, I will seek opportunities to understand if there are impacts on our bilateral relationships with Muslim majority countries.

*Question.* How will you justify it to Muslim majority countries?

*Answer.* If confirmed, I will seek opportunities to explain that Per Section 2 of Executive Order 13780 of March 6, 2017 (Protecting the Nation from Foreign Terrorist Entry Into The United States), the Department of Homeland Security (DHS), in consultation with the Department of State and the Director of National Intelligence, conducted a global review to determine what additional information, if any, was needed from each foreign country to assess whether foreign nationals who seek to enter the United States pose a security or safety threat. As part of that review, DHS developed a comprehensive set of criteria to evaluate the information-sharing practices, policies, and capabilities of foreign governments on a worldwide basis. That review also included a 50-day period of engagement with foreign governments aimed at improving their information sharing practices (an engagement facilitated by our embassies and consulates overseas). After considering DHS’ recommendations, and foreign policy, national security, and counterterrorism goals, the President deemed it necessary to impose certain restrictions on the entry of non-immigrants and immigrants who are nationals of certain countries in Presidential Proclamation 9645.

*Question.* Do you agree with President Trump’s approach to immigration policy in the United States?

*Answer.* The Department of State and partner agencies have the responsibility to implement the immigration laws of the United States consistently and correctly. If confirmed, I will take this responsibility very seriously.

*Question.* Do you agree with the Trump administration’s enforcement of a zero tolerance policy that forcibly separated nearly 2,800 children from their parents and maybe thousands more that have yet to be identified??

*Answer.* I understand that this is a matter of domestic immigration policy that falls under the authorities of the Department of Homeland Security and Department of Justice. Further, I understand that this issue is the subject of ongoing litigation in the Federal courts. I am therefore unable to speculate about how it might or might not affect our diplomatic engagement.

*Question.* What is your assessment of the impact of the administration's zero-tolerance family separation policy on the children that were separated from their families and do you believe that separation caused these children any type of emotional or mental distress??

*Answer.* I understand that this is a matter of domestic immigration policy that falls under the authorities of the Department of Homeland Security and Department of Justice. Further, I understand that this issue is the subject of ongoing litigation in the Federal courts. I am therefore unable to speculate about how it might or might not affect our diplomatic engagement.

*Question.* How do you plan to credibly push other countries to improve human rights when the Trump administration has created a massive family separation crisis on its own soil??

*Answer.* I understand that this is a matter of domestic immigration policy under the purview of the Department of Justice and the Department of Homeland Security. Further, I understand that this issue is the subject of ongoing litigation in the Federal courts. I am therefore unable to speculate about how it might or might not affect our diplomatic engagement.

*Question.* What is your assessment of the impact of the Trump administration's efforts to restrict asylum to foreign nationals on our relationships with foreign countries??

*Answer.* I understand that the new Interim Final Rule on Asylum Eligibility and Procedural Modifications issued by the Department of Homeland Security and Department of Justice only recently went into effect. It is too soon to judge its effect, if any, on our relationships with foreign countries.

*Question.* Did you oppose the implementation of any enhanced interrogation techniques that were ultimately approved by Secretary Rumsfeld?

*Answer.* I have testified regarding my opposition to waterboarding, which was—to my knowledge—never approved by Secretary Rumsfeld. As documented by the Senate Armed Services Committee in its definitive work on this matter, I also was concerned that certain techniques should not be simply delegated to the Combatant Commander, and that instead the Secretary of Defense should be notified prior to their use in order to ensure maximum supervision, accountability, and oversight.

*Question.* When did you first hear concerns from the field about concerns of the effects of interrogation techniques?

*Answer.* I served as the Principal Deputy Assistant Secretary of Defense for Special Operations/Low-Intensity Conflict (SO/LIC) from the summer of 2002 through the late fall of 2003. Shortly after taking office, I began hearing about a wide range of concerns relating to Guantanamo, ranging from interrogation topics to the non-transparent inflow of detainees from CENTCOM, to the lack of a process for repatriating detainees of no further intelligence or prosecutorial value, to a complete disregard for civilian oversight. As I testified, upon taking office within SO/LIC, I was confronted in short order by multiple broken or non-existent processes at GTMO.

*Question.* From whom and how did you first hear concerns about the use of interrogation techniques at GTMO?

*Answer.* I do not recall.

*Question.* What did you do upon learning of concerns?

*Answer.* A number of things. First and foremost, I needed to create an office within SO/LIC to investigate the full range of issues about which we were hearing. I proposed, and received permission, to create the first Deputy Assistant Secretary of Defense for Detainee Affairs, and to staff it with a mix of career civilian and military professionals to bring greater oversight and transparency.

*Question.* What did you do, personally to address the concerns that were raised about interrogation techniques at GTMO?

*Answer.* I began asking for information. As stated in Answer 113, the responsibilities within SO/LIC were broad and demanding, and I was operating as the PDASD without a confirmed Assistant Secretary. I therefore created the DASD for Detainee Affairs and staffed it with experts of the highest caliber in order to assist with information gathering.

*Question.* As you know, my staff and I have reviewed a number of memos you regarding interrogation techniques under the Bush administration. Taken as a whole, it is clear that you sought to advance the effort by the Bush administration to implement techniques that our nation later agreed constitute unlawful torture.

Are there any specific memos or documents you can point to that demonstrate you sought to stop, block, or in which you objected to any of the techniques implemented by the Bush administration?

Answer. I have never advocated for torture, and have testified to the fact that I strongly opposed contemplation of waterboarding at GTMO. The Senate Armed Services Committee report of November 20, 2008, is the definitive report into the matter and had the benefit of a bipartisan investigation over more than a year, with access to the documentary record.

*Question.* You testified that when it comes to torture, you would “uphold the law.” But ensuring that the United States does not make the mistakes it made in the past, we need leaders who will stand up for what is right, what is humane, and what is best for the country, even if it may be “legal.” How can we be confident that you will do just that?

Answer. I am known as a forthright, honest public servant who has devoted most of his professional career to defending our nation. I mean what I say, and I do what I say, which is why both my previous and current nominations have received bipartisan support.

*Question.* When you served in the Bush administration, did you ever question that you were not standing up for what was right, as the administration was expanding and advancing the use of torture on detainees?

Answer. As stated in multiple other answers, I have never advocated for torture.

*Question.* At your hearing, you maintained that you never advocated for waterboarding. Are there any memos that you wrote or approved that demonstrate you did not support the use of waterboarding? Please provide specific information that would enable us to locate them. If the response requires a classified response, please provide it in the appropriate form.

Answer. I refer you to the Senate Armed Services Committee, which conducted the definitive investigation into interrogation at Guantanamo. I have testified that I opposed discussion of waterboarding. The Senate report makes clear that waterboarding was flagged as “red” by the Working Group that Secretary Rumsfeld established indicating significant legal or policy concerns. My office made clear our policy objections, contributing to that red color coding. I also note that waterboarding was not approved for use at GTMO by Secretary Rumsfeld.

*Question.* As you know, there have been troubling reports of targeting and retaliation against career employees based on their perceived political affiliation or work on policy initiatives under the previous administration. Do you agree that such actions have no place in federal government?

Answer. You mentioned this in the hearing. I have not been privy to the details of the reports, but based on the information I have, I agree.

*Question.* If confirmed, do you commit to familiarize yourself with these allegations, including reading the recent Inspector General report in the International Organizations Bureau?

*Question.* Yes.

*Question.* What will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. This will be communicated clearly, and any such behaviors will be referred through appropriate State Department mechanisms.

*Question.* A public Deloitte document cited you describing Marigold, a product you were selling as: “Deloitte’s proprietary, web-based Marigold due diligence solution, for example, automates risk assessment and monitoring through proprietary algorithms and an automated alert system.” Other sales documents claimed that Marigold “automates and standardizes information gathering tasks that commonly consume the majority of an analyst’s time” and “can potentially provide an estimated 54% reduction in labor vs. comparative manual due-diligence investigation.”

According to several of your former colleagues, the “automated risk assessment” that ran on “proprietary algorithms” never worked as advertised, and analysts manually performed the work and uploaded it into the web-based platform. In addition, several of your former colleagues said that the “automated alert system” never worked, and instead analysts would periodically re-run their checks and upload any new information into the system.

Did you ever overstate Marigold's automated and alert capabilities (or any other supposed capabilities) to internal and/or external clients, including the U.S. government?

Answer. No. The Marigold software had the capability to automate risk assessments and to automatically alert users of changes to risk profiles.

*Question.* In your meeting with SFRC Democratic staff, you said that you never claimed to clients that Marigold could perform "persistent" due diligence. However, sales documents state that Marigold's "persistent monitoring provides even greater cost savings over time." Furthermore, another sales document with your name on it describes Marigold's "four-phased process of Aggregating, Automating and Alerting, Analyzing, and Persisting." Please explain the discrepancy between your statement to staff and Deloitte sales documents.

Answer. Marigold had the capability to automate the due diligence process by gathering information and providing users with automatic alerts. This automation allowed some clients to realize cost savings.

*Question.* SFRC Democratic understands that a complaint was filed against you for misrepresenting the capabilities of Marigold. Were you ever made aware of this complaint?

Answer. No. I am not aware of any complaints.

*Question.* To your best knowledge, did any employees of Deloitte ever express dissatisfaction about the way that you or others presented Marigold to existing internal or external clients and potential clients, including the U.S. government?

Answer. I do not recall any dissatisfaction.

*Question.* To your best knowledge, did any employees of Deloitte ever refuse to write promote Marigold in the way that you wanted them to?

Answer. I do not recall any such circumstances.

*Question.* If Marigold worked as portrayed in interviews you gave and in sales documents, why did Deloitte stop selling the product soon after you left the company?

Answer. I cannot speculate as to the business decisions made after I separated from Deloitte.

*Question.* Did you ever attempt to become a partner at Deloitte? If so, what was the outcome? If you were not selected as a partner, were the issues with Marigold a contributing factor?

Answer. I was in the process of converting from Managing Director to Partner when I was asked to join the administration and accepted the President's nomination to the Treasury Department.



*Department of Treasury Office of Terrorist Financing and Financial Crimes*

Since June 2017, you have served as the Assistant Secretary for Terrorist Financing U.S. Department of the Treasury. Results of Employee Viewpoint Surveys, which poll employees, (see table below) show declines across a range of factors, including morale, since you have taken office. Please review the table and answer the questions below:

Results of EVS Surveys for Department of Treasury: "Asst Sec Terrorist Financing"  
Percent Responding Positive: ("Strongly Agree and Agree" or "Very Satisfied and Satisfied")

	2016	2017	2018
Arbitrary action, personal favoritism and coercion for partisan political purposes are not tolerated.	69.0	58.5	42.9
Prohibited Personnel Practices (for example, illegally discriminating for or against any employee/applicant, obstructing a person's right to compete for employment, knowingly violating veterans' preference requirements) are not tolerated.	85.4	70.5	65.6
In my organization, senior leaders generate high levels of motivation and commitment in the workforce.	65.7	57.4	47.2
My organization's senior leaders maintain high standards of honesty and integrity.	85.1	72.0	57.8
I have a high level of respect for my organization's senior leaders.	77.5	58.4	59.4
How satisfied are you with the policies and practices of your senior leaders?	68.5	48.7	47.1
Considering everything, how satisfied are you with your job?	67.5	64.7	57.1
Considering everything, how satisfied are you with your organization?	70.0	62.2	52.1

Each of the categories above witnessed a decline in the number of employees who responded favorably. Note that the results are only reported if there is a sufficient response pool to be significant. For each, please explain, separately, what you attribute for the decline in the percentage of employees who agree with the statements.

*Question.* To what do you attribute the decline in the percentage of employees who agreed that arbitrary action, personal favoritism, and coercion are not tolerated?

*Answer.* I note that data from 2016 and 2017 is completely unrelated to my tenure in office. To the extent that this data shows trends, it predates my confirmation by the Senate. I also note that the scores highlighted have been picked from among other questions which showed either no significant change year over year, or noteworthy improvements, particularly with regard to my leadership of the organization.

As examples:

#### Percent Responding Positively

	TFFC 2017	TFFC 2018	Treasury-wide 2018
I am given a real opportunity to improve my skills in my organization.	56.7	68.3	62.6
My performance appraisal is a fair reflection of my performance.	73.2	82.0	75.7
Creativity and innovation are rewarded.	46.1	56.9	40.2
My supervisor is committed to a workforce representative of all segments of society.	65.1	67.6	75.0
Supervisors work well with employees of different backgrounds.	64.6	67.9	68.4
Overall, how good a job do you feel is being done by the manager directly above your immediate supervisor?	59.2	75.6	63.9
I have a high level of respect for my organization's senior leaders.	58.4	59.4	53.9

I will not speculate as to the reason for the increases or declines in employee responses. However, I take seriously all results of the EVS survey, which is why I convened several management meetings to address areas requiring improvement and created a new position to oversee efforts to drive change. I enacted a plan to respond to many of these challenges in 2018 and a revised version for 2019 continues to guide our office's efforts to improve.

*Question.* To what do you attribute the decline in the percentage of employees who agreed that prohibited personnel practices are not tolerated than before you took office?

*Answer.* I note that data from 2016 and 2017 is completely unrelated to my tenure in office. To the extent that this data shows trends, it predates my confirmation by the Senate. I also note that the scores highlighted have been picked from among other questions which showed either no significant change year over year, or noteworthy improvements.

I will not speculate as to the reason for the increases or declines in employee responses. However, I take seriously all results of the EVS survey, which is why I convened several management meetings to address areas requiring improvement and created a new position to oversee efforts to drive change. I enacted a plan to respond to many of these challenges in 2018 and a revised version for 2019 continues to guide our office's efforts to improve.

*Question.* To what do you attribute the decline in the percentage of employees who agreed that senior leaders generate high levels of motivation and commitment than before you took office?

*Answer.* I note that data from 2016 and 2017 is completely unrelated to my tenure in office. To the extent that this data shows trends, it predates my confirmation by the Senate. I also note that the scores highlighted have been picked from among other questions which showed either no significant change year over year, or noteworthy improvements.

I will not speculate as to the reason for the increases or declines in employee responses. However, I take seriously all results of the EVS survey, which is why I convened several management meetings to address areas requiring improvement and created a new position to oversee efforts to drive change. I enacted a plan to respond to many of these challenges in 2018 and a revised version for 2019 continues to guide our office's efforts to improve.

*Question.* To what do you attribute the decline in the percentage of employees who agreed that their organization's senior leaders maintain high standards of honesty and integrity than before you took office?

Answer. I note that data from 2016 and 2017 is completely unrelated to my tenure in office. To the extent that this data shows trends, it predates my confirmation by the Senate. I also note that the scores highlighted have been picked from among other questions which showed either no significant change year over year, or noteworthy improvements.

I will not speculate as to the reason for the increases or declines in employee responses. However, I take seriously all results of the EVS survey, which is why I convened several management meetings to address areas requiring improvement and created a new position to oversee efforts to drive change. I enacted a plan to respond to many of these challenges in 2018 and a revised version for 2019 continues to guide our office's efforts to improve.

*Question.* To what do you attribute the decline in the percentage of employees who agreed that they have a high level of respect for their organization's senior leaders than before you took office?

Answer. I note that data from 2016 and 2017 is completely unrelated to my tenure in office. To the extent that this data shows trends, it predates my confirmation by the Senate. I also note that the scores highlighted have been picked from among other questions which showed either no significant change year over year, or noteworthy improvements.

I will not speculate as to the reason for the increases or declines in employee responses. However, I take seriously all results of the EVS survey, which is why I convened several management meetings to address areas requiring improvement and created a new position to oversee efforts to drive change. I enacted a plan to respond to many of these challenges in 2018 and a revised version for 2019 continues to guide our office's efforts to improve.

*Question.* To what do you attribute the decline in the percentage of employees who agreed that they are satisfied with the policies and practices of their senior leaders than before you took office?

Answer. I note that data from 2016 and 2017 is completely unrelated to my tenure in office. To the extent that this data shows trends, it predates my confirmation by the Senate. I also note that the scores highlighted have been picked from among other questions which showed either no significant change year over year, or noteworthy improvements.

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*Question.* To what do you attribute the decline in the percentage of employees who agreed that they are satisfied with their jobs and their organization than before you took office?

Answer. I note that data from 2016 and 2017 is completely unrelated to my tenure in office. To the extent that this data shows trends, it predates my confirmation by the Senate. I also note that the scores highlighted have been picked from among other questions which showed either no significant change year over year, or noteworthy improvements.

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*Question.* In January 2018, the Treasury Department released its public list of prominent Russian political figures and business leaders with ties to Putin and the

Russian government. Treasury's list was an exact replica of the Forbes 2017 list of the world's billionaires, and reporting indicates that a senior administration official replaced the original list drawn up by Treasury analysts with the Forbes list shortly before publication. To the best of your knowledge, which administration official made that decision, and why?

Answer. I cannot comment on the internal deliberative processes of the administration.

*Question.* What was your role in the oligarch's list process, and did you object to the original list being replaced by the Forbes list?

Answer. I cannot comment on the internal deliberative processes of the administration.

*Question.* During the period under which the Rusal and EN+ sanctions de-listings were being reviewed by Congress, were you or anyone else at the Treasury Department aware of Rusal's intention/desire to invest in a commercial venture in the state of Kentucky? If so, how were you made aware?

Answer. The administration has provided multiple briefings to Congress regarding sanctions pertaining to EN+ and Rusal. I believe the sanctions on Oleg Deripaska, Rusal, and EN+ sent a strong message to Vladimir Putin and the oligarchs that we will not tolerate their continued malign behavior. Our efforts to hold Oleg Deripaska accountable for his actions continue in a number of overseas jurisdictions.

*Question.* In April 2003, you wrote a memo to Secretary Rumsfeld titled "Interrogation Methods for GTMO." In it, you recommended that Secretary Rumsfeld approve 11 interrogation techniques which you supported but, at that point, he no longer did. These are the same techniques that the Senate Armed Services Committee (SASC) report concluded led to abuses in Afghanistan and Iraq. In the memo, which is quoted in the SASC report, you wrote that the techniques were "not controversial from either a legal, or policy standpoint."

(If a classified response is necessary to respond to any of the questions below fully and completely, please provide a response in classified form, but only to the extent necessary to protect classified information).

*Question.* Putting the legal concerns of the military JAGs aside, how did you determine that the techniques were not controversial from a policy standpoint?

Answer. As I testified, I am not an expert on interrogation techniques, nor am I a lawyer. We relied upon descriptions provided at the time by interrogation specialists and upon the determinations by counsel of which techniques were legally permissible. As I have noted in other answers, I also created an office charged with detainee matters, and I relied upon the advice of career professionals within the Office of the Secretary of Defense. The combination of these two factors (legal and policy) was used by the Working Group to categorize different requested authorities, as described in the SASC report.

*Question.* During your time at Special Operations/Low-Intensity Conflict (SO/LIC), did you ever oppose the use of any interrogation techniques not in the Army Field Manual?

Answer. I opposed the use of waterboarding, which I understand was not included in the Army Field Manual at the time.

*Question.* If so, which techniques did you oppose using? Was your opposition recorded in any memos you authored or approved? If so, please provide specific information that would enable us to identify and locate those memos. If a classified response is necessary, please provide it.

Answer. I refer to Answer 140 and multiple other answers indicating that the Senate Armed Services Committee conducted the definitive investigation into these topics and had access to the historical record on a bipartisan basis.

*Question.* Did you ever advocate for or approve the use of the enhanced interrogation technique (EIT) known as "hooding," which involved placing a hood or blindfold over the detainee's head during questioning?

Answer. As made clear in materials furnished to the committee, including a letter from Dr. Mark Jacobson, who both worked in SO/LIC and later as an investigator for Senator Levin on the Senate Armed Services Committee staff, I was not in the position of deciding on interrogation-related matters. The role of SO/LIC at the time was to endeavor to create a transparent process whereby requests made by the Joint Task Force at GTMO were routed through multiple levels of scrutiny, including

multiple layers of legal review, to ensure that the Secretary of Defense was provided with a fulsome and considered set of views.

*Question.* If so, were you aware of the objections of military JAGs and law enforcement professional interrogators (FBI, NCIS, etc.) to this technique?

*Answer.* I depended upon law enforcement and intelligence professionals, together with legal counsels from multiple organizations and services, to provide their best advice on interrogation techniques requested for use at Guantanamo. The purpose of the Working Group was to assemble a wide array of individuals to develop a set of recommendations for the Secretary. As I am not an expert in interrogation, I relied upon SO/LIC staff to attend various meetings where differing views were expressed.

*Question.* Were you aware that some of JAGs and law enforcement professional interrogators believed that this technique constituted torture?

*Answer.* I have never supported the use of any interrogation technique that constituted torture. I do not recall that the various Working Group draft reports ever defined this technique as torture. Within SO/LIC, we relied upon determinations by the Department of Defense's Office of the General Counsel regarding the legality of proposed measures.

*Question.* Do you now consider this technique to be abusive? If so, why did you not consider it abusive at the time?

*Answer.* I have never supported the use of any interrogation technique that constituted torture. I do not recall that the various Working Group draft reports ever defined this technique as torture. Within SO/LIC, we relied upon determinations by the Department of Defense's Office of the General Counsel regarding the legality of proposed interrogation measures.

*Question.* Did you ever advocate for or approve the use of the EIT known as "threat of transfer," which involved threatening to transfer the subject to a 3rd country that the subject is likely to fear would subject him to torture or death?

*Answer.* As stated in Answer 142, I was not in the position of deciding on interrogation-related matters. The role of SO/LIC at the time was to endeavor to create a transparent process whereby requests made by the Joint Task Force at GTMO were routed through multiple levels of scrutiny, including multiple layers of legal review, to ensure that the Secretary of Defense was provided with a fulsome and considered set of views.

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*Question.* Were you aware that some of them believed that this technique constituted torture?

*Answer.* I have never supported the use of any interrogation technique that constituted torture. I do not recall that the various Working Group draft reports ever defined this technique as torture. Within SO/LIC, we relied upon determinations by the Department of Defense's Office of the General Counsel regarding the legality of proposed measures.

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*Question.* Did you ever advocate for or approve the use of the EIT known as "use of prolonged interrogations," which involved the continued use of a series of approaches that extend over a long period of time (e.g., 20 hours per day per interrogation)?

Answer. I was not in the position of deciding on interrogation-related matters. The role of SO/LIC at the time was to endeavor to create a transparent process whereby requests made by the Joint Task Force at GTMO were routed through multiple levels of scrutiny, including multiple layers of legal review, to ensure that the Secretary of Defense was provided with a fulsome and considered set of views.

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Answer. I have never supported the use of any interrogation technique that constituted torture. I do not recall that the various Working Group draft reports ever defined this technique as torture. Within SO/LIC, we relied upon determinations by the Department of Defense's Office of the General Counsel regarding the legality of proposed measures.

*Question.* Did you ever advocate for or approve the use of the EIT known as "forced grooming," which involved forcing a detainee to shave their hair or beard?

Answer. I was not in the position of deciding on interrogation-related matters. The role of SO/LIC at the time was to endeavor to create a transparent process whereby requests made by the Joint Task Force at GTMO were routed through multiple levels of scrutiny, including multiple layers of legal review, to ensure that the Secretary of Defense was provided with a fulsome and considered set of views.

*Question.* If so, were you aware of the objections of military JAGs and law enforcement professional interrogators (FBI, NCIS, etc.) to this technique?

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*Question.* Do you now consider this technique to be abusive? If so, why did you not consider it abusive at the time?

Answer. I have never supported the use of any interrogation technique that constituted torture. I do not recall that the various Working Group draft reports ever defined this technique as torture. Within SO/LIC, we relied upon determinations by the Department of Defense's Office of the General Counsel regarding the legality of proposed measures.

*Question.* Did you ever advocate for or approve the use of the EIT known as "sleep deprivation," which involved keeping the detainee awake for an extended period of time, up to 4 days in succession?

Answer. I was not in the position of deciding on interrogation-related matters. The role of SO/LIC at the time was to endeavor to create a transparent process whereby requests made by the Joint Task Force at GTMO were routed through multiple levels of scrutiny, including multiple layers of legal review, to ensure that the Secretary of Defense was provided with a fulsome and considered set of views.

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*Question.* Do you now consider this technique to be abusive? If so, why did you not consider it abusive at the time?

Answer. I have never supported the use of any interrogation technique that constituted torture. I do not recall that the various Working Group draft reports ever defined this technique as torture. Within SO/LIC, we relied upon determinations by the Department of Defense's Office of the General Counsel regarding the legality of proposed measures. As I have noted in responses to multiple other questions, Congress enacted a law in 2015—more than a decade after my time in SO/LIC—which established that only techniques contained in the Army Field Manual may be used in interrogations. I strongly support this law, and do not support any interrogation technique not contained in the Manual.

*Question.* Did you ever advocate for or approve the use of the EIT known as "isolation," which involved separating a detainee from others for up to 96 hours?

Answer. I was not in the position of deciding on interrogation-related matters. The role of SO/LIC at the time was to endeavor to create a transparent process whereby requests made by the Joint Task Force at GTMO were routed through multiple levels of scrutiny, including multiple layers of legal review, to ensure that the Secretary of Defense was provided with a fulsome and considered set of views.

*Question.* If so, were you aware of the objections of military JAGs and law enforcement professional interrogators (FBI, NCIS, etc.) to this technique?

Answer. I depended upon law enforcement and intelligence professionals, together with legal counsels from multiple organizations and services, to provide their best advice on interrogation techniques requested for use at Guantanamo. The purpose of the Working Group, was to assemble a wide array of individuals to develop a set of recommendations for the Secretary. As I am not an expert in interrogation, I relied upon SO/LIC staff to attend various meetings where differing views were expressed.

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*Question.* Do you now consider this technique to be abusive? If so, why did you not consider it abusive at the time?

Answer. I have never supported the use of any interrogation technique that constituted torture. I do not recall that the various Working Group draft reports ever defined this technique as torture. Within SO/LIC, we relied upon determinations by the Department of Defense's Office of the General Counsel regarding the legality of proposed measures.

*Question.* Did you ever advocate for or approve the use of the EIT known as “sound modulation”?

Answer. As stated in Answer 142, I was not in the position of deciding on interrogation-related matters. The role of SO/LIC at the time was to endeavor to create a transparent process whereby requests made by the Joint Task Force at GTMO were routed through multiple levels of scrutiny, including multiple layers of legal review, to ensure that the Secretary of Defense was provided with a fulsome and considered set of views.

*Question.* If so, were you aware of the objections of military JAGs and law enforcement professional interrogators (FBI, NCIS, etc.) to this technique?

Answer. I depended upon law enforcement and intelligence professionals, together with legal counsels from multiple organizations and services, to provide their best advice on interrogation techniques requested for use at Guantanamo. The purpose of the Working Group, was to assemble a wide array of individuals to develop a set of recommendations for the Secretary. As I am not an expert in interrogation, I relied upon SO/LIC staff to attend various meetings where differing views were expressed.

*Question.* Were you aware that some of them believed that this technique constituted torture?

Answer. I have never supported the use of any interrogation technique that constituted torture. I do not recall that the various Working Group draft reports ever defined this technique as torture. Within SO/LIC, we relied upon determinations by the Department of Defense’s Office of the General Counsel regarding the legality of proposed measures.

*Question.* Do you now consider this technique to be abusive? If so, why did you not consider it abusive at the time?

Answer. I have never supported the use of any interrogation technique that constituted torture. I do not recall that the various Working Group draft reports ever defined this technique as torture. Within SO/LIC, we relied upon determinations by the Department of Defense’s Office of the General Counsel regarding the legality of proposed measures.

*Question.* Did you ever advocate for or approve the use of the EIT known as “face slap/stomach slap,” which involved a quick glancing slap to the fleshy part of the cheek or stomach, used as a shock measure?

Answer. I was not in the position of deciding on interrogation-related matters. The role of SO/LIC at the time was to endeavor to create a transparent process whereby requests made by the Joint Task Force at GTMO were routed through multiple levels of scrutiny, including multiple layers of legal review, to ensure that the Secretary of Defense was provided with a fulsome and considered set of views.

*Question.* If so, were you aware of the objections of military JAGs and law enforcement professional interrogators (FBI, NCIS, etc.) to this technique?

Answer. I depended upon law enforcement and intelligence professionals, together with legal counsels from multiple organizations and services, to provide their best advice on interrogation techniques requested for use at Guantanamo. The purpose of the Working Group, was to assemble a wide array of individuals to develop a set of recommendations for the Secretary. As I am not an expert in interrogation, I relied upon SO/LIC staff to attend various meetings where differing views were expressed.

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Answer. I have never supported the use of any interrogation technique that constituted torture. I do not recall that the various Working Group draft reports ever defined this technique as torture. Within SO/LIC, we relied upon determinations by the Department of Defense’s Office of the General Counsel regarding the legality of proposed measures.



*Question.* Did you ever advocate for or approve the use of the EIT known as “removal of clothing,” which involved potential removal of all clothing, to be done by military police if not agreed to by the subject?

*Answer.* I was not in the position of deciding on interrogation-related matters. The role of SO/LIC at the time was to endeavor to create a transparent process whereby requests made by the Joint Task Force at GTMO were routed through multiple levels of scrutiny, including multiple layers of legal review, to ensure that the Secretary of Defense was provided with a fulsome and considered set of views.

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*Question.* Did you ever advocate for or approve the use of the EIT known as “increasing anxiety by use of aversions,” which involved introducing factors that create anxiety, such as military working dogs?

*Answer.* I was not in the position of deciding on interrogation-related matters. The role of SO/LIC at the time was to endeavor to create a transparent process whereby requests made by the Joint Task Force at GTMO were routed through multiple levels of scrutiny, including multiple layers of legal review, to ensure that the Secretary of Defense was provided with a fulsome and considered set of views.

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*Question.* Retired U.S. Army Major General Thomas J. Romig, who served as the Judge Advocate General of the U.S. Army, wrote a letter to the committee after your hearing stating that:

*I, and several other military lawyers, spoke up against proposals to abuse and torture detainees by using so-called ‘enhanced interrogation methods.’ During meetings on the matter, I encountered Mr. Marshall Billingslea, who at the time was in the very influential role of Principal Deputy Assistant Secretary of Defense for Special Operations and Low Intensity Conflict at the Pentagon. I write to you today because I understand that Mr. Billingslea has been nominated to serve as Under Secretary of State for Civilian Security, Democracy, and Human Rights—a position that requires moral courage, leadership, and credibility on human rights. Yet during the critical test of our nation’s moral courage after 9/11, Mr. Billingslea failed. He not only failed to stand up for what was right, but he also went out of his way to advocate for using abusive interrogation techniques against detainees in our custody. And he advocated for such abuses despite being told that his positions were wrong, counterproductive, and unlawful by a group of senior military lawyers with over 100 collective years of military experience and nearly that many years of military law experience.*

- Do you dispute General Romig’s assertion that you “advocate[d] for using abusive interrogation techniques against detainees in [U.S.] custody”? If so, do you know of any documents that can support your account?

*Answer.* I do dispute this assertion. The SASC report was conducted on a bipartisan basis and had access to the full documentary record. At no point in that report am I accused of advocating for torture.

*Question.* Do you dispute General Romig’s assertion that you were “told that [your] positions were wrong, counterproductive, and unlawful by a group of senior military lawyers”? If so, do you know of any documents that can support your account?

*Answer.* I depended upon the Department of Defense’s Office of the General Counsel to identify techniques that were unlawful or which constituted torture. The SASC report was conducted on a bipartisan basis and had access to the full documentary record. At no point in that report am I accused of advocating for torture.

*Question.* You said at your hearing that “Dr. Mark Jacobson, who has written letters on [your] behalf . . . has made crystal clear that [you] did not advocate for torture.” However, the letter you referenced was written by Dr. Jacobson in 2017, regarding your confirmation process for Treasury Assistant Secretary of Terrorist Financing and Illicit Finance, correct? Please answer yes or no.

*Answer.* Yes.

*Question.* Dr. Jacobson did not write that letter for your nomination as Under Secretary for Civilian Security, Democracy, and Human Rights, correct? Please answer yes or no.

*Answer.* Yes. He has spoken at length with Minority Staff as well with respect to my current nomination.

*Question.* Dr. Jacobson’s letter says only that you were “not the decider as to whether the Pentagon would push forward with aggressive interrogation techniques.” Please cite the relevant text in the 2017 letter where he makes it “crystal clear” that you did not advocate for torture.

*Answer.* Dr. Jacobson’s letter speaks for itself. I was focused on creating a transparent process on all matters relating to GTMO, as the Department of Defense documents provided to the committee demonstrate.

*Question.* The day after your hearing, Dr. Jacobson submitted a new letter to the committee to “clarify the context of [his] letter of June 22, 2017 to the Chair of the Senate Armed Services Committee.” He followed:

*I wrote this letter in 2017 in response to a particular set of news articles published in the 2004-2007 period that I felt overstated Billingslea’s “central” or “directing” role in the development of interrogation techniques at Guantanamo Bay. I was concerned, based on what the Senate Armed Services Committee investigation (completed April 2009) had uncovered, that those articles when taken alone overplayed Billingslea’s role as opposed to that of more senior leaders and could potentially let those more senior leaders off the hook. In terms of any other issues regarding Mr. Billingslea’s in-*

*volvement with the detention and interrogation policies I stand by the findings and text of the Senate Armed Services Committee report.*

- Do you know of any documents that can support your account that you did not advocate for torture?

Answer. The SASC report was conducted on a bipartisan basis and had access to the full documentary record. At no point in that report am I accused of advocating for torture.

*Question.* Another SASC staffer that worked on the investigation, Joe Bryan, also submitted a letter to the committee the day after your hearing. Mr. Bryan's letter states that "In his September 19, 2019 testimony before your committee Mr. Billingslea referred to a statement, which he attributed to a third party, that he has 'never supported torture nor anything resembling torture.' The record established in the SASC investigation does not support that assessment." The letter cites as evidence for this assertion your memo from April 10, 2003 (see page 131 of the SASC report) and memo from July 24, 2003 (see page 138 of the SASC report).

- Do you know of any documents that can support your account that you have never supported torture or anything resembling torture?

Answer. The two pages referenced (plus a footnote) are the only times I am mentioned in a report that is 263 pages long. The SASC report is the definitive bipartisan assessment of detainee matters related to Guantanamo.

*Question.* Mr. Bryan wrote that "senior military lawyers repeatedly raised concerns about the legality of interrogation techniques that [you] endorsed." The letter cites as evidence concerns from JAGs prior to your recommendation to authorize additional techniques (see pages 67-69 and 126-127 of the SASC report). What did you do when senior military lawyers raised concerns about the legality of interrogation techniques?

Answer. As a civilian within the Office of the Secretary of Defense, I depended upon the Office of the General Counsel to evaluate and provide determinations on the legality of interrogation techniques.

*Question.* Are there any documents that can support any actions you took in response?

Answer. The SASC report is the definitive bipartisan assessment of detainee matters related to Guantanamo, and was based on a review of the complete documentary history.

*Question.* If you took no action, why did you ignore the concerns of those military lawyers?

Answer. As I have indicated, I opposed consideration of the use of waterboarding at GTMO.

*Question.* You said at your hearing that the reason SASC staffers never interviewed you during the course of their investigation into detainee abuse was because "they knew that [you] were not involved in advocating for torture." Multiple former SASC staffers who worked on the detainee report assert that you were not interviewed during the course of the investigation because the written record you left behind clearly showed your role in advocating for or approving the use of enhanced interrogation techniques, and therefore there was no need to interview you to gain any further information. Do you have any factual basis for the assertion you made at the hearing?

Answer. I stand by my testimony.

*Question.* Do any documents or witnesses that can support your version?

Answer. The SASC report is the definitive bipartisan assessment of detainee matters related to Guantanamo, and was based on a review of the complete documentary history.

*Question.* At your hearing, you stated that at SO/LIC you "never provided and did not have the authority to provide policy oversight to Special Mission Units in Iraq or Afghanistan." You said that SO/LIC is "responsible for engaging with U.S. Special Operations Command (SOCOM) in Tampa directly. Those Special Mission Units (SMU) were elements of the Joint Special Operations Command (JSOC) and they worked for the regional Combatant Commanders (COCOMS)."

If the SMUs were elements of JSOC, and JSOC is a component command of SOCOM, and SOCOM falls under the policy oversight of SO/LIC, how did SO/LIC not have the authority to provide civilian oversight to SMUs in Iraq and Afghanistan?

*Answer.* Geographic combatant commanders, such as U.S. Central Command, maintain chain of command responsibility for military units operating within their area of responsibility. For a wide range of reasons, historically, the civilian staff with the Office of the Secretary of Defense (Policy) do not intercede within the military chain of command. SO/LIC engages with U.S. Special Operations Command and the Joint Staff on policy matters.

*Question.* If SO/LIC did not provide civilian oversight of the SMUs in Iraq and Afghanistan, which DOD civilian element did?

*Answer.* I am unaware that anyone within the Office of the Secretary of Defense (Policy) intercedes within the military chain of command to provide direct oversight of Special Mission Units.

*Question.* While at SO/LIC, which you started at in August 2002, were you aware that GTMO interrogators traveled to Army Special Operations Command Joint Personnel Recovery Agency (JPRA) in September 2002?

*Answer.* I do not recall being aware of that.

*Question.* If so, did you play any role in that visit or receive any information about it?

*Answer.* Not to my recollection.

*Question.* If so, were you aware that they went to learn interrogation techniques that U.S. military personnel are taught to resist as part of SERE (Survive, Evade, Resist, Escape) training, which are based on techniques used by enemies that did not follow the Geneva convention, such as those used by the Chinese Communist army against American POWs during the Korean War to elicit false confessions?

*Answer.* I do not recall being aware of the visit at the time.

*Question.* While at SO/LIC, were you aware that on October 2, 2002 the chief counsel of the CIA's Counter-Terrorism Center traveled to GTMO and sanctioned the use of SERE techniques—including waterboarding and phobias—in the interrogation of Mohammed Khatani, as recounted in the SASC report?

*Answer.* I do not recall being aware of the visit.

*Question.* If so, did you play any role in that visit or receive any information about it?

*Answer.* Not to my recollection.

*Question.* While at SO/LIC, were you aware that from October 2-10, 2002, the Khatani interrogation occurred at GTMO and included the use of military dogs for intimidation, sleep deprivation, body placement discomfort (stress positions), loud music, and bright lights?

*Answer.* I do not recall being aware of this.

*Question.* If so, did you play any role in that visit or receive any information about it?

*Answer.* Not to my recollection.

*Question.* While at SO/LIC, were you aware that from October 8-10, 2002, U.S. military personnel from the Afghanistan Special Mission Unit Task Force (SMU TF) visited GTMO and learn new interrogation techniques? If so, did you play any role in that visit or receive any information about it?

*Answer.* I do not recall being aware of this.

*Question.* While at SO/LIC, were you aware that on October 11, 2002, the GTMO commander sent a memo to SOUTHCOM requesting authority for GTMO interrogators to use the newly-learned SERE techniques from their September visit to JPRA, which were also used in the interrogation of Khatani?

*Answer.* I do not recall being aware of this.

*Question.* Was the memo you wrote to Secretary Rumsfeld on or about October 10, 2002, titled "Detainees at GTMO," informed or influenced in any way by any of the events of the preceding 8 days and the following day, including either the visit by the CIA CTC chief counsel, the interrogation of Khatani, the visit of the Afghanistan SMU TF team to GTMO, and/or the impending request from the GTMO commander for authority to use more interrogation techniques?

*Answer.* Not to my recollection.

*Question.* While at SO/LIC, were you aware that SMUs in Afghanistan and Iraq were conducting their own interrogations?

Answer. As I indicated in Answers 194 and 195, the Special Mission Units fell under the military chain of command. I do not recall being aware of interrogation techniques used by the SMUs, if any.

*Question.* If not, was another civilian element of DOD?

Answer. Not to my knowledge.

*Question.* If so, did you ever review or were you ever made aware of their interrogation policies?

Answer. Not to my recollection.

*Question.* While at SO/LIC, were you aware of or did you review or approve the January 2003 interrogation SOP created by Afghanistan SMU TF?

Answer. Not to my recollection.

*Question.* If not, did another civilian element of DOD?

Answer. Not to my knowledge.

*Question.* While at SO/LIC, were you aware of or did you review or approve the February 2003 interrogation SOP created by Iraq SMU TF?

Answer. Not to my recollection.

*Question.* If not, did another civilian element of DOD?

Answer. Not to my knowledge.

*Question.* While at SO/LIC, did intelligence reports you received from SMU interrogations in Afghanistan and Iraq lead you to believe that their interrogation methods were effective?

Answer. I do not recall ever receiving “intelligence reports . from SMU interrogations.” We received daily threat stream reporting from the Defense Intelligence Agency, but sources and methods were not disclosed.

*Question.* While at SO/LIC, were you aware of reports that SMU interrogations in Afghanistan and Iraq were resulting in the abuse of detainees?

Answer. As I testified, I recall learning of a death at Bagram. I do not recall being told that it was associated with abuse of detainees, but I recall asking the SOCOM commander to investigate.

*Question.* If so, did you take any steps to have the alleged abuse investigated?

Answer. As I stated earlier, I raised the issue with the Commander of USSOCOM.

*Question.* While at SO/LIC, did you ever draft or recommend interrogation techniques or policy, either independently or jointly with another division or unit?

Answer. Requests for interrogation techniques did not originate from within SO/LIC. As I have stated, I am not an expert on interrogation techniques, and had to depend upon the intelligence and law enforcement communities to describe the techniques they were requesting, and upon the Office of the General Counsel for determinations on legality.

*Question.* You said during your hearing that “it came to your attention that in the case of an individual in Bagram, there had been a death in one of the facilities, and [you] escalated that case personally to the Special Operations Combatant Commander (SOCOM) and asked him, in effect, ‘what is going on here?’” Do you know of any documents that can support your account?

Answer. I am unaware of any documents.

*Question.* In November 2002, did you review or approve the Joint Staff Action Processing Form—which was approved by the Under Secretary of Defense for Policy’s office—for JPRA to train interrogators?

Answer. I do not recall that document.

*Question.* While at SO/LIC, were you aware that in May 2003 CIA general counsel Scott Muller told Jim Haynes that Iraq SMU TF interrogators were more aggressive than the CIA interrogators? Did you hear any such reports from other sources?

Answer. I do not recall being aware of that conversation.

*Question.* Were you aware of any objections by military JAGs, law enforcement professionals, or any others to the techniques used in the second interrogation of Khatani at the time that you approved the interrogation plan?

Answer. I do not recall this.

*Question.* If all of the methods used in the Khatani interrogation were legal today, would you approve the interrogation plan?

*Answer.* I strongly support the law enacted by Congress in 2015 to prohibit use of interrogation techniques beyond those contained in the Army Field Manual. I would not support use of any technique not contained in the Manual.

*Question.* What was your role on the Working Group that Secretary Rumsfeld established on or around January 15, 2003?

*Answer.* SO/LIC was asked to participate in the Working Group, along with a large number of other participants from law enforcement, intelligence, the uniformed military, and lawyers.

*Question.* While on the Working Group, did you have any role in removing the reference to “SERE schools” or techniques used in “military training” from the February 2nd draft report?

*Answer.* Not to my recollection.

*Question.* While on the Working Group, did you have any role in the insertion of language in the February 2nd draft report that stated the techniques were “considered effective by interrogators and for which USSOUTHCOM and USCENTOM have requested approval”?

*Answer.* Not to my recollection.

*Question.* While on the Working Group, did you approve of the interrogation techniques in the “Final Report”—which was later re-characterized as a draft—that was circulated on February 04, 2003?

*Answer.* As I have testified, I objected to consideration of waterboarding as a technique for use at GTMO. As the SASC report also documents, while the Working Group found certain techniques to be legally permissible, I thought the Secretary of Defense should be notified prior to use of a number of techniques in order to ensure that these measures were subject to rigorous oversight.

*Question.* What is your recollection your role in the March 2003 meeting with Wolfowitz, Haynes, Myers, Cambone, Feith, Captain Dalton, and yourself to discuss the Working Group’s findings?

*Answer.* I do not recall that meeting.

*Question.* Why did you disagree with the decision from that meeting to only authorize 24 techniques?

*Answer.* I do not recall that meeting.

*Question.* During your hearing you quoted from a 2017 letter from Dr. Michael Gelles which states that you “never condoned the use of torture, nor did [you] advocate any technique that could constitute torture.”

- Do you disagree with the findings of the Legislative, Executive, and Judicial branches of the U.S. government that the techniques you advocated for, such as hooding, threat of transfer, 20-hour interrogations, forced grooming, sleep deprivation, face slap/stomach slap, removal of clothing, increasing anxiety by use of aversions, do in fact constitute torture? If you do not agree, why not? If you do agree, then how can you stand by the assertion made in Dr. Gelles letter?

*Answer.* I strongly support the law enacted by Congress in 2015 to prohibit use of interrogation techniques beyond those contained in the Army Field Manual. I would not support use of any technique not contained in the Manual. At the time, as neither a lawyer nor an expert in interrogation techniques, I depended upon the Office of the General Counsel to determine the legality of proposed measures. I have never advocated for the use of torture.

*Question.* Dr. Gelles letter also states that you were “the person who single-handedly blocked consideration of the use of waterboarding at GTMO.” In your meeting with SFRC Democratic staff, you were asked how Dr. Gelles knew that, and you responded that he was on the Working Group. But Dr. Gelles was not on the Working Group. Did you tell Dr. Gelles that you blocked the consideration of waterboarding from being used at GTMO? If not, how would he know that you blocked the consideration of waterboarding from being used at GTMO?

*Answer.* There were many working meetings at the time regarding GTMO. Most of the meetings I personally attended were focused on securing agreement to release detainees from GTMO who were of no further intelligence value and were no longer

a threat to U.S. national security. I made clear my opposition to waterboarding in multiple fora.

*Question.* While at Deloitte, did you help Dr. Gelles win any business from the company or profit from the company in any way?

Answer. Dr. Gelles is a Managing Director at Deloitte, as I was. I routinely partnered with a number of Managing Directors during my employment at Deloitte.

*Question.* While at Deloitte, did you hire or help hire Dr. Gelles son to work at the company?

Answer. Bryan Gelles was hired by Deloitte Financial Advisory Services and worked within the Business Intelligence Services group, the business practice which I led.

*Question.* Did you ask anyone else to write letters supporting your nomination (or have anyone request on your behalf)? Did anyone refuse?

Answer. I am pleased that so many individuals and representatives of nonprofits and human rights organizations have supported my nomination to serve as Under Secretary. In addition to the multiple letters of support that have already been placed into the hearing record, on September 18, 14 more human rights and democracy advocates wrote to the Chairman and Ranking Member in support of my nomination. Their letter is attached to the QFR responses.

*Question.* When and how did you allegedly block waterboarding from being considered at GTMO?

Answer. I raised clear objections in meetings with the Office of the General Counsel. As the SASC report indicates, waterboarding was identified as “red” by the working group and was not a technique presented to Secretary Rumsfeld for approval.

*Question.* Is there any way to independently verify your claim that you blocked waterboarding from being considered at GTMO?

Answer. I have been clear in my testimony. There is no evidence to the contrary.

*Question.* Does the account of the Working Group in Vice Admiral Church’s report support your assertion that you blocked waterboarding from being considered at GTMO?

Answer. The SASC report is the definitive bipartisan assessment of detainee matters related to Guantanamo, and was based on a review of the complete documentary history.

*Question.* Mark Fallon, who was Deputy Assistant Director for Counterterrorism for the Navy Criminal Investigative Service while you were at DOD (and also lead the USS Cole Task Force and was Deputy Commander of the task force investigating Al-Qaeda before military commission trials), told a human rights organization after your hearing that:

*In my direct experience, Mr. Billingslea was the single biggest bureaucratic obstacle at the Pentagon, short of the Department of Defense’s senior-most leaders, to stopping the use of EITs. He was a vocal advocate for the use of the techniques and the claim that torture worked. When experienced investigators and interrogation professionals, like those on the investigative task force established to bring terrorists to justice attempted to tell him that the techniques were ineffective, he told us we didn’t know what we were talking about. If it were not for Mr. Billingslea’s full-throated support for the use of EITs at Guantanamo, we may have been able to prevent the techniques from being approved by senior leadership at the Pentagon. And while he may not have intended that the abusive techniques then be employed at Abu Ghraib and elsewhere, that is exactly what happened as a direct result of him pushing for their use at Guantanamo. In all the years since, despite having mutual friends and contacts, I have never once heard any suggestion that Mr. Billingslea has since had a change of heart.*

- Since the days when you worked to get EITs approved, have you had a change of heart?

Answer. As I testified, and as I have indicated in multiple answers to QFRs, I strongly support the law enacted by Congress in 2015 to clearly identify that only the techniques contained in the Army Field Manual may be used in interrogations.

*Question.* If, as you claimed at your hearing, you were not an “expert on interrogation,” why did you ignore the opinions of law enforcement professionals from the FBI, NCIS, etc. who were experts on interrogation, and, according to government

documents such as a Department of Justice Inspector General report, raised their concerns about these interrogation techniques directly with you?

*Answer.* As the Senate Armed Services Committee report makes clear, there were a wide range of views expressed by the law enforcement, intelligence, and legal communities on a number of interrogation techniques.

*Question.* During your time at SO/LIC, how many memos did you author regarding general detainee or interrogation policy, or the interrogation of individual detainees? If you do not know the exact number, please provide your best estimate (e.g. "between 5 and 10, between 10 and 20, between 20 and 30, more than 30," etc.).

*Answer.* I authored very few memos. Most were drafted by SO/LIC staff. The classified memos furnished to the committee by the Department of Defense are representative of the fact that, with regard to GTMO, I spent the majority of my short tenure working to properly regulate the inflow of detainees and to expedite transfer of detainees out.

*Question.* During your time at SO/LIC, how many memos did you approve regarding general detainee or interrogation policy, or the interrogation of individual detainees? If you do not know the exact number, please provide your best estimate (e.g. "between 5 and 10, between 10 and 20, between 20 and 30, more than 30," etc.).

*Answer.* As stated in Answer 240, the classified memos furnished to the committee by the Department of Defense are representative of the fact that, with regard to GTMO, I spent the majority of my short tenure working to properly regulate the inflow of detainees and to expedite transfer of detainees out.

*Question.* During your time at SO/LIC, how many interrogation plans for individual detainees did you approve? If you do not know the exact number, please provide your best estimate (e.g. "between 5 and 10, between 10 and 20, between 20 and 30, more than 30," etc.).

*Answer.* I cannot recall a number.

*Question.* Since the date of your nomination, have you spoken to or corresponded with anyone at DOD regarding your memos on interrogation techniques, including any efforts to locate those memos? If so, please include describe the nature and content of those communications.

*Answer.* I requested that Legislative Affairs at State Department press the Department of Defense to provide all memoranda pertaining to detainee matters and my time in SO/LIC. The classified memoranda provided clearly show that, far from being an advocate for torture, I spent a great deal of time trying to bring transparency to a chaotic process.

*Question.* Since the date of your nomination, have you reviewed any memos, interrogation plans, or other records regarding interrogation techniques or interrogation or detainee policy that you drafted, reviewed, authored, or approved? If so, please provide a complete list of those documents and records, includes dates and titles.

*Answer.* The only documents I have seen were those provided to the committee, as well as the unclassified Senate Armed Services Committee report.

*Question.* Do you have any memos, interrogation plans, or other records regarding interrogation techniques or interrogation or detainee policy that you drafted, reviewed, authored, or approved in your possession or control? If so, please provide a complete list of those documents and records, includes dates and titles.

*Answer.* I do not.

*Question.* Do you think that the approximately 14 memos provided for review to the committee by DOD capture the full universe of all memos you authored or approved regarding general detainee or interrogation policy, or the interrogation of individual detainees, while at SO/LIC? Please provide a yes or no answer and a justification for your answer.

*Answer.* As I stated earlier, the classified memos furnished to the committee by the Department of Defense are representative of the fact that, with regard to GTMO, I spent the majority of my time working to properly regulate the inflow of detainees and to expedite transfer of detainees out. I believe the classified memoranda provided clearly show that, far from being an advocate for torture, I spent a great deal of time trying to bring transparency to a chaotic process.

*Question.* Do you commit to respond promptly to all requests for information by members of this committee?



Answer. I do.

*Question.* Do you commit to appear before this committee upon request?

Answer. I do.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

Answer. Yes, consistent with all Department of State policies and procedures.

*Question.* Please list any outside positions and affiliations you plan to continue to hold during your term of appointment.

Answer. None. My disclosure forms to the Ethics Office are up to date.

*Question.* Have you ever been an officer or director of a company that has filed for bankruptcy? If so, describe the circumstances and disposition.

Answer. I have not.

*Question.* If you leave this position before the completion of your full term of the next presidential election, do you commit to meeting with the committee to discuss the reasons for your departure?

Answer. Yes, if requested.

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

Answer. Not to my knowledge.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

Answer. I have not, but those types of behaviors will not be tolerated. If confirmed, I commit to upholding the Department of State's policies and regulations relating to sexual harassment, discrimination, and other inappropriate conduct.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. I do. As I have stated in other questions for the record, if confirmed I will start by creating a leadership climate that makes clear that the J Family will operate in an inclusive fashion, and that retaliation, blacklisting, or other prohibited personnel practices will not be tolerated. If I become aware of such behaviors, appropriate actions will be undertaken consistent with Department of State policies and procedures.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO HON. MARSHALL BILLINGSLEA BY SENATOR BENJAMIN L. CARDIN

*Question.* As discussed during your nominations hearing, I have not had the opportunity to review the classified memos you authored or authorized related to enhanced interrogation techniques. Will you commit to providing additional information to me, as well as other members of this committee, so that we can make informed decisions on your nomination as soon as possible?

Answer. Senator, I will always be responsive to both you, and your staff, as well as other members of the committee. I share a deep admiration for the role of the Senate Committee on Foreign Relations, stemming from my several years as a professional staff member.

*Question.* Will you commit to meeting with me separately to discuss this information?

Answer. Yes.

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

*Answer.* In my capacity as Assistant Secretary of the Treasury, I have made human rights a foundational cornerstone of my work. In this role, I have advocated for—and driven implementation of—more than 700 sanctions using human-rights and corruption-related authorities. I have traversed the globe pursuing human rights abusers and their finances, and a number of them have found their access to the international financial system cut off due to these actions.

I believe, for example, that our sanctions against a key weapons trafficker and conflict mineral exploiter in the Democratic Republic of the Congo directly contributed to the decision by Kabila to allow a democratic transition in that country. Nowhere have I been more aggressive than in the cases of Nicaragua and Venezuela. In the former instance, I drove sanctions against both President Ortega, and well as the “First Lady” Murillo, and their national security advisor, for ordering the brutal repression and killing of civilians. In the latter, I am widely known to be one of the fiercest opponents of the Maduro regime, having spearheaded creation of a number of Executive Orders to empower the Department of the Treasury to combat the horrific abuses of the regime.

I was the first U.S. official to decry Maduro’s weaponization of food aid as a form of social control, and have devoted enormous amounts of time working with Latin American partners in Mexico, Panama, Colombia, Argentina, Uganda, the United Arab Emirates, and Belgium (to name a few jurisdictions) to dismantle the abusive CLAP program run by Alex Saab for the purposes of enriching Maduro and his cronies. Because of my efforts, Saab’s network is in shambles, and he is now a wanted man. I was also the first U.S. government official to highlight the ecocide being perpetrated by the Maduro regime against the indigenous peoples of Venezuela in the rapacious exploitation of the Orinoco Mining Belt. I presented the “blood gold” case to the United Nations Security Council and have driven efforts to prevent purchasing of Venezuelan gold in a number of companies. As was noted by the Associated Press this week, I was also deeply involved in trying to prevent the Maduro keltocracy from looting and destroying the cultural heritage and art of the Venezuelan people. I believe it is for these reasons that multiple members of the Venezuelan National Assembly—the only democratic body left in Venezuela—have written in support of my nomination, as have Venezuelan human rights organizations. I am deeply humbled that interim President Juan Guaido, despite everything else with which he must contend, took the time to pen a letter of support for me to the committee. I believe that all of these actions have been impactful, but I believe that much more must be done, and I will not rest until the dictatorships in Venezuela and Nicaragua are fully dismantled.

*Question.* What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Department of State?

*Answer.* Diversity is exceptionally important. My hiring practices at Deloitte and the Treasury show that I emphasize having people from as broad a range of backgrounds and perspectives as possible. This will be a focus area for me, if confirmed, because I believe that a diverse staff gives the best and most fully-considered advice. Diversity is the enemy of group think and go-along get-along conformity. For the J Family to be effective, it must be willing to sail into strong headwinds carrying important values-driven messages relating to human rights, democracy, religious freedom, tolerance, and anti-corruption, to name a few. We need a diverse staff to best advance this agenda.

*Question.* What steps will you take to ensure each of the supervisors in your department are fostering an environment that is diverse and inclusive?

*Answer.* Stemming from my time at NATO, and in the Department of Defense, I believe it starts with setting a healthy “command climate.” If confirmed, I will make clear to each component head that I expect a diverse and inclusive environment. Moreover, it has long been my practice in critical decision-making sessions, to task one or more staff to play the role of contrarian. To argue—no matter what their personal belief may be—the counterpoint to the prevailing sentiment in the room. I learned from my time at DoD that I must be able to fairly represent the opposing view, when asked, and I will expect the same of the J family leadership. By having a diverse and inclusive community, we will ensure that opposing views are surfaced early and discussed robustly.

*Question.* Do you commit to bring to the committee’s attention (and the Inspector General of the State Department) any change in policy or U.S. actions that you sus-

pect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

Answer. Yes, in accordance with appropriate procedures.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. Yes, in accordance with appropriate procedures.

*Question.* Do you or do any members of your immediate family have any financial interests in any country abroad?

Answer. No. My financial holdings are fully disclosed to the Office of government Ethics.

*Question.* When we met over a year ago, you provided me with letters from Dr. Michael Gelles and Mark Jacobson indicating that you were not directly involved in recommending the use of enhanced interrogation techniques during your time at the Department of Defense. These letters indicated that groups had overplayed and misstated your involvement in these areas—since we met, and since my vote to confirm your initial nomination at the Department of Treasury, more information has come to my attention regarding these letters. For example, the letter from Dr. Gelles states “I also know that Marshall was the person who single-handedly blocked consideration of the use of waterboarding at GTMO.” Did you instruct Dr. Gelles to write this letter to the Chair and Ranking Member of the Senate Armed Services Committee in support of your nomination?

Answer. No, I did not instruct Dr. Gelles.

*Question.* Can you confirm that Dr. Gelles has personally reviewed ALL memos you and members of your team at the time prepared on enhanced interrogation techniques at Guantanamo Bay? If so, can you provide all of those memos to this committee, including procedural memos and others that the Ranking Member has requested?

Answer. That is a question best directed to Dr. Gelles. The committee has been shown no documents that contradict what is contained in his letter. It is my understanding that the committee has been provided every document located by the Department of Defense. Moreover, the Senate Armed Services Committee had fulsome bipartisan access to the entire record, and—as I stated in testimony— I was not accused of advocating torture in that comprehensive assessment.

*Question.* Publicly available reports indicate that in July 2003, while serving as a senior Pentagon official, you recommended that then-Defense Secretary Rumsfeld authorize an interrogation plan for Mohamedou Ould Slahi that included “sleep deprivation” and “sound modulation.” The letter you provided to me and others from Mr. Jacobson on your behalf states: “Marshall was not the decider as to whether the Pentagon would push forward with aggressive interrogation techniques,” and that “To my knowledge OSD SO/LIC personnel were not aware [that DOD General Counsel] Haynes had already made the legal and policy decisions on aggressive techniques under consideration.” For the record, did you at any time recommend or otherwise indicate support for the use of aggressive interrogation techniques to Secretary Rumsfeld?

Answer. As the Slahi memo also shows, I penned a handwritten note that clearly shows that I personally went back to verify with legal counsel that the requested techniques were legal. I never advocated for the use of any technique that was described to me as illegal, or as torture.

*Question.* Do you agree that sleep deprivation, sound modulation, and any other techniques that could amount to torture or cruel, inhuman, or degrading treatment of prisoners are unlawful and inappropriate?

Answer. As I testified, Congress legislated on this issue in 2015 and made clear that any technique not contained in the Army Field Manual may not be used. I strongly support the law. In 2002, we did not have such legislation and, as Dr. Jacobson notes, I was not the decider on these matters.

*Question.* Many Trump administration national security and foreign policy officials have spoken against torture on several grounds. For example: CIA Director Gina Haspel has said, “I don't believe that torture works.” Director Haspel also offered the following commitment “clearly and without reservation”: “Under my leadership, on my watch, CIA will not restart a detention and interrogation program.” FBI Director Christopher Wray has stated, “My view is that torture is wrong, it's

unacceptable, it's illegal and I think it's ineffective." Secretary Pompeo has stated, "Torture is illegal. It is never permitted," and that "it would not be lawful to use any interrogation technique, including waterboarding, that is not among those that the Army Field Manual lists as permissible." Secretary Pompeo has also expressed his agreement with former Defense Secretary Mattis' statement that he has never found torture useful. Further, Secretary Pompeo has stated that he would "absolutely not" return to torture techniques if ordered to do so by President Trump. Will you believe that both torture and cruel, inhuman, and degrading treatment of detainees are immoral, illegal, and counterproductive?

*Answer.* I agree completely and without reservation.

*Question.* Both war and peacetime atrocities tragically persist around the globe, from Syria and South Sudan to Burma and Iraq. As you know, early this year, my and Senator Young's "Elie Wiesel Genocide and Atrocities Prevention Act," became law. On September 12, the President submitted to Congress the first Elie Wiesel Genocide and Atrocities Prevention report. The report announced the launch of a White House-led interagency mechanism to coordinate efforts on atrocities prevention—the Atrocity Early Warning Task Force, which replaces the Atrocity Prevention Board. The Bureau of Conflict and Stabilization Operations will serve as the Task Force Secretariat. What are your views on State Department training to address atrocities?

*Answer.* I recognize the impact mass atrocities have on U.S. global national security interests and believe that training is an important component of helping the State Department work to prevent and address atrocities. If confirmed, I support development of Atrocity Prevention training that is accessible to Foreign Service Officers worldwide. Such training is critical for diplomats and staff in countries deemed at-risk for mass atrocities to better anticipate and respond to early warning signs of violence.

*Question.* What are the most effective tools for the Department of State to implement and monitor early warning systems to prevent atrocities globally?

*Answer.* I recognize that mass atrocities rarely occur without warning, and that the international community has established a set of broadly accepted early warning indicators, which saves civilian lives and U.S. financial, diplomatic and other resources. If confirmed, I support the Department's development and usage of analytical products to support the U.S. government's ability to track and predict conflict, instability, and mass atrocities, and enable decision-makers to better anticipate and respond to early warning signs of violence.

*Question.* In what areas do you believe the Atrocity Prevention Board was most/least effective, and how would CSO under your direction implement these lessons in its role as the Task Force Secretariat?

*Answer.* It is my understanding that the White House-led Atrocity Early Warning Task Force will provide technical support for regional policy discussions at the White House, identify key priority countries for policy coordination, and provide an interagency toolkit for atrocity prevention and mitigation. If confirmed, I support the use and development of data analytics for early warning, recognizing that the U.S. government's options are most constrained and costly when atrocities are already taking place.

*Question.* In an interconnected world, some might argue that the rule of law and efforts to combat transnational crime are only as good as the world's weakest links, where entrenched criminality thrives. In your view, where are the world's criminal hotspots?

*Answer.* Unfortunately, the multifaceted nature of 21st century criminality is such that no region is immune. Hotspots and trafficking routes shift, and growing major crime areas such as cybercrime respect no border. For example, given that synthetic opioids are not produced from specific plants grown in delimited geographic areas, that they can be transacted over the Internet, and that their potency means that small quantities can be shipped anywhere, the concept of a hotspot is an ephemeral one. It is incumbent on the Department and its interagency partners to remain agile and act strategically to identify and pivot to emerging threats, wherever they may manifest.

*Question.* What can be done to address crime, corruption, and impunity in these locales?

*Answer.* Tackling transnational criminal activity in these locales relies on building capacity across the entire justice sector continuum in key countries, while also bolstering cross border cooperation, in order to reduce the gaps available for crimi-

nal organizations to exploit. With the borderless nature of transnational crime, hotspots and trafficking routes shift; international cooperation is essential to countering these crimes and responding effectively to such shifts.

*Question.* According to the Director of National Intelligence, “transnational organized crime” is among the top 10 global threats to the United States identified in the U.S. intelligence community’s 2019 Worldwide Threat Assessment. In your view, what are the most critical consequences of transnational crime with respect to U.S. national interests and foreign policy objectives?

*Answer.* Transnational organized crime not only brings violence and insecurity to communities across the United States, it also creates instability and insecurity in countries and regions of vital importance to U.S. interests. Drug trafficking, human trafficking, gang violence, financial crimes, corruption, and cybercrime undermine citizen security and rule of law, threaten public health, and create economic instability. The administration’s E.O. 13773 prioritizes our response to transnational organized crime and calls for us to strengthen our efforts around the globe to counter these threats to national security.

*Question.* In what ways can transnational crime undermine U.S. goals of civilian security, democracy, and human rights?

*Answer.* Transnational organized crime exploits weak governance, fueling corruption and undermining confidence in the ability of government institutions to uphold the rule of law. Transnational crime networks compromise democratic institution-building and transparency and threaten economic stability by creating illicit economies and infiltrating financial sectors. Because countries with weak governance are particularly susceptible to transnational crime, U.S. capacity building efforts to strengthen and professionalize government institutions, promote the rule of law, and support anticorruption reform are critical elements of our comprehensive approach.

*Question.* In your view, is the State Department strategically positioned to respond to the national security challenges caused by transnational crime?

*Answer.* Yes, the Department is strategically positioned to respond to these challenges. The Department plays a vital role in tackling transnational crime and implementing Executive Order 13773 on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking. Advancing U.S. interests in this area relies on cooperation with other nations. Where the question is foreign government know-how, the Department’s has great expertise in managing programs to build capacity. Where pressure needs to be brought to bear, the State Department wields tools such as the Transnational Organized Crime Rewards Program and can work with other agencies, or on its own, to deploy sanctions.

*Question.* What State Department policy responses are working to combat transnational crime?

*Answer.* As the State Department works to build foreign government know-how to address transnational crimes such as drug trafficking and human trafficking, there are encouraging signs that this effort has had a positive impact in the form of stronger laws, greater enforcement, and enhanced ability and willingness to cooperate with U.S. authorities. Given the borderless nature of many crimes, and the financing that fuels it, encouraging international legal and operational cooperation is an important focus that is bearing fruit. The Department’s efforts to enhance international standards that, among other benefits, offer tools for international cooperation are critical as well.

*Question.* What areas do you think require attention and improvement?

*Answer.* Twenty-first century crime is agile and innovative, and knows no borders. The State Department’s response must reflect the challenges posed by today’s transnational crime threats. That includes maintaining a whole of government posture; ensuring coordination and complementarity among our operational, sanctions, diplomatic, intelligence, and other tools will remain critical. Likewise, the Department’s multilateral engagement, bilateral diplomacy, and capacity building should remain cognizant of emerging challenges, such as new models for drug production and trafficking; sophisticated schemes to finance crime and launder profits; corruption as a business model; and of course cybercrime and cyber-enabled crime.

*Question.* For FY 2020, President Trump identified, in Presidential Determination No. 2019-22 of August 8, 2019, 22 countries as major drug transit or major illicit drug producing countries: Afghanistan, The Bahamas, Belize, Bolivia, Burma, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti,

Honduras, India, Jamaica, Laos, Mexico, Nicaragua, Pakistan, Panama, Peru, Venezuela. Of these, Bolivia and “the illegitimate regime of Nicolas Maduro in Venezuela” were singled out as having “failed demonstrably during the previous 12 months” to adhere to their international drug control commitments. In your view, is this list of “drug major” countries complete? If not, which additional countries would you recommend adding next year?

*Answer.* The list this year represents the consensus view of the U.S. government, so in my view, it is complete, taking into account the wide range of perspectives across the executive branch. For next year, the Department will again consult with relevant interagency stakeholders, including the Departments of Justice, Defense, and Homeland Security, before making any recommendation to the President on how to implement this legal requirement, including whether to add any new countries.

*Question.* International drug control is not a new policy issue and, yet, a durable solution to this global challenge remains elusive. In your view, what are we doing wrong?

*Answer.* The hardest part about tackling a problem like this is that results are never immediate. Steps forward in one country are overshadowed by steps backward in another. The Department continues to devote resources to counternarcotics because of those steps forward, and because it is impossible to know—but easy to imagine—how much worse the problem would be if we were not working as hard as we are to solve it. If I would improve anything, I would work to strengthen even further our international cooperation and technical assistance, because it is only with the help of other capable, committed governments and active participation from civil society that we will find an enduring solution to this challenge.

*Question.* If confirmed, how would you tackle this seemingly intractable problem?

*Answer.* First and foremost, I would build on the work already done by the Department to strengthen the capacity of foreign partners to help us combat the supply of illicit drugs. If we have learned anything from our decades combating drugs overseas, it is that we cannot go it alone. Strong partners act as force multipliers for our own law enforcement agencies. I would place special emphasis on building capacity to target the unique characteristics of drug trafficking in the 21st century: drug sales on the internet and the dark web, synthetic drug production, and trafficking by mail, for example. This is the only way we will keep pace with the traffickers, and help our partners do the same.

*Question.* What upcoming narcotics challenges are on the horizon that the United States should anticipate today?

*Answer.* Synthetic drugs will continue to be a significant challenge given their extreme potency and the ability of chemists to create new synthetics using different precursor chemical combinations. Trafficking in synthetic drugs offers numerous advantages to criminals, including the ability to be manufactured almost anywhere and be trafficked in small quantities, lowering operational costs and risk of arrest. We should anticipate the continued diversification of source countries and trafficking routes for synthetic drugs, as well as accelerated innovations in synthetic drug design and production.

*Question.* In your view, are U.S. foreign aid programs to counter illegal narcotics production and trafficking effective?

*Answer.* U.S. foreign assistance programs have helped partners across the Western Hemisphere and elsewhere to disrupt the production of illicit drugs, dismantle clandestine drug laboratories, and interdict illicit drug trafficking. Still, the effectiveness of counternarcotics assistance should be assessed within the broader realities of security and governance challenges, and broader global drug and crime trends that complicate detection and interdiction efforts. The most successful foreign assistance programs reflect sustained U.S. engagement, robust program design, and commitment from our foreign partners.

*Question.* If confirmed, how would you prioritize counternarcotics aid-to which countries and on which programs?

*Answer.* I would prioritize counternarcotics assistance relevant to combating illicit drugs most responsible for killing Americans, consistent with the National Drug Control Strategy. This includes programming related to the State Department’s Five-Year Global Plan of Action to Combat Emerging Synthetic Drug Threats, and programming in the Western Hemisphere, the source of the majority of cocaine, heroin, and methamphetamines used in the United States. This includes working with Colombian President Duque to achieve the joint goal of reducing coca cultivation

and cocaine production by half by 2023, and with the government of Mexico to disrupt the business model of transnational criminal organizations that produce and traffic illicit drugs. An effective counternarcotics strategy must also reflect the reality of globalized supply chains, emerging technologies, and the role criminal facilitation and weak governance plays in enabling drug trafficking.

*Question.* What aspects of current and recent counternarcotics programming would you deprioritize?

*Answer.* The success of our programs relies on the commitment of our foreign partners to address these shared security challenges. When our foreign partners commit to specific goals, and direct adequate resources to achieve those goals, counternarcotics assistance can deliver results. We should ensure our foreign assistance resources are applied not only where they are strategically relevant, but also where the intervention is likely to achieve the desired results.

*Question.* Beyond foreign aid, what other policy tools available to the State Department can be used to promote our counternarcotics objectives?

*Answer.* Diplomatic engagement has achieved concrete outcomes, including China's decision to implement class-wide controls on fentanyl in response to a 2018 request by President Trump. This is a key milestone in a broader diplomatic effort to ensure the international community has the architecture necessary for drug control in the 21st century. The State Department also coordinates security assistance efforts across the interagency, including for counternarcotics. The State Department also supports the full utilization of U.S. government sanctions and deterrence tools that support anti-crime and anti-corruption efforts. It works through international organizations to promote and help countries implement global standards based on U.S. law and practice, including the three U.N. drug conventions, and to pressure foreign governments to live up to their commitments.

*Question.* A June 2019 Office of Inspector General (OIG) audit of the State Department's implementation of policies intended to counter violent extremism indicated that OIG could not affirm whether State Department grants and cooperative agreements awarded to counter violent extremism were achieving desired results in part because the CT Bureau lacked the authority to ensure such agreements were consistent with the department's CVE goals. Please describe any efforts that senior leadership at the State Department is making to designate the Bureau as the controlling authority on CVE issues with the authority to ensure broad alignment on policy, strategy, and program design, as recommended by the OIG.

*Answer.* CT Bureau senior leadership has been engaged on ensuring that CVE grants and cooperative agreements are achieving desired results by overseeing (1) the development of a single definition for what constitutes CVE programs or projects, and (2) the establishment of a process to verify that CVE grants and cooperative agreements comply with that definition. I understand that CT is also working with J and R family bureaus and offices to make CT the "controlling authority" on CVE issues and policy per the OIG's recommendations. The common definition and an eventual controlling authority designation by the Secretary will be mutually reinforcing. If confirmed, I will ensure that these developments are implemented across J components as recommended by the OIG.

*Question.* What has been the impact of U.S. countering violent extremism (CVE) programming abroad? Where has it been the most and least successful?

*Answer.* The Department's CVE work focuses on reaching, and positively affecting, those who may be vulnerable to terrorist radicalization and recruitment. CVE programming is based on research and analysis, which includes identifying vulnerable populations and communities that we want to partner with or positively affect. Many of these populations reside in Muslim-majority communities. As an example, through the Global Counterterrorism Forum (GCTF), the Department supports government, community, and NGO collaboration to develop good practices on CVE. The GCTF has endorsed best practice documents that promote CVE tools, including the Abu Dhabi Memorandum for Education and CVE; Good Practices on Women and CVE; and the Rome Memorandum on Good Practices for Rehabilitation and Reintegration of Violent Extremist Offenders, among others.

*Question.* How has the State Department sought to evaluate its CVE programming since a critical 2015 GAO report, and what bureaucratic hurdles remain?

*Answer.* I support the Department's efforts to conduct regular and comprehensive evaluations of CVE programs. I understand that the CT Bureau employs third-party contractors to perform the majority of CT and CVE evaluative work, ensuring objective and professional results. CT evaluations have wide-ranging impacts, from refin-

ing projects and replicating successful approaches, to revising both internal and external processes that have informed program design, implementation, and strategy. The findings and recommendations from these evaluations lead to more effective programs, more productive and analysis-driven processes, and more efficient management and execution. For example, a focused evaluation of CT's global CVE prison programming, completed in 2018, directly informed the design and implementation of new prison reform assistance in Indonesia and Kosovo.

*Question.* How, if at all, has the U.S. approach to CVE changed under the Trump administration's counterterrorism strategy?

*Answer.* The U.S. approach to CVE is becoming more streamlined and institutionalized as part of the Trump administration's counterterrorism strategy. The Office of U.S. Foreign Assistance Resources (F) published guidance that suggests a clear and streamlined definition governing CVE broadly within State and USAID. As the reports suggests, other parts of the Department support establishing a common definition and working together to ensure greater coherence and closer coordination. If confirmed, I will work to implement the suggestions in the FAR report, as well as the guidance in the 2018 National CT Strategy.

*Question.* How does the administration's CVE strategy address the issue of weak, predatory and corrupt governments that often feed violent extremist narratives?

*Answer.* The Department implements a multi-prong approach to address violent extremist narratives emanating from weak, predatory and corrupt governments. This strategy includes but is not limited to: (1) working diplomatically with governments to develop and implement national CVE strategies to help themselves organize efforts against radicalization and recruitment; (2) collaborating with the Global Engagement Center (GEC) to develop effective counter extremist narratives; (3) working with international CVE centers on developing alternative messaging to counter extremist narratives including within governments; and (4) supporting actors that counter extremist messages online and offline at government community levels.

*Question.* Given the Defense Department's significant footprint in combatting terrorism and countering violent extremism, how are you coordinating with the Defense Department to ensure mutually reinforcing efforts to prevent/counter violent extremism?

*Answer.* CT coordinates CVE efforts and leverages the expertise and knowledge of our Department of Defense (DoD) colleagues. The CT Bureau has a cross-cutting staff that includes multiple staff detailed from various entities within DoD. Their role is to liaise with DoD combatant commands, Joint Staff, and OSD Policy on a regular basis. If confirmed, I will work to ensure this working relationship stays robust to counter terrorism and violent extremism.

*Question.* The 2018 Worldwide Threat Assessment of the Intelligence Community found that "poor governance, weak national political institutions, economic inequality, and the rise of violent non-state actors all undermine states' abilities to project authority and elevate the risk of violent-even regime-threatening-instability and mass atrocities." If confirmed, how will you prioritize efforts to address the root causes of violent conflict like poor governance, weak political institutions, and economic inequality? What tools will you prioritize in addressing this challenge?

*Answer.* State fragility and violent conflict directly affect U.S. interests. If confirmed, I support prioritizing our resources on places clearly tied to U.S. interests, prioritizing prevention to get ahead of costly crises, recognizing the political nature of conflict, countering our adversaries' efforts to sow or exploit fragility, and focusing on intentional burden-sharing and coordination among our partners. In addition, we must use data analytics, qualitative assessments, and on-the-ground reporting to identify trends in countries with indicators of fragility and instability that pose the greatest risks to U.S. national security.

*Question.* The President's National Security Strategy placed emphasis on addressing fragile states, recognizing that "failing states can destabilize entire regions," and threaten American security and interests. What role do you see the State Department playing in efforts to reduce instability and prevent state failure? What tools will you prioritize in addressing this challenge?

*Answer.* I am aware of the pending bipartisan, bicameral "Global Fragility Act" that calls for the creation of a U.S. government global fragility strategy, the selection of priority focus countries, the creation of new appropriation accounts, and the establishment of a new multilateral funding mechanism (Senate version). The legislation emphasizes the role of the State Department as the lead actor in developing



fragility strategies. The Bureau of Conflict and Stabilization Operations is well placed to be the lead actor at the Department for the implementation of the Act, using its expert analytical capabilities and deep bench of conflict and stabilization advisors.

*Question.* There is a growing body of evidence that poor governance—marked by high corruption and lack of government transparency—is a key driver of fragility and political instability in many parts of the world today. Citizens frustrated by government corruption, repression, and a loss of dignity and hope are more likely to tolerate or support violent extremist groups such as Al Qaeda, ISIS and Boko Haram. Obviously, this jeopardizes both the United States and its allies. Can you tell this committee what concrete steps you will take, if confirmed, to promote good governance, anti-corruption, and transparency efforts around the world to help keep America safe?

*Answer.* Terrorist groups exploit poor governance and social divisions to recruit new members. It is critical that we continue to analyze local conditions and reduce specific pathways to violence and conflict. I also support prioritizing prevention to get ahead of costly crises, recognizing the political nature of conflict, countering our adversaries' efforts to sow or exploit fragility, and focusing on intentional burden-sharing and coordination among our partners. In addition, we must use data analytics, qualitative assessments, and on-the-ground reporting to identify trends in countries with indicators of fragility and instability that pose the greatest risks to U.S. national security.

*Question.* During your August 21 testimony before the Senate Foreign Relations Committee, you describe the role and impact of targeted sanctions on combating malign Russian activity and illicit finance. In this testimony, you mention Treasury's implementation of "comprehensive financial diplomacy." Will you describe how you plan to tailor some of the tools you mentioned—engagement with foreign governments, advancing multilateral efforts, public affairs engagement—if confirmed, in your new role as Under Secretary for Civilian Security, Democracy, and Human Rights?

*Answer.* If confirmed, I will bring to bear the range of tools available within the "J family" of bureaus and offices to advance U.S. foreign policy objectives. For example, to disrupt, deter, and hold accountable perpetrators of human rights violations and abuses, I will: pursue diplomatic engagement through bilateral and multilateral channels; shine a spotlight on challenges through public remarks and reporting; use authorities such as those provided under the Magnitsky Act and the International Religious Freedom Act to exact costs for malign actions; target U.S. foreign assistance to empower and defend frontline activists; and meet with a broad cross-section of civil society and opposition leaders to signal U.S. support for civic participation and political competition.

*Question.* In 2017, former Secretary of State Tillerson referred to the Tatmadaw's attacks on the Rohingya as "ethnic cleansing." Since then, the State Department has not issued any statement regarding its assessment of whether or not those attacks constitute genocide, crimes against humanity, or war crimes, even though the State Department commissioned an investigation of the alleged human rights abuses in Burma, and issued a summary of its findings in September 2018. Do you believe that the crimes committed against the Rohingya constitute genocide or crimes against humanity?

*Answer.* I am appalled by the ethnic cleansing of Rohingya in northern Rakhine State. Credible reports of massacres, gang rape, and village and mosque burnings shock the conscience, and I am committed to promoting accountability for those responsible. The U.S. determination of atrocity crimes, including genocide or crimes against humanity, is generally made by the Secretary of State. I would emphasize that there is no hierarchy of atrocity crimes; they are all equally abhorrent and shocking. If confirmed, I will consult with experts within the Department and examine all the information to provide the Secretary with my best advice.

*Question.* The administration has placed several Burmese military officers and two military units on the Global Magnitsky list, and placed visa restrictions on Commander in Chief Senior General Min Aung Hlaing and three other Burmese generals. Various organizations have provided evidence that other Burmese officers and units were responsible for gross human rights violations in Burma. Do you think the U.S. government should place similar restrictions or sanctions on these other officers and units?

*Answer.* If confirmed, I will prioritize promoting accountability for those responsible for these abuses, and justice for victims. I will aim to continue U.S. leadership

to promote human rights and efforts to deter further atrocities in Burma. In this regard, I will consider the utility of all policy tools at our disposal, including sanctions. Further, I would work closely with the U.S. Mission to the U.N. and like-minded countries and regional partners, to press the government of Burma to grant unhindered access to U.N. mechanisms, including the International Investigative Mechanism for Myanmar, the U.N. Special Rapporteur, and the U.N. Special Envoy.

*Question.* What are the specific actions that the Department will take to support a vibrant and active civil society in Guatemala, particularly because this is so tied to regional stability and migration?

Answer. Protecting and supporting a vibrant and active civil society, including human rights defenders (HRDs) is a key U.S. foreign policy priority. The United States supports HRDs as they work tirelessly—and sometimes at great personal risk—to protect human rights and fundamental freedoms, advocate for government transparency and accountability, promote rule of law, and expose corruption.

The fight against corruption and impunity is of critical importance in Guatemala. The Department takes threats against civil society actors seriously, and engages with the governments of the region so that they protect civil society activists and prosecute those who harm them. Those who are involved in such threats can face consequences from the U.S. government, including possible economic sanctions and visa revocations.

*Question.* Given the administration's recent decision to cut funding from Guatemala and other Northern Triangle countries, how do you intend to ensure regional stability without this funding?

Answer. The State Department is working with governments in the region to achieve the shared goal of reducing irregular migration to address the humanitarian and security crisis at the U.S. southern border. The U.S. government coordinates with governments throughout the hemisphere, including Mexico and Central America, on a broad range of issues related to migration and management of our border, including security cooperation, trade, counter narcotics, human rights, and other regional issues.

*Question.* Guatemala has made incredible strides in promoting accountability for abuses of power, including cases of human rights atrocities and acts of corruption. One of the emblematic institutions created to address corruption and impunity is the U.N.-backed International Commission Against Impunity in Guatemala (CICIG). Since 2007, CICIG identified more than 600 elected officials, businesspeople, and bureaucrats in corruption and broke up 60 criminals' networks in the country. On January 7, 2019, Morales announced that his administration would unilaterally cancel the international agreement that established CICIG, defying Constitutional Court orders in what amounts to a technical coup. Just two weeks ago, CICIG's mandate ended in Guatemala, and since that time human rights organizations and civil servants have reported physical insecurity and threats against their safety. How do you plan to address the ongoing human rights situation in Guatemala, particularly as CICIG is no longer operating?

Answer. I understand that the departure of CICIG does not affect the State Department's commitment to continue working with Guatemalan judicial partners to build their capacity to fight corruption and impunity. If confirmed, I will be committed to supporting the Guatemalan people and institutions in their ongoing fight against corruption and impunity and will use all the tools at the Department's disposal in order to do so.

*Question.* Do you pledge to support other justice and anti-corruption mechanisms in Guatemala through designated U.S. funding?

Answer. From my long experience working closely with the Department of State, I have seen that the State Department takes corruption very seriously. Secretary Pompeo fully understands how corruption undermines the trust of citizens in their governmental institutions, allows both local and transnational criminal organizations to thrive, and contributes to irregular immigration to the United States. The Department continues to use all tools at its disposal to respond to corruption, which can include utilizing economic sanctions and visa restrictions where appropriate. We also press for accountability and an end to impunity for corrupt actors in the countries. The President and the Secretary believe that the governments of El Salvador, Guatemala, and Honduras must take clear action to stem migration to the United States prior to any decisions to restart assistance. The fight against corruption and impunity is of critical importance in Guatemala.

*Question.* Will you raise concerns about Morales' attacks on CICIG or other mechanisms and support foreign policy measures to defend these bodies?

*Answer.* I understand that the departure of CICIG does not affect the State Department's commitment to continue working with Guatemalan judicial partners to build their capacity to fight corruption and impunity. If confirmed, I will be committed to supporting the Guatemalan people and institutions in their ongoing fight against corruption and impunity and will use all the tools at the Department's disposal in order to do so.

*Question.* United Nations human rights experts have expressed deep concern over the frequency and severity of attacks and other acts of intimidation against human rights defenders in Guatemala last year. What concrete measures will you take to protect those individuals who are on the frontlines of defending human rights in Guatemala?

*Answer.* I share these concerns regarding attacks and intimidation against human rights defenders in Guatemala. If confirmed, I will work with my Department of State colleagues to advance the protection of human rights defenders in Guatemala and hold human rights abusers to account. I will support the use of the Bureau of Democracy, Human Rights, and Labor's rapid response funds to help human rights defenders worldwide who are under threat. I will also promote the use of accountability mechanisms such as the Global Magnitsky Act and section 7031(c) of the 2018 Department of State, Foreign Operations, and Related Programs Appropriation Act, to hold accountable the perpetrators of abuses. I will also work with Department counterparts and Embassy Guatemala City to speak out regularly, condemning violence against and standing with human rights defenders in Guatemala.

*Question.* You have discussed the connection between the collapse in oil revenue to the collapse in the Maduro government's ability to import food, medicine, and other goods. If confirmed, how do you plan to address the ongoing humanitarian crises in Venezuela and the spillover to other countries in the region?

*Answer.* I am deeply concerned about the regional impact of the current crisis in Venezuela. As the largest donor for the response to the Venezuela regional crisis, the United States has provided more than \$377 million since FY 2017—including nearly \$334 million in humanitarian assistance and approximately \$43 million in development and economic assistance to reach more than 4.3 million Venezuelans displaced abroad. If confirmed, I intend to assess options for leveraging humanitarian assistance to meet Venezuelans' needs and to reduce the impact of the crisis on both Venezuelans and the countries that generously host them.

*Question.* Over the past two years, hundreds of died and nearly 500,000 others have been displaced following violence surrounding the Anglophone/Francophone linguistic split in Cameroon. The government of President Biya (in power since 1982) claims that Anglophone separatists are terrorizing civilians and attacking government forces, while residents of the Anglophone regions of Northwest and Southwest Cameroon accuse security forces of committing extrajudicial killings and burning villages indiscriminately. Please discuss the status and intended outcomes of CSO's programming in Cameroon, particularly in the context of the conflict in Cameroon's Anglophone region.

*Answer.* It is my understanding is that the goal of CSO's program in Cameroon is to build capacity to increase coordination and become more effective advocates on behalf of affected populations. This capacity building will support dialogue and peace initiatives in the Anglophone Regions. The program will help identify and build awareness of champions for peace towards the resolution of the ongoing conflict in Cameroon's Anglophone regions. CSO awarded the grant at the end of August to an implementing civil society organization to begin its work. If confirmed, I support continuing this important work to resolving the conflict in Cameroon.

*Question.* What policy insights has CSO drawn from its work in other conflict settings that might be applicable to Cameroon? What more might CSO do to promote a peaceful resolution of the crisis?

*Answer.* Each conflict CSO has worked in is unique. However, we do know that human rights abuses by fighters make ending conflict more difficult. We also know that dialogue initiatives will be successful only if all parties perceive the dialogue and the interlocutors as legitimate, and if women are included. CSO has technical staff with experience working with parties to conflicts in over two dozen places. CSO supports the USG in our efforts to promote a peaceful resolution in Cameroon, including providing technical support to our Embassy. If confirmed, I would continue working closely with our international partners to inform and advance peace initiatives in Cameroon.

*Question.* As you know, Senator Rubio and I introduced legislation, alongside Representatives Smith and McGovern in the House, that would amend the U.S.-Hong Kong Policy Act of 1992 to require the Secretary of State to produce an annual report assessing the status of Hong Kong's autonomy, as well as impose sanctions on officials of China and Hong Kong who the President determines are responsible for suppressing basic freedoms in Hong Kong. If confirmed, would you support passage of the Hong Kong Human Rights and Democracy Act?

*Answer.* I share Congressional concerns about efforts by Beijing to erode the autonomy that underpins U.S. special treatment of Hong Kong. If I am confirmed, I would certainly hope to work closely with the Senate and would be pleased focus on the legislation.

*Question.* Many demonstrators have complained of the excessive use of force by the Hong Kong police. U.S. companies are significant suppliers of riot control gear and weapons used by the Hong Kong police forces including tear gas. How do you view proposals for the temporary ban on the U.S. sale of riot control munitions and equipment to the Hong Kong police?

*Answer.* I find allegations of excessive use of force by Hong Kong police deeply disturbing. I understand that the Department of State and its partner agencies carefully review relevant license applications for transactions involving controlled goods on a case by case basis, weighing the national security and foreign policy implications, including those related to human rights, of each proposed transaction. I believe this vigilance continues to be of the utmost importance with respect to Hong Kong.

*Question.* In South Sudan where more than 400,000 people have been killed and 4.2 million displaced since the civil war erupted in 2013, there is growing risk of renewed violence and displacement of the formation of an inclusive national unity government is not met by the upcoming November 12, 2019 deadline. A breakdown in the peace process and resumption of fighting threatens regional stability, nascent political transitions in Sudan and Ethiopia, and Ebola preparedness and prevention. As Under Secretary for Civilian Security, what diplomatic efforts will you undertake to ensure that the warring parties reach a political settlement and form an inclusive government of national unity?

*Answer.* In addition to the important diplomatic work being carried out by our Embassy in Juba to advance these goals, I would continue to work closely with our Norwegian and British allies through the troika mechanism to continue to convey to all parties in South Sudan the importance of continuing dialogue to resolve outstanding political issues that will allow for the formation of an inclusive national unity government by the November 12, 2019, deadline. I would also continue to engage with the Inter-Governmental Authority on Development, the African Union, and key regional players, including Uganda, Sudan, Kenya, and Ethiopia to ensure that our diplomatic efforts are complementing the important work that these actors are doing to assist South Sudan.

*Question.* What are the contingency options you would mobilize if parties fail to uphold the agreement and violence escalates?

*Answer.* In such a scenario, I would work closely with other members of the U.N. Security Council to determine how best to utilize the U.N. Mission in South Sudan to ensure civilian protection and humanitarian access. I would also coordinate with our allies in the troika and with regional partners including the Inter-Governmental Authority on Development and the African Union available options to place pressure on all actors to cease hostilities.

*Question.* Will you take decisive action using authorities granted under the Global Magnitsky Human Rights Accountability Act to ensure accountability for those who incite violence and threaten peace in South Sudan?

*Answer.* The Global Magnitsky Human Rights Accountability Act is a valuable tool, which I will carefully consider with respect to alleged human rights violations or abuses in South Sudan.

*Question.* Widespread corruption is a significant driver of conflict in South Sudan—as civilians suffer from a severe humanitarian crisis fueled by years of chronic war, the wealth of South Sudanese elites continues to grow. The United States—by way of State and Treasury—has commendably sought to isolate corrupt South Sudan actors from the U.S. financial system by levying sanctions under Global Magnitsky. Under your leadership, informed by your experience at the Department of Treasury, what additional measures—diplomatic or otherwise—would you advise the administration put in place to target the means through which South Su-

danese elites are able to acquire resources to fund conflict and launder illicit profits through regional and international financial institutions, including Kenya and Uganda banks and U.S. correspondent banks?

Answer. I would continue to work closely with our allies to ensure that we have as full a picture possible of the ways in which South Sudanese elites are acquiring and moving illicit resources. I would coordinate closely with both regional and international allies to ensure that our allies are aware of risks and taking robust steps to prevent illicit South Sudanese money from moving through their financial systems. I would also continue to use Global Magnitsky and South Sudan specific sanctions to continue to deny funding to those furthering the conflict in South Sudan.

*Question.* In previous assessments by the State Department in its annual International Narcotics Control Strategy Report (INCSR), South Sudan was determined to not have sufficient laws, regulations, or enforcement capacity in place to address financial crime. As Under Secretary for Civilian Security, would you advise the State Department to continue to monitor South Sudan as a country of concern for purposes of money laundering and financial crime?

Answer. I would advise the State Department to continue to monitor South Sudan as a country of concern for the purposes of money laundering and financial crimes.

*Question.* Senator Rubio and I plan to introduce the Senate companion legislation to Representative McGovern and Smith's Tibetan Policy and Support Act of 2019 in the coming days. Among many other actions, the legislation would require the U.S. open a consulate in Lhasa. Will you commit to pressing the Chinese authorities to allow for the opening of a U.S. consulate in Lhasa as highlighted in the Tibetan Policy and Support Act of 2019 that is before the Congress?

Answer. I am committed to pressing the Chinese government to allow the opening of a U.S. Consulate in Lhasa, consistent with the Tibetan Policy Act. I am also committed, if confirmed, to working closely with Congress in pursuit of our shared goal of seeing Americans have full access to China, including the Tibetan Autonomous Region and other Tibetan areas.

*Question.* To date, no U.S. Special Coordinator for Tibetan Issues has been able to visit Tibet. In 2018, the Reciprocal Access to Tibet Act was passed to change the situation. Since the Tibetan Policy Act of 2002 mandates that the Special Coordinator for Tibetan Issues should undertake "regular travel to Tibetan areas of the People's Republic of China", if designated to the position, how would you promote reciprocal access to Tibet?

Answer. President Trump has regularly stated his desire for reciprocity in the U.S.-China relationship. I am committed to pushing for reciprocity regarding the open access China and many other countries enjoy in the United States, and raising concerns about the lack of regular access to the Tibetan Autonomous Region (TAR) for U.S. diplomats, journalists, academics, and others. If confirmed, and if I am designated to the position of Special Coordinator for Tibetan Issues, I will work to ensure that U.S. diplomats, including the Special Coordinator, as well as journalists, civil society, legislators, religious leaders, and scholars have full access to China, including the Tibet Autonomous Region and Tibetan areas.

*Question.* The United States has been a leader for decades in promoting human rights and ensuring the protection of human rights defenders across the world. In accordance with this leadership, Global Magnitsky designations hold individuals and entities who commit serious human rights violations or who engage in acts of corruption accountable by freezing their assets and denying their visa requests to the United States. Do you support the use of Global Magnitsky designations and calling out human rights abusers as a tool of foreign policy in order to hold individuals and entities to account?

Answer. Yes. The Global Magnitsky Human Rights Accountability Act is a valuable tool, which I will seek to continue to use with respect to human rights violations or abuses.

*Question.* Do you agree that that there should be additional resources provided to those who review Global Magnitsky designations in order to ensure a more robust sanctions regime that targets the worst human rights abusers?

Answer. The Global Magnitsky Human Rights Accountability Act is a valuable tool, which I will seek to use with respect to human rights violations or abuses. If confirmed, I will review the resources available for such designations and ensure that the Department supports those efforts robustly.

*Question.* Secretary Pompeo stated that the U.S. “firmly opposes criminalization, violence and serious acts of discrimination such as housing, employment and government services directed against LGBTIQI persons.” What specific actions will you take to support the human rights of LGBTIQI people abroad?

*Answer.* If confirmed, I am committed to protecting the human rights and fundamental freedoms of all persons, including historically marginalized or persecuted populations such as LGBTI persons. The safety and security of LGBTI persons is of the utmost importance; therefore, I will ensure our global approach first and foremost does no harm. LGBTI status or conduct remains criminalized in some seventy countries, so I will focus on supporting local efforts that may lead to decriminalization. I will work with DRL and Regional Bureaus to develop strategies that prioritize regular discussions with local LGBTI community and civil society partners. I will also raise human rights of LGBTI persons in the context of larger human rights and democracy concerns wherever possible.

*Question.* Do you pledge to prioritize the human rights of LGBTIQI people in your position as the Undersecretary?

*Answer.* If confirmed, I am committed to protecting the human rights and fundamental freedoms of all persons, including historically marginalized or persecuted populations such as LGBTI persons. I will also raise LGBTI human rights issues in the context of larger human rights and democracy concerns wherever possible.

*Question.* In countries around the world, there are criminal penalties associated with exercising sexual and reproductive health and rights, including criminalizing same-sex relationships and abortion. As Undersecretary, would you raise concerns about laws that criminalize same-sex relationships and women’s personal health decisions in public and private diplomatic settings?

*Answer.* If confirmed, I am committed to protecting the fundamental rights and freedoms of all persons, including historically marginalized or persecuted populations such as women and LGBTI persons. I will also raise LGBTI human rights, including decriminalization, and women’s human rights issues in the context of larger human rights and democracy concerns wherever possible.

*Question.* Will you instruct DRL to report on LGBTI rights and access to sexual and reproductive health services in the Human Rights Report?

*Answer.* If confirmed, I will support DRL’s approach to the Human Rights Report, which includes reporting on the rights of LGBTI individuals. I understand that the HRR subsection entitled “Reproductive Rights” by the previous administration was renamed “Coercion in Population Control” consistent with the requirement of U.S. law to report “wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization.” Additional material on maternal mortality, access to contraception, and similar issues is available via hyperlink in the text of each country chapter and in an appendix to the HRR. If confirmed, I will ensure the State Department continues to comply with statutory reporting requirements and delivers objective, evidence-based, rigorous human rights reports.

*Question.* One International entity designed to help countries fight transnational organized crime is INTERPOL. Some observers, however, have alleged that institutions like INTERPOL are being manipulated by autocratic regimes to facilitate repression and target political opponents through the misuse of INTERPOL red notice and other law enforcement information-sharing databases. In your view, are allegations of INTERPOL abuse and misuse cause for U.S. concern?

*Answer.* The United States is aware of such allegations, shares concerns, and remains vigilant and committed to countering attempts by any INTERPOL member state to misuse the INTERPOL red notice mechanism or other law enforcement information-sharing databases to target political opponents or for other political purposes.

*Question.* How can the United States and the State Department in particular use its voice in international institutions like INTERPOL to promote U.S. Values and thwart U.S. Adversaries?

*Answer.* The State Department, working closely with the Department of Justice, engages with members of the INTERPOL Executive committee and the general INTERPOL membership to raise concerns about politicization and to support positions and candidates for leadership positions whom we believe best reflect the technical, objective, non-political nature of the organization’s work.

We support and encourage INTERPOL's efforts to enhance its legal review of all red notices prior to publication to ensure compliance with its Constitution and governing rules.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO HON. MARSHALL BILLINGSLEA BY SENATOR JEANNE SHAHEEN

*Question.* You said in your confirmation hearing before the committee that the administration did not support the sanctioning of companies constructing the Nord Stream 2 gas pipeline from Russia to Europe. What actions is the administration undertaking in order to prevent its construction?

*Answer.* The United States continues to oppose Nord Stream 2. The administration believes Nord Stream 2 does nothing to advance Europe's energy security goals and would provide Russia another tool for the political coercion of European countries, especially Ukraine.

The administration supports Europe's efforts to develop more competitive, transparent, and resilient energy markets so that Russia cannot use Europe's reliance on its energy resources as a source of political and economic leverage. Without this leverage, European countries will be able to better respond to possible disruptions.

Though much work remains to be done, some European energy markets are becoming more competitive, challenging Russia's historically dominant position in those markets. In part this is because exports of U.S. LNG are making global LNG markets more liquid, providing countries with greater choice.

*Question.* In a hearing before this committee on September 18, 2019, Assistant Secretary of State David Stilwell discussed the cooperation—or lack thereof—between China and the U.S. on stopping the flow of synthetic opioids into our country. If confirmed, you will oversee the Bureau of International Narcotics and Law Enforcement (INL). How would you instruct INL and the State Department to work with other agencies and departments like DOJ and DHS to coordinate its efforts to address this issue? How will you work with countries like Mexico and China to stop the flow of illegal drugs into the United States?

*Answer.* If confirmed, I will direct efforts at the State Department, particularly within INL, to continue supporting U.S. law enforcement agencies and other interagency partners involved in the fight against synthetic opioids in their overseas engagement, and to draw upon their expertise in the provision of foreign assistance to opioid source and transit countries. I plan to continue our work under the Merida Initiative to build the capacity of Mexican authorities to interdict drug shipments, dismantle clandestine labs, track precursor chemicals, and investigate and prosecute drug traffickers. I will also give top priority to engaging Beijing to ensure China follows through on strict enforcement of new regulations on fentanyl and precursor chemicals.

*Question.* Over the 2,000 foreign fighters in Northeast Syria are in the custody of the Syrian Democratic Forces (SDF). While the SDF has been doing a remarkable job, it is unclear how much longer the SDF can manage this situation. In particular, I am worried about the fate of the British Beatles who remain in Syria and have been identified as suspects in the kidnappings, torture and deaths of several Americans. If confirmed, would you direct the Counterterrorism Bureau to deal with this issue differently?

*Answer.* I salute the SDF's success in subduing the remnants of the so-called territorial "caliphate". I also understand the challenges associated with the ongoing detention of FTFs. I believe CT is taking the right steps in addressing the case of the Beatles, who are suspected of involvement in terrorist acts against Americans, by continuing to engage UK partners for updates as the case winds its way through the courts and encouraging the UK to share relevant evidence with the United States. If confirmed, I will work with CT to continue engaging the UK as well as reiterating our preference to try these individuals in a U.S. court. I will also work with CT to continue its interagency coordination help SDF partners address detention challenges.

*Question.* Given the number of national security agencies involved in this work, how would you ensure that all Agencies involved were sharing info not just with each other, but with the families of those Americans who have been harmed by ISIS?

*Answer.* The interagency Hostage Recovery Fusion Cell, the Office of the Special Presidential Envoy for Hostage Affairs, and the Bureau of Consular Affairs have the primary responsibility for supporting hostages and their families, including hostages held or killed by ISIS. While U.S. government agencies, of necessity, protect sources, methods and the integrity of the work process, under Presidential Policy Directive—30 the Hostage Recovery Fusion Cell coordinates declassification of information to share with families of hostages held by ISIS. If confirmed, I will respect professional requirements to maintain controls on information but will encourage appropriate sharing of information with the families while protecting ongoing activities.

*Question.* I worked on legislation that will soon become law to establish an ISIS Detainee Coordinator. The legislation authorizes this new position to be housed at State. Critical responsibilities of the Coordinator will include pushing countries to repatriate foreign fighters and communicating with American families about suspects held as detainees who may be responsible for crimes against their loved ones. If the position is eventually placed at State, it will likely either fall under your jurisdiction or perhaps even directly report to you. If that is the case, will you commit to ensuring that this position be adequately staffed, resourced and able to carry out the responsibilities detailed in the legislation?

*Answer.* I am aware of your legislation to establish an ISIS Detainee Coordinator at the Department of State. If confirmed, I will work to ensure that this position and the associated offices possess adequate staff, resources, and capacity to carry out the responsibilities detailed in the legislation. The Bureau of Counterterrorism and Countering Violent Extremism (CT), part of the J family, has developed capabilities to lead the interagency coordination necessary to encourage countries to repatriate FTFs from Syria, and leads coordination with other bureaus to communicate with American families about cases involving their loved ones. As such, if confirmed, I would also recommend that the office of the coordinator reside within CT.

*Question.* Earlier this year, the State Department released its Congressionally-mandated 2018 Country Reports on Human Rights Practices. I continue to be disappointed that the administration does not consider reproductive rights to be worthy of inclusion in these influential reports and has significantly scaled back reports on gender-based violence. If confirmed, you would oversee the Bureau in charge of these reports. Do you consider gender-based violence to be a human rights violation? Will you commit to reporting on the prevalence of gender-based violence in these country reports? Will you commit to restoring the reproductive rights section of the human rights reports?

*Answer.* The National Security Strategy states that the U.S. government will support efforts to advance women's equality and protect the rights of women and girls. Reporting on violence against women and girls is an important component and complements other U.S. efforts to press governments to protect women and girls from such violence.

The Country Reports on Human Rights Practices (HRR) continues to cover gender-based violence throughout each country chapter and particularly in Section 6. I understand that the HRR subsection entitled "Reproductive Rights" by the previous administration was renamed "Coercion in Population Control" consistent with the requirement of U.S. law to report "wherever applicable, practices regarding coercion in population control, including coerced abortion and involuntary sterilization."

Additional material on maternal mortality, access to contraception, and similar issues is available via hyperlink in the text of each country chapter and in an appendix to the HRR. If confirmed, I will ensure the State Department continues to comply with statutory reporting requirements and delivers objective, evidence-based, rigorous human rights reports.

*Question.* For nearly four decades, the United States has been a world leader in refugee protection. This leadership has been critical to advancing U.S. foreign policy interests around the world. Former Department of Homeland Security Secretary Michael Chertoff, who served under President George W. Bush, has written that "Our values and our national security interests argue for raising our refugee ceiling, not lowering it. The president should seize the mantle of Reagan and fortify U.S. leadership on refugees." Do you agree with this statement?

*Answer.* I understand that the United States remains one of the largest resettlement countries in the world. I am also aware that the United States exercises international leadership as the single largest donor of humanitarian assistance worldwide, last year delivering more than \$8 billion in life-saving aid around the world. If confirmed, I will support the President's efforts to emphasize the importance of coordinated, effective, and efficient international responses, as well as the need for



other governments, and other actors in the private sector, to step in to contribute to humanitarian efforts.

*Question.* Do you believe that it is important for the United States to continue to serve as a global leader in refugee protection, including resettlement?

*Answer.* Yes. I understand that the United States offers humanitarian protection to the most vulnerable of those who have experienced persecution or who fear persecution, while prioritizing the safety and security of the American people. The December 2017 National Security Strategy says that the United States will prioritize “support[ing] displaced people close to their homes to help meet their needs until they can safely and voluntarily return home.” U.S. humanitarian assistance reaches millions of refugees and displaced people worldwide every year, including those who will never be considered or qualify for resettlement.

*Question.* How do the administration’s severe reductions in refugee admissions over the past three years, including the proposal from some administration officials that zero refugees be resettled next year, harm U.S. interests at home and abroad?

*Answer.* The United States anticipates resettling up to 30,000 refugees in FY 2019 under the refugee ceiling. They will join hundreds of thousands of asylum seekers who are already inside the United States awaiting adjudication of their claims. The refugee admissions program must take into account this operational reality. In consideration of both the U.S. national security interest and the urgent need to restore integrity to an overwhelmed asylum system, the administration is focusing on addressing the humanitarian protection cases of those already in the country. Moreover, it is important that the refugee ceiling number should not be viewed in isolation from America’s other expansive humanitarian programs. In FY 2018, the United States provided more than \$8 billion in humanitarian assistance, including to refugees.

*Question.* In your current role at Department of Treasury, you work with other departments and agencies on the implementation of coordinated sanctions packages. Do you regard sanctions as a tool that can be used to change another state’s behavior? What is the importance of coordinating U.S. sanctions with European allies? Is it ever appropriate to delay coordination of sanctions with allies for political purposes? What are your views on the effectiveness of Global Magnitsky sanctions and other target sanctions?

*Answer.* I believe sanctions are a fundamental tool of diplomacy and are best used as part of a whole-of government strategy. The purpose of the sanctions is to modify malign actors’ behavior by targeting their assets and access to the U.S. financial system in an effort to change their calculus. These sanctions have the greatest impact when partners and allies also undertake similar measures.

I have spent my time at Treasury working hard to ensure our partners have the tools they need to work with the United States on sanctions actions across a wide swath of programs. In recent years, the U.S. government has used sanctions to target actors within economies that are more complex and more integrated into the global financial system. As a result, we have developed new methods for targeting malign actors to minimize collateral consequences, as well as strategic use of licensing and implementation authorities. Our European allies are critical sanctions partners, as are our friends and allies in the Pacific and Canada. The effectiveness of sanctions is dependent upon their ability to deter, constrain, disrupt, and identify bad behavior, all of which is augmented through a multilateral approach.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO HON. MARSHALL BILLINGSLEA BY SENATOR EDWARD J. MARKEY

*Question.* Twenty-one human rights and civil rights groups are opposing your nomination because of your advocacy for harsh interrogation practices you claimed were “not controversial from either a legal, or policy standpoint.” Military JAGs and law enforcement had repeatedly raised seriously legal and policy concerns about these practices, including violation of the Unified Code of Military Justice and domestic criminal law—even while you were at the Department of Defense. How do you define torture? How does it differ from enhanced interrogation techniques?

*Answer.* I defer to the Department of Justice and legal counsel on the definition of torture as it applies to interrogation techniques. As I stated in my testimony, if ever called upon again to be involved in interrogation policy, I would not support

use of any technique not identified as allowable in the Army Field Manual, as set forth by a law enacted by Congress in 2015.

*Question.* Do you think it's important for the United States, as one of the world's moral leaders, to stand against torture?

Answer. Yes. Torture is prohibited under international law and is incompatible with the values that define us as a people. As Secretary Pompeo stated "The United States is unambiguous. We never conduct torture, period. Full stop."

*Question.* How would you assuage fears in foreign countries that your work at the Department of Defense on interrogation would undermine American credibility on opposing torture and supporting key human rights?

Answer. I am unaware of any such fears. As I repeatedly stated in the hearing, I have never supported the use of torture. Foreign nations around the world know that I have actively promoted human rights in my Department of Treasury role and have driven use of sanctions authorities against hundreds of individuals and entities involved in human rights abuses. My work against the dictatorships in Venezuela and Nicaragua are two good examples, where Venezuela-focused human rights organizations and opposition members have written the committee in strong support of my nomination.

*Question.* How would you pursue a robust human rights agenda if foreign governments declined to meet with or otherwise engage in substantial discussions with the J Bureau based on the belief that you supported torture techniques?

Answer. I do not anticipate any such situation arising. I have never supported the use of torture. In fact, the classified documents provided to the committee staff show that I was greatly concerned with slowing and regulating the inflow of detainees into Guantanamo, and in expediting the transfer of detainees out. Also, as shown in the documents, I was concerned that allegations of human rights abuses raised by detainees be fully documented. If confirmed, I will aggressively press the human rights agenda around the world and reiterate the position of the United States: Torture is prohibited under international law and is incompatible with the values that define us as a people.

*Question.* The human rights of LGBTQI people are under attack around the world. Reports have shown that many are regularly persecuted, prosecuted, and incarcerated in places like Indonesia, Chechnya, and Egypt. At the same time, trans people are also prosecuted worldwide in at least 26 countries. Even recently, the United States has substituted language like "gender equity" with "equality between girls and boys" in international agreements. These are gross human rights violations. How can the administration claim to support LGBTQI rights externally while undermining the rights of LGBTQI people through its policy and diplomacy?

Answer. The administration continues to seek to advance the human rights of LGBTI individuals globally through public and private diplomacy.

*Question.* What specific actions will you take to prioritize the human rights of LGBTQI people abroad?

Answer. If confirmed, I am committed to protecting the human rights and fundamental freedoms of all persons, including historically marginalized or persecuted populations such as LGBTI persons. The safety and security of LGBTI persons is of the utmost importance; therefore, I will ensure our global approach first and foremost does no harm. LGBTI status or conduct remains criminalized in some seventy countries, so I will focus on supporting local efforts that seek to achieve decriminalization. I will work with DRL and Regional Bureaus to develop strategies that prioritize regular discussions with local LGBTI community and civil society partners. I will also raise human rights of LGBTI persons in the context of larger human rights and democracy concerns wherever possible.

*Question.* In August 2017, the Burmese military forces increased their attacks against the Rohingya in Rakhine State in a coordinated and widespread campaign of indiscriminate killing, rape, and razing of villages. Following a series of investigations, including by the United Nations Fact Finding Mission and the State Department, there have been credible reports documenting the egregious human rights violations that have occurred in Rakhine State. These reports noted that legal determinations should be considered, including crimes against humanity and genocide. However, Secretary Pompeo has declined to issue a genocide determination regarding the atrocities committed against the Rohingya. Do these atrocities constitute genocide? If so, will you encourage the Secretary to issue such a determination? If not, will you encourage the Secretary to issue some other determination?

*Answer.* I am appalled by the ethnic cleansing of Rohingya in northern Rakhine State. Credible reports of massacres, gang rape, and village and mosque burnings shock the conscience, and I am committed to promoting accountability for those responsible.

The U.S. determination of atrocity crimes, including genocide or crimes against humanity, is generally made by the Secretary of State. I would emphasize that there is no hierarchy of atrocity crimes; they are all equally abhorrent and shocking. If confirmed, I will consult with experts within the Department and examine all the information to provide the Secretary with my best advice.

*Question.* Do you believe that there are negative consequences to the global human rights campaign by not issuing a determination of any kind?

*Answer.* In November of 2017, the Department of State concluded that the atrocities committed in Northern Rakhine State constituted ethnic cleansing. The United States has taken a leading role in promoting justice and accountability for these atrocities and other human rights abuses and violations in Burma, using both bilateral and multilateral tools. If confirmed, I will continue to prioritize promoting accountability for those responsible for these abuses, justice for victims, and broader efforts to promote and defend human rights.

*Question.* Should the United States target military leaders in Burma with Global Magnitsky sanctions, or are visa bans sufficient to send a message about the importance of the human rights in the face of foreign governments that are intent on persecuting ethnic minorities?

*Answer.* If confirmed, I will prioritize promoting accountability for those responsible for these abuses, and justice for victims as part of larger efforts to promote and defend human rights. I will aim to continue U.S. leadership of the international response to the Rakhine State crisis and efforts to deter further atrocities. In this regard, I will consider the utility of all policy tools at our disposal, including sanctions. Further, I would work closely with the U.S. Mission to the U.N. and like-minded countries and regional partners, to press the government of Burma to grant unhindered access to U.N. mechanisms, including the International Investigative Mechanism for Myanmar, the U.N. Special Rapporteur, and the U.N. Special Envoy.

*Question.* Recently the Guardian reported the State Department's Bureau of Population, Refugees, and Migration (PRM) pressured the International Organization for Migration (IOM) to censor documents and remove references to climate change or risk losing funding from the bureau. It is unacceptable for the administration to extort recipients of U.S. funding into toeing the administration's climate-denial line. Do you believe it is good public policy to require IOM or any other PRM-funded entity to engage in self-censorship in exchange for U.S. government support? If yes, why?

*Answer.* The International Organization for Migration (IOM) is an important partner for the United States around the globe. It is my understanding that IOM receives 97% of its funding through voluntary contributions to specific projects. Donors—including the United States—fund those IOM projects and activities that are consistent with each donor's foreign policy goals and objectives.

*Question.* On what basis would PRM be able to lawfully cut or withhold funding from IOM if its program activities are not in line with Trump administration foreign policy objectives?

*Answer.* It is my understanding that the Bureau of Population, Refugees, and Migration issues requests for proposals consistent with foreign policy priorities and federal funding guidelines. If confirmed, I would work to ensure proposals received in response to these requests are evaluated rigorously.

*Question.* Do you support the United States rejoining the 2018 Global Compact on Migration? Why or why not?

*Answer.* I do not support the United States rejoining the 2018 Global Compact on Migration (GCM). The United States regularly engages with other countries on many immigration issues and will continue to do so. A migration compact is not needed to facilitate this type of engagement.

*Question.* Do you support the United States rejoining the 2018 Global Compact on Refugees? Why or why not?

*Answer.* I support much of what is contained in the Global Compact on Refugees, including improving responses to refugee crises by the U.N. Refugee Agency (UNHCR) as well as facilitating the work of UNHCR in refugee hosting countries. In particular, I support a basis for predictable response and greater burden sharing

among U.N. member states and other stakeholders, including development actors, refugee-hosting communities, and the private sector. I understand that the Global Compact on Refugees is not legally binding, and states retain the sovereign right, subject to their international legal obligations, to determine their own immigration laws, policies, and practices.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO ADAM SETH BOEHLER BY SENATOR JOHN BARRASSO

*Question.* Under your leadership, are you committed to ensuring the International Development Finance Corporation promotes projects involving all forms of energy?

Answer. Yes, to the extent permissible by applicable law.

*Question.* Why is it in the U.S. taxpayers interest for the U.S. government to become an equity investor in private and public businesses in foreign countries?

Answer. Congress provided DFC with equity authority for it to further its development mandate and advance foreign policy. OPIC has had difficulty working in partnership with—and leveraging the investment of—other DFIs because of its lack of equity authority. This authority will put the United States on equal footing with other DFIs so that we can invest alongside our allies such as Germany, Japan, and the UK and not lose attractive deals that drive development as well as provide economic return. Finally, equity authority provides an additional and important way for the DFC to mobilize private sector capital.

*Question.* Do you believe the International Development Finance Corporation should provide equity investments in a foreign state-owned enterprise? If yes, under what circumstances?

Answer. DFC is designed to help bring private sector investment to the developing world. As such, these are not the type of investments that I anticipate.

*Question.* With the increased risks and exposure of equity investments, what specific requirements must be in place to ensure adequate oversight and risk management?

Answer. The BUILD Act lays out several requirements related to its equity authority which I will follow. All equity investments will be reviewed in full by investment professionals with a full risk/return analysis. Any investment recommendation will then be reviewed in full by the Board of Directors. In addition, the legislatively mandated position of Chief Risk Officer will analyze the risk of the portfolio to ensure that appropriate decisions are being made across the organization. Finally, DFC will have its own independent Inspector General to ensure appropriate oversight.

*Question.* How are the investments of the International Development Finance Corporation going to specifically counter international investment strategies like China's Belt and Road Initiative?

Answer. DFC will be a critical tool in American foreign policy to address the growing influence of China and other authoritarian governments. American values—transparency, rule of law, respect for people and environment—afford us a unique competitive advantage. We will not pursue the same strategy as China or others but our own. We will collaborate with other U.S. government agencies such as State and USAID to ensure that our investment strategy is furthering American foreign policy goals.

*Question.* Do you believe it is appropriate for the International Development Finance Corporation to provide equity or investment financing to upper-middle income countries like Brazil, China, Mexico, Russia, and Turkey? If yes, under what circumstances?

Answer. The BUILD Act prioritizes the work of DFC in low-income and low-middle income countries. DFC support in upper-middle income countries is restricted. OPIC has been closed in China since the 1980s and Russia for several years. I do not anticipate that that would be any different for DFC.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO ADAM SETH BOEHLER BY SENATOR ROBERT MENENDEZ

*Overview of Expanded Development Mandate*

*Question.* As you are aware, the United States International Development Finance Corporation (DFC) is set to replace the Overseas Private Investment Corporation. The new institution has additional legislative mandates, like women's economic empowerment, a focus on lower income countries, and a stronger development focus.

- Could you describe how you plan to ensure these and other new mandates are successfully implemented throughout the DFC especially in a flat funding environment?

*Answer.* Congress gave DFC a clear development mandate that I am committed to implementing. The new authorities, such as equity investment and technical assistance, will put the United States on equal footing with the current authorities of other international DFIs and remove barriers that have stood in the way of OPIC investing alongside allies. I intend to collaborate closely with these allies to identify opportunities. I also look forward to working closely with other U.S. government agencies such as USAID and State to leverage resources in local markets to identify and monitor projects. Finally, I look forward to working closely with the Chief Development Officer and Development Advisory Council.

*Question.* Do any of your plans require additional staff to ensure that the new DFC can successfully implement, monitor, and evaluate all the mandated areas?

*Answer.* As I noted during the hearing, fully utilizing resources and leveraging other government agencies abroad to advance our mission is essential for success. This type of cooperation is envisioned by the coordination report recently submitted by the head of OPIC and USAID to the committee. It notes that USAID will use its global presence and depth of technical expertise to assist in monitoring DFC-funded transactions, which will enable the DFC to provide a deeper level of monitoring of development impact on its projects than previously possible. If confirmed, I also intend to continually monitor the success and resources of DFC to assess any staffing needs and commit to working with the Administration and Congress to ensure that DFC has the resources it needs to meet the vision the committee has intended for the agency.

*Question.* In addition to existing efforts, how will you ensure that the DFC is prioritizing higher-impact investments that potentially incur higher risk and lower reward?

*Answer.* As a development finance agency, the focus of the agency's support is to assist private sector investments to maximize development impact. In the BUILD Act, it is clear that Congress intends DFC to be more forward leaning and proactive in its investment support. I understand OPIC has been working with USAID, MCC, and other development experts to modernize the way it evaluates development impact of potential supported investments. I look forward to working with the Chief Development Officer to finalize this system so that supported projects can be better evaluated on their development impact.

*Question.* How do you plan on managing and prioritizing limited resources while also attempting to maximize the potential of the new DFC?

*Answer.* I believe that collaboration with our allies—examples include the recently signed agreements with Japan and Australia—will yield significant return. DFC will also leverage other government agencies abroad to advance our mission. I also believe that the flexibilities in the BUILD Act will allow for support of more projects in lower income countries helping to maximize DFC's potential. I will work to ensure that new statutory positions such as Chief Development Officer, Chief Risk Officer and the Inspector General are adequately resourced. If confirmed, I commit to working with the Administration and Congress to ensure DFC has the resources it needs to meet the vision the committee has intended for the agency.

*Question.* Will you commit to ensuring that Development outcomes drive the mission and agenda for OPIC?

*Answer.* Yes. I am committed to the clear development mandate that Congress has given DFC.

*Question.* How do you plan on empowering the Office of the Chief Development Officer?

*Answer.* I believe in recruiting top talent and empowering those individuals. The Chief Development Officer is a key position which will be responsible for infusing development throughout the organization and ensuring DFC meets its development

mandate across the portfolio. Before coming into government service, I founded what became the largest home physician group in the country. I am not a clinician but hired and then partnered closely with the Chief Medical Officer at the company. I will bring the same organizational philosophy to DFC.

*Question.* OPIC has been at work developing an ‘impact quotient’ intended to maximize the development impact of DFC investments. How do you intend to prioritize development impact from the top in this leadership position?

*Answer.* Congress has given DFC a clear development mandate and I am committed to this mandate. The flexibilities in the BUILD Act will allow DFC to support more projects. I plan to use the modernized development impact assessment tool to prioritize support of projects with the greatest development impact.

*Question.* How do you think about the DFC’s priorities-particularly where they might sometimes be in conflict?

*Answer.* As a development finance agency, the focus of support of projects is to maximize development impact. If confirmed I will also prioritize the role DFC can play in helping to advance U.S. foreign policy in concert with other U.S. government agencies. We will follow an objective process in order to identify and analyze opportunities that create the largest development impact in countries of interest from a foreign policy perspective.

*Question.* How will you measure progress against these three objectives to ensure balance in the portfolio?

*Answer.* The BUILD Act requires DFC to establish performance metrics that will help measure progress against these key areas. Additionally, the Chief Development Officer and Chief Risk Officer will be working to ensure these objectives are being met and balanced across the portfolio with a particular emphasis on our new development impact assessment tool.

#### *Economic Statecraft*

*Question.* I am increasingly concerned that the United States is not well positioned to engage in economic statecraft for the twenty-first century, including promoting U.S. jobs, business and economic interests, engaging in development financing for infrastructure and other needs, including climate change-related resiliency, and setting standards for emergent technologies and the digital economy.

- Can you expand upon how you view your role and your institutions role, if you are confirmed, in helping to renew and replenish U.S. economic statecraft instruments?

*Answer.* I share your concern about the United States role in the world in this regard. I believe American values-transparency, rule of law, respect for people and the environment-afford us a unique competitive advantage. The BUILD Act addressed barriers that will enable DFC to be more proactive and strategic. I believe that DFC will serve an important role, in combination with other government agencies, to drive global development while promoting U.S. interests abroad in developing countries. BUILD Act firmly places DFC in the United States foreign policy architecture where it can serve as a key instrument of economic statecraft as part of a wholistic government approach.

*Question.* Where do you see the biggest challenges? Biggest opportunities?

*Answer.* The BUILD Act has created a modernized DFI. Our main challenge will be confronting the ongoing and vast effort by countries such as China that are using inexpensive capital to exert influence on the developing world. DFC is well designed to encourage large sources of private capital in the United States to back investments in the developing world that support innovative American technology and know-how that will give these countries the best chance to power their economies forward. Our competitors, such as China’s BRI, have made a number of decisions as of late that make it clear that their capital comes with a number of strings attached, such as a heavy debt load, infrastructure failures, and loss of control of critical projects. I believe that DFC’s role mobilizing U.S. private business, people, values, and innovations overseas is a strategic opportunity and advantage. The time is now to emphasize our competitive advantages and partner with our allies.

*Question.* Have you considered developing an internal incentive structure to reward staff for positive development outcomes and the avoidance of negative environmental and social impacts?

*Answer.* As I understand it, part of the modernized development impact scoring would evaluate and elevate projects that have positive development impact over

negative environment and social impacts. I believe that incentives are important tools to influence behavior and will evaluate our incentive programs if confirmed.

*Question.* The (BUILD Act) places an increased emphasis on development outcomes and impact, how do you plan to help guide this cultural shift?

*Answer.* The combining of OPIC and DCA will certainly invoke a culture shift, and the increased mandate on development outcomes will be part of this shift. As noted above, if confirmed, one of my priorities will be ensuring a smooth transition and the amplification of a strong culture that supports the diverse expertise and experience to advance the new mission. Further, one of the jobs of the Chief Development Officer will be to infuse development throughout the organization and ensure DFC meets its development mandate across the portfolio. I will also ensure that goals and incentives are aligned to meet our mission where I am able.

*Question.* Have you considered developing an internal incentive structure to reward staff for positive development outcomes and the avoidance of negative environmental and social impacts?

*Answer.* As I understand it, part of the modernized development impact scoring would evaluate and elevate projects that have positive development impact over negative environment and social impacts. I believe that incentives are important tools to influence behavior and will evaluate our incentive program if confirmed.

#### *Countering Chinese Development Influence*

*Question.* The DFC is often cited as part of the administration's response to China's Belt and Road Initiative, but while the DFC cannot compete with China's investments dollar for dollar, with the help of the DFC's enhanced toolkit the U.S. will be better positioned to offer an alternative to China's investment model—a key feature of which is opacity. Under provisions of the BUILD Act, the DFC will need to make public detailed project-level information to the extent practical.

- Recognizing there are issues of commercial confidentiality to navigate, if confirmed will you commit to working to ensure the DFC is best in class when it comes to DFI transparency?

*Answer.* Yes. I believe that transparency is a value that sets the United States apart from autocratic governments and should be considered an advantage, while striking the right balance of working with the private sector to ensure business confidentiality.

*Question.* Would that include considering publishing financial terms (even if on a time delay) or working with other DFIs to release anonymized contract data?

*Answer.* If confirmed, the DFC will carefully evaluate what information may be made public to ensure transparency while maintaining business confidentiality and compliance with other applicable legal requirements.

#### *Equity Investment*

*Question.* The BUILD Act granted the DFC limited equity authority, a key enhancement over its predecessor OPIC.

- How important is equity authority to achieving DFC's goals? What barriers to you see to deploying equity?

*Answer.* Congress provided DFC with equity authority to further its development mandate. This is particularly important when investing in challenging, credit constrained environments. Debt service requirements create the prospect of taking cash out of a company—which is often operating in some of the toughest markets on earth—when it possibly can least afford it.

For all its strengths, OPIC has difficulty working in partnership with—and leveraging the investment of—other DFIs because of its lack of equity authority. Therefore, this authority would also allow the United States to be “economically interoperable” with our allies such as Germany, Japan, and the UK, that have the ability to provide support in this manner.

DFC will need to ensure that the appropriate processes and procedures are in place to deploy equity. I understand this work is ongoing at OPIC and I will ensure that it is successfully implemented if I am confirmed. I will also work with the administration to ensure that Congress' intent is implemented.

*Question.* What can Congress do to ensure DFC has the tools it needs to fulfill its mandate?

*Answer.* While DFC has been established in law, it needs an appropriation from Congress that funds all of its new authorities.

*Transparency*

*Question.* The DFC must comply with the transparency requirements of the Foreign Aid Transparency and Accountability Act (FATAA) as well as the BUILD Act.

- How do you think about the need to balance commercially sensitive information with the importance of transparency?

*Answer.* I believe that transparency is a value that sets the United States apart from our competitors and should be considered as an advantage, while striking the right balance of working with the private sector to ensure business confidentiality.

*Question.* Will you commit to hearing, and providing forums for engagement and discussion, from all stakeholders with concerns about projects the IDFC is considering—well before any decisions are made by the IDFC's board to approve or reject proposals?

*Answer.* Yes. I believe that stakeholder engagement is a critical pillar in helping the DFC to advance its mission.

*Interagency Cooperation*

*Question.* The committee sees the mission of the DFC is enhanced when aligned with other government agencies and allies.

- Would you support having officers from other agencies, like USAID, serve details at the IDFC?

*Answer.* Yes.

*Question.* Will you ensure and encourage USAID to use tools, like the Development Credit Authority, that are being moved to the IDFC?

*Answer.* Yes. As the DFC increases its ability to mobilize private capital, and USAID places more emphasis on its engagement with the private sector, coordination between USAID and the DFC to pursue U.S. development objectives is essential. The DFC and USAID must forge and maintain strong linkages for the United States to maintain its leadership in international development.

*Question.* How do you intend to ensure intergovernmental access to the IDFC's financing tools and mechanisms?

*Answer.* The DFC will regularly convene meetings of interagency partners. These meetings will serve as a venue to share information on the DFC's transactions and policies; identify priority countries, sectors, and initiatives for engagement; and identify specific ways interagency partners can support DFC. Many State Department and USAID initiatives could be bolstered by DFC's investment tools.

*Question.* What are your thoughts regarding partnership with agencies such as USAID, State, and MCC as well as partnering with the investment organizations of allies such as the Japan Bank for International Cooperation or JBIC?

*Answer.* I believe that this is essential and I am encouraged by the introductory conversations I have already had with each of these agencies. Many State Department and USAID initiatives could be bolstered by DFC's investment tools, giving them greater heft. There are also likely ways that DFC supported projects can complement and leverage MCC compacts. Likewise, we must work closely with international partners to tackle development challenges.

*Administration Coordination Report*

*Question.* We received the Administration's Coordination Report, as required under the BUILD Act, earlier this year.

- Does the Coordination Report sufficiently reorganize our development finance instruments?

*Answer.* I am familiar with the Coordination Report recently submitted to Congress by the heads of OPIC and USAID. I believe the report includes many encouraging aspects such as greater interagency coordination to enhance the United States' use of development finance to pursue development and foreign policy goals.

*Question.* Do you have any recommendations or suggestions as to what you would like to see implemented differently?

*Answer.* DFC is a new agency of the United States government. If confirmed, I will view DFC operations with fresh eyes to ensure the agency is maximizing its potential as Congress intended.

*Question.* Do you believe that the \$21 billion in Sovereign Loan Guarantees (SLG), which were previously housed at USAID and are currently up in the air on where



they will fall after the reorganization, would severely harm the capacity of the USDFC if that money would be counted on its books?

Answer. Under the BUILD Act, the current SLG exposure is expected to count against the DFC maximum contingent liability if responsibility for SLGs is assigned to the DFC. The administration has stated that this is an outcome the Administration would like to avoid and I agree.

*Question.* How would you suggest the administration goes about transferring this money?

Answer. The administration has stated that it would like to avoid a situation in which this exposure counts against the DFC's maximum contingent liability.

#### *Overall Commitment to Gender Equality and Integration*

*Question.* As it replaces the Overseas Private Investment Corporation, the DFC has additional legislative mandates, like women's economic empowerment, a focus on lower income countries, and a stronger development focus.

- Could you describe how you plan to ensure these and other new mandates are successfully implemented throughout the DFC especially in a flat funding environment?

Answer. I am committed to the clear development mandate that Congress has given to DFC. As studies have shown, a focus on economically empowering and investing in women is bound to bring increased development impact. I am encouraged by the work OPIC has done to focus on women's economic empowerment to date and look forward to continuing and further strengthening that focus. I was excited to hear that OPIC has been working with USAID, MCC, and other development experts to modernize the way it evaluates development impact of potential supported investments and leverage the full capabilities of the U.S. government in unison. I look forward to working with the Chief Development Officer to expand our cooperation as well as partner with our allies

*Question.* Do any of your plans require additional staff to ensure that the new DFC can successfully implement, monitor, and evaluate all the mandated areas?

Answer. As I noted during the hearing, fully utilizing existing resources and leveraging other government agencies to advance our mission is critical to success. This type of cooperation is envisioned by the coordination report recently submitted by the heads of OPIC and USAID to the committee. Indeed, it notes that USAID will use its global presence and depth of technical expertise to assist in monitoring DFC-funded transactions, which will enable the DFC to provide a deeper level of monitoring of development impact on supported projects than previously possible. I was also pleased to hear about State support for a number of additional DFC positions overseas. If confirmed, I will further evaluate staffing needs and work with Congress and the Administration to ensure that the intent of Congress in establishing the DFC is preserved.

#### *Women's Equality*

*Question.* How do you plan to ensure that the DFC fully meets its mandate in the Better Utilization of Investments Leading to Development Act of 2018 (BUILD Act) [Sec. 1451 (f)] to "prioritize the reduction of gender gaps and maximize development impact by working to improve women's economic opportunities" throughout the DFC's entire portfolio?

Answer. I am committed to the clear development mandate that Congress has given to DFC. As studies have shown, a focus on women's economic empowerment is bound to bring increased development impact. I am encouraged by the work OPIC has done to focus on women's economic empowerment to date and look forward to continuing and strengthening that focus. Women's economic empowerment will also be a key aspect that the DFC team evaluates in analyzing development impact on any project.

*Question.* Monitoring, evaluation, and learning are important components to ensuring that the DFC's projects positively impact on both men and women. The BUILD Act [Sec. 1443 (b) (3) (A)], calls for genderdisaggregated data. How do you plan to ensure that this is consistently done across the entire portfolio and for all indicators or metrics that are about people?

Answer. If confirmed, I am committed to leading an organization that learns and grows from its experiences. An essential part of learning is data collection which can help inform future investments. As you note, the BUILD Act calls for genderdisaggregated data which will be useful as DFC seeks to reduce gender gaps.

*Question.* Ensuring women have equal access to economic opportunities has the potential to increase women's rights, power, autonomy, and also can be a catalyst for growth and change around the world. However, there can also be unintended negative consequences for women both in the community and the workplace. The United States International Development Finance Corporation (DFC) currently has a process to identify environmental and social risk and create plans to mitigate them, do you plan to build on and enhance these efforts to ensure that the wide array of risks to women are comprehensively included and monitored throughout the full project cycle and across the entire portfolio?

*Answer.* I was pleased to hear that part of OPIC's 2X women's initiative has been training OPIC investment officers to view transactions through a "gender lens" which is intended in part to ensure such unintended negative consequences are avoided. DFC will commit to ensuring that environmental and social risks are evaluated and monitored.

*Question.* In your role as the Chief Executive Officer of the United States International Development Finance Corporation (DFC), you will be tasked with recommending members for the Development Advisory Council to the board. What are your plans to ensure that membership includes a diverse group, including women's rights organizations so that DFC has access to a critical cross section of expertise to most successfully spend United States' tax payer dollars?

*Answer.* The Development Advisory Council promises to be a key body in which the Board and I, if confirmed, will rely upon to make recommendations on how DFC can better meet its development mandate. I am committed to working with the Chief Development Officer to recommend individuals to the Board representing diverse points of view to better inform our thinking and ensure that the DFC has access to the right expertise to most successfully deploy capital based on the mandate established by Congress with the Build Act.

*Question.* I understand Overseas Private Investment Corporation (OPIC) staff has been looking into EDGE Certification-a global certification standard for gender equality, which development finance institutions such as the International Financial Corporation and Inter-American Development Bank have pursued. If confirmed, will you commit to continuing to explore certification as well as to actively working to identify partners who prioritize gender equality?

*Answer.* Yes.

#### *Development Impact, Monitoring, Evaluation, and Reporting*

*Question.* The BUILD Act includes an increase in the legislative mandates around monitoring, evaluation, and reporting in part due to the conforming amendment that applies the Foreign Aid Transparency and Accountability Act of 2015 (FATAA) [Title IV Sec. 1470-(l)] to the DFC.

- When evaluating projects how important do you think it is for the agency to assess, if the project holistically improved the lives of people in the intended communities, versus focusing on specific project outcomes like increasing the number of jobs available?

*Answer.* I am committed to the clear development mandate that Congress has given to DFC. I understand OPIC has been working with USAID, MCC, and other development experts to modernize the way it evaluates development impact of potential investments both specifically and holistically. If confirmed, I look forward to working with the Chief Development Officer to finalize this system so that projects can be better evaluated on their development impact and our work can be more focused.

*Question.* When evaluating projects how important do you think it is for the agency to assess, if holistically the project improved the lives of people in the intended communities versus focusing on specific project outcomes like increasing the number of jobs available?

*Answer.* I am committed to the clear development mandate that Congress has given to DFC. I understand OPIC has been working with USAID, MCC, and other development experts to modernize the way it evaluates development impact of potential investments both specifically and holistically. If confirmed, I look forward to working with the Chief Development Officer to finalize this system so that projects can be better evaluated on their development impact and our work can be more focused.

*Question.* Due to the FATAA conforming amendment, 50% of the DFC's portfolio will now have to be evaluated, what are your plans to ensure this mandate is met?

- Will this go beyond having partners fill out a self-report questionnaire? If yes, can you briefly explain what an evaluation at the DFC would look like under your leadership, and how lessons learned would be incorporated into future planning?

Answer. Yes. Monitoring and evaluation mandates in the BUILD Act are new and important aspects of the changes for DFC. I am committed to using best in class tools to monitor transactions efficiently. My management practice is to continually learn from experience to guide future planning and lessons would be regularly incorporated.

*Question.* What are the plans to address the gaps in monitoring practices identified in recent reports from USAID's Office of Inspector General (2019 and 2015), OPIC's Office of Accountability (2018), and the government Accountability Office (2015)?

Answer. I take oversight reports seriously. If confirmed, I commit to better understand the recommendations contained in these reports and to identify if and where additional work is needed to address any gaps.

#### *Climate Change*

*Question.* Do you believe the scientific consensus that human activity from burning fossil fuels is driving global warming?

Answer. While I am not an expert in this area, from what I have read and understand I believe human activity is contributing to changes in our climate.

*Question.* You come from the healthcare industry with a strong record of promoting public health. Do you believe climate change is a factor that is exacerbating public health crises around the world?

Answer. Yes, I believe that climate change can have a meaningful impact on public health.

*Question.* OPIC has a strong environmental and social policy statement that demonstrates the agency's commitment to transparency, accountability, and environmental and social performance-including performing climate-related vulnerability assessments on certain projects. Do you intend to carry-over this policy to the new DFC? If not, why not?

Answer. Yes.

*Question.* The OPIC board recently approved the Vaca Muerta "Dead Cow" fracking project in Argentina. The extraction and combustion of natural gas poses a myriad of problems for clean air, clean water, wildlife, landscapes and ecosystems, human health, local communities, and our climate. Leaking natural gas infrastructure is a source of unaccounted climate and toxic air emissions which creates emissions hotspots, negative human health impacts, and environmental justice issues.

- How can OPIC or the new DFC justify funding a project like Vaca Muerta if it poses a threat to the public health of local communities and lock them into decades of climate-warming pollution?

Answer. I am not a current officer at OPIC, so I cannot speak to this project. If confirmed, I will ensure that projects that have potential significant adverse environmental impacts go through detailed analysis and assessment by the career professionals at DFC before receiving any support from the organization.

*Question.* OPIC continues to weigh approval of the Kosovo e Re lignite burner coal fired power plant. The World Bank has rejected financing for this project nearly a year ago out due to the greenhouse gas emissions that would be associated with this project.

- Do you believe that this project is the best and most responsible energy option for the U.S. to support in Kosovo?

Answer. I do not currently have enough information about this particular project to make such a determination.

*Question.* Do you believe that the World Bank made a prudent decision to withdraw from the Kosovo e Re lignite burner project as explained in the following statement made by Jim Yong Kim last year: "We are required by our by-laws to go with the lowest cost option and renewables have now come below the cost of coal. So without question, we are not going to [support the plant]."

Answer. I do not currently have enough information about this particular project to make such a determination.

*Question.* Will commit to working with the Kosovo government, and investors interested in pursuing renewable and low carbon energy solutions for Kosovo, as means of finding energy alternatives to the Kosovo e Re lignite burner project?

*Answer.* I do not currently have enough information about this particular project to make such a determination.

*Responsiveness*

*Question.* Do you commit to respond promptly to all requests for information by members of this committee?

*Answer.* Yes

*Question.* Do you commit to appear before this committee upon request?

*Answer.* Yes

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

*Answer.* If confirmed, I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate channels.

*Administrative*

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

*Answer.* No

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

*Answer.* Over the course of my career, I have had thousands of people under my direct or indirect supervisory authority. Anytime an issue has been brought to my attention, I have insisted upon swift response and fully complied with appropriate policies.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

*Answer.* Yes, I agree. I will clearly state this policy. In addition, I will create an environment that does not support retaliation, blacklisting, or other prohibited personnel practices by rectifying any situation, whether in public or in private, expeditiously and in a manner that ensures that it will not be tolerated.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO ADAM SETH BOEHLER BY SENATOR TODD YOUNG

*Question.* The BUILD Act and our own American economic model varies greatly from the state driven model presented in China. We cannot compete directly with BRI but in your view, what sectors or industries are most critical for the United States to support in Asia and Africa to provide a counter weight to the influence China is exerting under BRI?

*Answer.* DFC will be a critical tool in American foreign policy to address the growing influence of China and other authoritarian governments. American values—transparency, rule of law, respect for people and environment—afford us a unique competitive advantage. We will not pursue the same strategy as China or others but our own. We will collaborate with other U.S. government agencies such as State and USAID to ensure that our investment strategy is furthering our foreign policy goals.

I am excited by the opportunities in a number of sectors in Asia and Africa including critical infrastructure, energy, investments in small and women-owned businesses, technology, and health care.

*Question.* In your view, how should the United States go about building a coalition to counter China's economic activities in a way that strengthens multilateral relationships and provides a viable off-ramp for industries and countries who may feel trapped in unescapable ties with China and Chinese institutions?

*Answer.* Our relationships with our allies will be critical in our approach, particularly given the difference in funds allocated to development between the United States and China. If I am confirmed, I will build on the recent relationships with Japan and Australia as well as Western European and Latin American DFIs.

DFC's new equity authority will put the United States on equal footing with other DFIs so that we can invest alongside our allies and not lose attractive deals that drive development as well as economic return.

*Question.* What challenges do you anticipate encountering as DFC gets up and running?

*Answer.* If confirmed, I will lead the talented staffs of OPIC and USAID's Development Credit Authority, which together will combine to form DFC and a more explicit development mandate. Such a melding of staffs will involve a culture shift. It will also be critical that DFC forge strong relationships with other U.S. government agencies like MCC and the Department of State.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO ADAM SETH BOEHLER BY SENATOR BENJAMIN L. CARDIN

*Human Rights*

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

*Answer.* My first professional experience was in South Africa. I worked for the Financial and Fiscal Commission, an agency set up by the South African Parliament to advocate on behalf of the provinces. During my tenure there, we made recommendations to parliament designed to ensure the fiscal accountability and transparency of every province—a key ingredient in ensuring a free society.

In my career, I also employed hundreds of people in developing countries. We had a very high retention rate because I believe that fair compensation, dignity, and respect create a strong work environment and engender loyalty.

*Diversity*

*Question.* What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the International Development Finance Corporation?

*Answer.* I believe in empowering others and that diverse viewpoints drive successful innovation. I have a strong history in private and public sectors of teams that come from diverse backgrounds and underrepresented groups. I will continue my commitment to promote and mentor this talent if I am confirmed.

*Question.* What steps will you take to ensure each of the supervisors in the International Development Finance Corporation are fostering an environment that is diverse and inclusive?

*Answer.* I believe that a culture of diversity and inclusion comes from the top. My actions and focus in this area will set the tone for the organization. In addition to leading by example, I will adhere to all employment laws and processes.

*Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the Inspector General of the International Development Finance Corporation) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* If confirmed, I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. If confirmed, I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in any country abroad?

Answer. No.

#### *Countering China's Belt and Road Initiative*

*Question.* As you know, a key policy rationale for the BUILD Act was to respond to China's Belt and Road Initiative and China's growing economic influence in developing countries.

- If confirmed, how will you use your role and the new DFC to counter China's growing influence in developing countries? With this in mind, what countries and/or regions would you target first? How specifically do you think the DFC can play a role in these countries/regions?

Answer. DFC will be a critical tool in American foreign policy to address the growing influence of China and other authoritarian governments. American values—transparency, rule of law, respect for people and environment, afford us a unique competitive advantage. We will not pursue the same strategy as China or others but our own. We will collaborate with other U.S. government agencies such as State and USAID to ensure that our investment strategy is furthering our foreign policy goals.

We will need allies and partners. I am encouraged by the recent cooperation agreements that OPIC has signed with Japan and Australia, which are intended to drive economic growth in emerging markets and provide an alternative to state-directed initiatives. I believe that there is significant opportunity in the Indo-Pacific to leverage these relationships and counter China's influence in these regions. I also note the opportunity to work with our allies to counter China in Africa and Latin America. There is a significant pipeline of deals in these regions and the new DFC flexibility will allow for further investment.

#### *Small Business Participation*

*Question.* As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I'm pleased that the law creating the International Development Finance Corporation includes my amendment requiring the corporation to "broaden the participation of United States small businesses and cooperatives in the development of small private enterprise in less developed friendly countries or areas." My amendment also requires that the Corporation—to the maximum extent possible—give preferential consideration to projects sponsored by or involving U.S. small businesses, and that those projects comprise at least 50 percent of all projects for which the Corporation provides support and that involve United States persons. Under the previous OPIC requirement, that percentage was just 30 percent.

- What actions will you take to ensure the broad participation of U.S. small businesses in DFC projects?

Answer. Thank you for working to ensure that small businesses continue to be a focus of DFC. I share your commitment to small businesses as they are often the most valuable, innovative, and agile partners in achieving development goals. I know this firsthand because I started three of them from the ground up. I will work with you and with other partners to ensure that the small business community is aware of and involved with our development projects abroad.

#### *Women and Minority Owned Businesses*

*Question.* The Corporation is required to collect data on the involvement of women and minority-owned businesses in projects supported by the Corporation, including: (1) the amount of insurance and financing provided by the Corporation to such businesses in connection with projects supported by the Corporation; and (2) the involvement of such businesses in procurement activities conducted or supported by the Corporation.

*Question.* Mr. Boehler, if confirmed, will you provide this information to Congress as required? What steps will you take to reach out to women and minority owned businesses?

Answer. Yes, I will follow all applicable reporting requirements. As you know, a primary goal of OPIC's 2X women's initiative is to support women-owned, women-led companies that provide a product or service that intentionally empowers women. I look forward to continuing and expanding on this work.

I also believe the vibrant diaspora communities in the United States could be a good source of project sponsors and investors for DFC. Diaspora investors often un-

derstand the investment environment in developing countries and thus feel more comfortable taking on risk in these regions.

*Small Business Workshops*

*Question.* Over the past 15 years, OPIC has held more than 40 workshops and seminars throughout the United States to educate U.S. small business owners and entrepreneurs on how to expand into the global marketplace. In 2016, more than 170 small businesses participated in an OPIC workshop in Baltimore—so I can tell you there is great interest and demand for this type of outreach.

- Do you plan to conduct similar workshops and seminars for U.S. Small Businesses?

*Answer.* Yes. Given the small business focus that you mention in your question earlier, I believe it is important to ensure that there is an outreach campaign to businesses and stakeholders to educate them and build awareness about DFC's products and mandate.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO ADAM SETH BOEHLER BY SENATOR JEANNE SHAHEEN

*Question.* Last November, the U.S. government's National Climate Assessment found that more frequent and extreme weather events are already severely damaging the environment and economy at a cost of tens of billions of dollars while increasing harm to human health and loss of life. Meanwhile, a 2016 Oxford study found that for the world to have a 50% chance of staying within internationally agreed limits for global warming, no new fossil fuel plants could be built after 2017. Do you believe that climate impacts should be a major consideration for every energy, transportation, agriculture, and forest related project that the DFC—as a development finance institutions—considers? What will you do to ensure that climate risk is made an integral part of the DFC's risk management policy and practice?

*Answer.* Yes. I believe that we must be good stewards of our environment. As I noted in my written testimony, respect for the environment is one of the aspects that sets us apart from our competitors and is a reason why United States engagement in the developing world is so critical.

If confirmed, I will ensure that DFC will complete rigorous environmental analyses prior to pursuing any project. Any projects with potentially significant adverse environmental impact will go through detailed analysis and assessment by the career professionals at DFC before receiving support from the organization.

OPIC has not financed coal projects for about a decade. Given the climate emergency and that coal is an extremely dirty form of energy, would you agree that coal financing should be banned at the DFC?

I believe that projects with potentially significant adverse environmental impacts need to go through detailed analysis and assessment and the bar is far higher to receive support from the organization.

Given climate change and DFC's appropriate emphasis on lower and lower-middle income countries, would you support DFC financing another gas pipeline in Argentina, an upper middle income country that just received \$688.1 million worth of financing at OPIC's final board meeting? In addition, would you support fossil fuel financing in other upper middle income countries?

I am not aware of the specific circumstances of the deal referred to above. That said, the BUILD Act prioritizes the work of DFC in low-income and low-middle income countries. DFC support in upper-middle income countries is restricted and any potential significant adverse environmental impact would need to be analyzed very carefully and face a high bar.

*Question.* Congressional action in 2009 mandated OPIC adopt a climate change mitigation policy (i.e., carbon cap) to reduce GHG emissions associated with projects and sub-projects in the agency's portfolio by at least 30% over a ten year period and 50% over a 15 year period. With the DFC coming on board in 2019, how will you ensure that it becomes a first-in-its-class development finance institution in tackling climate change? How will you push the DFC to adhere to the carbon cap and what will you do to improve upon OPIC's climate change policies and make them more in line with a world that urgently needs to decarbonize?

*Answer.* I was pleased to learn that OPIC is considered first-in-its class when it comes to efforts to reduce portfolio emissions. Under the BUILD Act, these same rigorous environmental standards transfer to DFC. I further believe that advances in

U.S. technology may present an opportunity to finance advances in renewable energy in the developing world and look forward to evaluating investments in these areas.

*Question.* OPIC has supported over \$1 billion in renewable energy projects over the past decade, providing integral support to the renewables industry and helping improve access to clean electricity all over the world. If confirmed, what would you do to continue and increase support for renewables projects?

*Answer.* Over the past five years, about 80 percent of OPIC's energy projects were in renewables. If confirmed, I will continue to support our renewable energy portfolio.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO ADAM SETH BOEHLER BY SENATOR EDWARD J. MARKEY

*Northern Triangle Projects*

*Question.* In July, per the administration's request, the State Department cut millions of dollars in aid to Central America.

- How does the administration's current policy of cutting foreign assistance to the Northern Triangle affect OPIC (and soon) the U.S. Development Finance Corporation's (DFC) risk assessment of current and potential projects in the Northern Triangle?

*Answer.* I believe that investment in developing countries can have a stabilizing effect on their society. OPIC has worked within the past two years to significantly ramp up its support in this critical region. The administration has halted OPIC investments in the Northern Triangle. If confirmed, I look forward to engaging in a discussion on this topic with the administration given the new capabilities and mandate of DFC.

*Question.* Is it possible to continue implementation of those projects in light of the administration's aid cuts in the region? If so, how?

*Answer.* The investments backed by OPIC prior to the administration's funding stance are still honored by the Corporation.

*Question.* Will you and DFC advocate for the administration to reestablish full levels of foreign assistance to the Northern Triangle, to address root causes of migration out of the region?

*Answer.* If confirmed, I look forward to engaging on this topic as part of the administration.

*Question.* How many projects (if any) does DFC plan to fund or evaluate in the Northern Triangle region in the coming year?

*Answer.* As I understand it, there are approximately \$1 billion worth of projects that the DFC could pursue in the northern triangle in the near-term.

*Question.* Do you believe that climate change is a root cause of migration to the United States from the Northern Triangle and elsewhere in Central America? If so, do you believe that the DFC can better take into account the effects of climate change when developing infrastructure in the region?

*Answer.* Projects that potentially have significant adverse environmental impacts—no matter the income level of the country—will go through detailed analysis and assessment by the career professionals at DFC. Over the past five years, about 80 percent of OPIC's energy projects were in renewables. If confirmed, I will continue to support our renewable energy portfolio.

*Question.* If costs appear to be too high in development projects that substantially account for the negative effects of climate change, how would you instruct the DFC to move forward?

*Answer.* I believe that we must be good stewards of our environment. As I noted in my written testimony, respect for the environment is one of the aspects that set us apart from other autocratic governments competitors and a reason why United States engagement in the developing world is so critical. If confirmed, I will ensure that the DFC will conduct a rigorous environmental analysis to ensure that projects that have potential significant adverse environmental impacts go through detailed assessment by the career professionals at DFC.



*Argentina*

*Question.* OPIC is about to provide \$450 million in financing for oil and gas fracking in Argentina, without a thorough environmental & social impact assessment.

- If you are confirmed, will DFC insist on a full environmental and social impact assessment for every investment? If not, why not?

*Answer.* Yes. If confirmed, I will ensure that the DFC will conduct a rigorous environmental analysis to ensure that projects that have potential significant adverse environmental impacts go through detailed assessment by the career professionals at DFC.

*Question.* Argentina has some of the world's best wind resources and excellent opportunities for solar energy deployment.

- What were the factors that led OPIC to choose this fossil-fuel project over possible wind and solar energy projects?

*Answer.* I am not an OPIC official today, so I can not speak to the factors that led to the support of this project.

*Question.* Would you support fossil fuel project financing in other upper middle income countries?

*Answer.* The BUILD Act prioritizes the work of DFC in low-income and low-middle income countries. DFC support in upper-middle income countries is restricted. If confirmed, I will ensure that the DFC will conduct a rigorous environmental analysis to ensure that projects that have potential significant adverse environmental impacts go through detailed assessment by the career professionals at DFC.

*Climate Change*

*Question.* Congressional action in 2009 mandated OPIC to adopt a climate change mitigation policy (i.e., carbon cap) to reduce GHG emissions associated with projects and sub-projects in the agency's portfolio by at least 30% over a ten year period and 50% over a 15-year period.

- Will you push the DFC to adhere to the carbon cap?

*Answer.* Yes. Under the BUILD Act, these same standards transfer to DFC.

*Question.* What will you do to improve upon OPIC's climate change policies and make them more in line with a world that urgently needs to decarbonize?

*Answer.* I was pleased to learn that OPIC is considered first-in-its class when it comes to efforts to reduce portfolio emissions. Under the BUILD Act, these same rigorous environmental standards will transfer to DFC. I believe that advances in U.S. technology may present further opportunity to finance advances in renewable energy in the developing world.

*Question.* How will you convince the administration of the need for these improvements to OPIC's climate change policy to the administration?

*Answer.* Respect for and stewardship of the environment is one of the aspects that sets us apart from our competitors—a competitive advantage—and is a reason why United States engagement in the developing world is so critical.

*Relations with International Financial Institutions and the Private Sector*

*Question.* How do you view the DFC's relationship with multilaterals like the World Bank in defining global standards for development finance?

*Answer.* I believe it is important that DFC projects meet international best practices—including IFC performance standards—for environmental and social sustainability, treatment of workers, and respect for human rights. We will work closely with these organizations in this area.

*Question.* Will the DFC fully explore opportunities to partner with private sector and multilateral institutions, such as the World Bank and others, to promote universal access to reliable electricity in the Indo-Pacific? If so, how?

*Answer.* Yes. I believe access to electricity is essential for economic growth and development. If confirmed, I look forward to working with multilateral and other partner organizations in the region such as the World Bank and JBIC to further this goal.

*China and the Indo-Pacific*

*Question.* Does the current statutory framework enable the DFC to respond effectively to U.S. strategic concerns in the Indo-Pacific?

Answer. Yes. It is important to note that, DFC is one part of what must be a whole-of-government approach to this critical region.

*Question.* What are DFC's goals and approaches relative to China's Belt and Road initiative? How will you determine that the DFC has been successful—particularly in the Indo-Pacific itself—in comparison to China's BRI projects in the same region?

Answer. DFC will be a critical tool in American foreign policy to address the growing influence of China and other authoritarian governments. American values—transparency, rule of law, respect for people and environment—afford us a unique competitive advantage. We will not pursue the same strategy as China or others but our own. We will collaborate with other U.S. government agencies such as State and USAID to ensure that our investment strategy is furthering American foreign policy goals. Success in the IndoPacific will be based on extending our relationships with Japan and Australia to identify and complete new investments (as well as support existing) in critical regions of strategic importance to the United States such as Indonesia, Vietnam, and the Philippines.

*Question.* Through what mechanisms will you engage Southeast Asian countries to advocate for renewable energy projects?

Answer. OPIC has one representative based in Bangkok and is working with the State Department to boost its regional presence. We will also work closely with USAID missions and our embassies in these countries to identify and source new deals. I was pleased to learn that OPIC recently backed Indonesia's first wind power project, which will provide 75MW of installed generating capacity and support the country's clean energy goals.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MICHAEL PACK BY SENATOR JAMES E. RISCH

*Question.* Do you believe that there is a congressionally-mandated “firewall” between USAGM's political leadership and USAGM's networks, particularly Radio Free Asia (RFA), Middle East Broadcasting Networks (MBN), and Radio Free Europe/Radio Liberty (RFE/RL)?

Answer. I believe that the credibility of USAGM broadcasting entities rest on the belief that the reporters at all the networks are independent. As I stated during the committee hearing, the Agency would be completely undermined if there was political influence telling these journalists how to report the news and what to say.

*Question.* Do you believe the “firewall” is a good thing? Why or why not?

Answer. The protection of the independence of USAGM is more than a good thing, it is absolutely essential to the USAGM's fulfilling its mission. I expect the reporters at each broadcasting entity to do their job with the utmost professionalism, without bias, and free from political interference telling them how to report the news and what to say.

*Question.* Do you believe that it is important for the non-federal grantees—RFA, MBN, and RFE/RL—to remain separate independent entities with their own management structures and full editorial independence from USAGM?

Answer. I have no plans to change the current structure. I do think that part of my job is review the current management structure and practice, in every aspect. As I mentioned at my hearing, “The hope was that a CEO would provide the leadership and vision to ramp up the impact of the five broadcasting entities and to create a more effective U.S international broadcasting effort on the world stage. That won't be easy or fast. I will confer extensively with the talented and dedicated men and women of USAGM and will consult with all stakeholders, including here in Congress.” So, this is a long, complex process.

*Question.* Given the expanded powers of the next Senate-confirmed CEO, do you intend to remove any heads of USAGM's networks? If yes, which positions? Under what conditions would it be appropriate to remove the head of a network?

Answer. It is premature for me to anticipate any changes at any USAGM networks at this juncture. However, all USAGM and network staff will be held to the highest standards. As I mentioned in my previous answer, I expect to conduct a thorough review of the Agency. There will likely be changes that result from that review, but I cannot anticipate what they would be in advance.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MICHAEL PACK BY THE COMMITTEE'S MINORITY STAFF

*Question.* How much did Manifold receive from the Claremont Institute for fundraising? (California Attorney General database lists nearly \$80,000 in 2016 out of \$170,000 raised and nearly \$30,000 in 2017 out of the same amount raised—2017 data also available here)

*Answer.* Manifold Productions, Inc. was paid a monthly fee of \$6,250 per month to provide development and fundraising services to the Claremont Institute, a fee in line with that paid other entities providing development and fundraising services to Claremont.

*Question.* Did Claremont's board convene to review the contract with Manifold and determine whether it was the best choice for fundraising and whether the terms and conditions were at no more than fair market value?

*Answer.* Claremont's Board of Directors' Compensation Committee reviewed the contract. Although I was an ex officio member of the Compensation Committee, I absented myself from that entire committee meeting and review. I personally did not advocate for the contract, had no involvement in the negotiations of the contract, and did not review the contract. I also refrained from any role in the approval of the contract by Claremont. Once the contract was approved by Claremont, I refrained from the ongoing evaluation and enforcement of the contract.

*Question.* Why did you not recuse yourself from any involvement in the contract with Manifold?

*Answer.* By not attending the meeting of Claremont's Board of Directors' Compensation Committee and by not having any involvement in the review of the contract (as mentioned in the answer above), I in effect recused myself. I removed myself from the entire process of the consideration and approval of the contract. Once the contract was approved by Claremont I refrained from the ongoing evaluation and enforcement of the contract.

*Question.* What fundraising services did Manifold perform for the Claremont Institute? Had Manifold ever performed fundraising services for any other organization prior to its contract with the Claremont Institute?

*Answer.* The services performed by Manifold for Claremont included the following: (i) event planning support, (ii) developing relationships with high capacity donors, (iii) maintaining and increasing donations of existing donors, (iv) overall support to the development department such as expanding client profiles for inter-departmental communication, and (v) administrative support, particularly for the newly opened Washington, DC offices of Claremont.

The Manifold contract with Claremont required the services of Gina Cappel Pack. Before joining Manifold in 1987, Mrs. Pack worked extensively in marketing and new product development in New York. At Manifold, Mrs. Pack helped raise millions of dollars for documentary and educational film projects. In addition, she volunteered for close to eight years as part of a fundraising team for Annual Giving for the St. Albans School in Washington, DC.

As a result of the Manifold contract Claremont maintained and increased the giving of existing donors in the seven figures, cultivated relationships with new donors in the six figures, and Claremont's Washington, DC office was successfully launched and established.

*Question.* Why were you provided a severance package of nearly \$130,000 from the Claremont Institute?

*Answer.* To answer this question more fully and provide some context, I have incorporated the answer to this question into the answer to the following question.

*Question.* Please describe the circumstances of your departure from the Claremont Institute. If you were asked to leave the Claremont Institute, please explain why.

*Answer.* My departure from the Claremont Institute was a mutual decision. The Board of Directors and I decided to end my contract with Claremont early. For me, it made sense to return to Washington DC full time. My employment contract with Claremont contained certain severance and other obligations and the Board honored those contractual obligations. To this date, I remain a Senior Fellow of the Claremont Institute.

*Question.* Who are the other officers/members of Manifold?

*Answer.* As of this date, these are the officers of Manifold Productions, Inc.: Michael Pack, President; Gina Cappel Pack, Secretary/Treasurer.

*Question.* What is Public Media Lab's purpose? How has Public Media Lab fulfilled that purpose?

*Answer.* The purpose of the Public Media Lab (PML) is to: receive grants and funding to develop, promote, and support educational documentary films and filmmakers, and to conduct related public education and information activities in the United States and abroad; engage in other charitable and educational activity as determined by the Board of Directors consistent with the mission of PML; and, assist and support other charitable and educational organizations in the conduct of similar activities.

To fulfill this purpose, PML supports the production of educational documentary films; provides advice and counseling to young, up and coming filmmakers, such as reviewing treatments, production budgets, rough cuts and other materials; advises other foundations about how to make successful grants to documentary filmmakers; and endeavors to involve leaders in public media, academia and other nonprofits to collaborate and support training programs in the arts and humanities.

*Question.* How many awards has Public Media Lab made to Manifold? How much do those awards add up to?

*Answer.* Manifold and PML together approach a third-party funder to support a documentary film project. The grant is given by the funder to PML, and Manifold produces the film in accordance with the proposal and the grant agreement. PML serves as the fiscal agent and manager of the film project in accordance with the grant agreement. From 2008 through 2019, Manifold and PML developed seven projects, and received 38 grants, totaling \$4.28 million.

*Question.* Has Public Media Lab ever made awards to any recipients besides Manifold? How much do those awards add up to?

*Answer.* PML has offered its services as a fiscal agent and manager to several other filmmakers. For example, PML formally applied to the National Endowment for the Humanities for a film project to be produced by another film company, but the project was not selected by the NEH for a grant. While there have yet to be occasions for PML to perform fiscal agent and manager services for other filmmakers besides Manifold, PML continually looks for projects that can further fulfill its mission. PML also continues to look for opportunities to launch other initiatives to further its mission.

*Question.* Did you fill out the grant application for Manifold's \$250,000 award from Arthur Vining Davis in 2013? If not, who did?

*Answer.* My staff and I filled out the grant application and proposal to the Arthur Vining Davis Foundation.

*Question.* Did the grant application claim that Manifold was a public charity? (See page 18 of Arthur Vining Davis's 990 from that year, which lists Manifold as a "public charity") Or was there an Exercising Expenditure Responsibility contract between Arthur Vining Davis and Manifold?

*Answer.* At no time in the process of applying for the Arthur Vining Davis grant did Manifold claim that it was a public charity or request that the funding go to Manifold. On the contrary, the request was that funding from the grant from Arthur Vining Davis go to PML.

*Question.* Did you fill out the grant application for Manifold's \$40,000 award from the Lynde and Harry Bradley Foundation? If not, who did?

*Answer.* My staff and I filled out the grant application to the Lynde and Harry Bradley Foundation.

*Question.* Did the grant application claim that Manifold was a public charity? (See page 261-2 of the Lynde and Harry Bradley Foundation's 990 from that year, which lists Manifold as a "public charity") Or was there an Exercising Expenditure Responsibility contract between the Lynde and Harry Bradley Foundation and Manifold?

*Answer.* At no time in the process of applying for the Lynde and Harry Bradley Foundation grant did Manifold claim that it was a public charity. The Lynde and Harry Bradley Foundation grant in fact went to PML, which is a public charity.

*Question.* What percentage of the nearly \$800,000 grant from the Sloan Foundation to Public Media Lab was subsequently awarded by Public Media Lab to Manifold?

*Answer.* As is customary, the PML grant application to the Sloan Foundation identified Manifold as the production company for the film described in the applica-

tion. The grant application and proposal to the Sloan Foundation from PML stated that the entire grant would support the production of a documentary about Admiral Rickover, father of the Nuclear Navy, which was distributed by the Public Broadcasting Service (PBS).

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MICHAEL PACK BY SENATOR RON JOHNSON

*Question.* Authoritarian governments use internet firewalls to block the free flow of information to their citizens in order to maintain control. Do you believe that the rapid bypass of closed society internet firewalls should be a priority for the United States? If so, and if confirmed, what actions would you take at the U.S. Agency for Global Media to achieve the bypass of internet firewalls in authoritarian states? If confirmed, would you commit to reporting to me and the Senate Foreign Relations Committee on the steps you are taking to implement a robust set of policies designed to rapidly achieve the bypass of these firewalls? Will you commit to spend the funding that Congress appropriates to accomplish this goal?

Answer. Successfully circumventing firewalls in closed societies, especially China, would strike a great blow for freedom. I can think of few actions of greater consequence. Far too many people live behind firewalls in China, Iran, Vietnam, Cuba, and other autocracies are denied unfettered access to internet content for which they yearn for.

Rapidly assessing and rebalancing USAGM's investment strategies on these most important tools will become a priority and, as I said in our brief conversation during my committee hearing, I will endeavor to keep you and the SFRC fully informed as we proceed. You can expect to hear from me often.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MICHAEL PACK BY SENATOR ROBERT MENENDEZ

*Question.* In your hearing I asked you how you would protect the firewall between journalists and political influence. You did not seem aware of the mechanisms in place to ensure that firewall.

- As you will be charged with leading this agency, can you please clarify how specifically you will protect journalistic integrity at the USAGM?

Answer. We spoke briefly about this issue in our private meeting as well as the hearing, and as I said to you privately and publicly, I firmly believe that the credibility of USAGM broadcasting entities rest on the belief that the reporters at all the networks are independent. As I stated during the committee hearing, the Agency would be completely undermined if there was political influence telling these journalists how to report the news and what to say. I expect the reporters at each broadcasting entity to do their job with the utmost professionalism, without bias, and adhering the highest standards of journalism. In my briefing by USAGM leadership, my mechanisms to preserve these goals were described to me. If confirmed, I will review those closely and look for ways to strengthen them.

*Question.* How do you see the missions differing between the grantees and the networks of USAGM? Do you believe this structure is the best way for each of these entities to pursue their missions?

Answer. While the overall mission for all USAGM networks remains the same, "to inform, engage, and connect people around the world in support of freedom and democracy," the approach differs greatly between the federal organizations and the grantees. The Voice of America (VOA) has the primary role of telling America's story throughout the world, and it does so as a federal broadcaster while the grantees serve as local independent media, focusing primarily on domestic news for areas where accurate, timely local news and information is otherwise unavailable.

As I mentioned at my hearing, "The hope was that a CEO would provide the leadership and vision to ramp up the impact of the five broadcasting entities and to create a more effective U.S international broadcasting effort on the world stage. That won't be easy or fast. I will confer extensively with the talented and dedicated men and women of USAGM and will consult with all stakeholders, including here in Congress." Part of that process would be to examine and evaluate the current management structure and practice, in every aspect—but that does not mean, nec-

essarily, a change in structure. Any change would involve a good deal of consultation, including with Congress.

*Question.* The Office of Cuba Broadcasting has an important mission of bringing free and independent media to a population under totalitarian control. Recently, as I hope you are aware, there have been a number of incidents that have potentially compromised its mission.

- What do you think is the best path forward for the Office of Cuba Broadcasting?

*Answer.* As I stated in my written testimony, if confirmed, I will address the scandals hampering USAGM. These are just a few of the scandals reported, and I will make certain that the Agency is doing everything it can to make sure such scandals cease and put processes in place to prevent such situations in the future. Doing so will inevitably contribute to making USAGM more effective.

I have read the USAGM May 21st report “Embarking on Reform of the Office of Cuba Broadcasting,” which resulted, in part, from the incidents you refer to. I was very impressed by the report: the sterling qualifications of its panelists, the depth of its analysis, and its concern to be fair. However, it would be premature for me to endorse its conclusions. If confirmed, I would need to look into the situation at OCB for myself, as part of my overall review of USAGM’s work, and confer with the concerned parties and stakeholders as well as USAGM staff and the reports panelists.

*Question.* What is your plan for technological upgrades for the Agency?

*Answer.* In my briefing by USAGM staff, I have been made aware of an existing proposal being considered at USAGM for technological upgrades. Before committing—or dismissing—an existing plan based on limited knowledge of the needs or the specifics of the plan itself, I commit to evaluate the strategy currently under consideration based on the needs of the Agency and the broadcasters.

*Question.* In the context of whole of government efforts, what role do you think the USAGM has to play in countering disinformation, Russian or otherwise?

*Answer.* Before proposing changes to current broadcasting strategy for countering disinformation or foreign propaganda, I would assess to what extent the five USAGM networks are successfully achieving the Agency’s statutory responsibility, mission and strategic goals by meeting with the leadership and staff of each and fully investigating the implementation realities.

*Question.* How do you plan to address annual performance reviews?

*Answer.* As I said in my hearing, one of my three goals is “to raise employee morale at the Agency. USAGM consistently ranks at or near the bottom in surveys of mid-sized Agencies in terms of morale. I will make it a priority to change that.” Properly implementing and responding to annual performance reviews is an important part of restoring morale. Without clear expectations, individuals cannot strive for personal or professional success.

*Question.* How do you assess the success of relatively new initiatives like CurrentTime and Radio Farda? Do you think these are appropriately constructed and what do you view as their fundamental missions?

*Answer.* Based on the information I have received from USAGM leadership, CurrentTime is available through 92 distributors in 20 countries, and world-wide via over-the-top (OTT) media services and online. Individual Current Time programs are available in 14 countries via more than 50 affiliates, including nine inside Russia. Current Time’s digital products and strong social media presence have helped tap into key markets. In 2018, the network logged more than 520 million online views—more than half from inside Russia, an increase from 2017 of 30 percent.

Radio Farda has partnered with the Voice of America in the launch of its global Farsi-language digital network, VOA365. This is an effort to reach Farsi-speaking audiences globally and utilize their social networks to share information back into Iran, as well as reaching USAGM’s traditional audiences in Iran. According to a 2018 national survey of Iran managed by Gallup on behalf of USAGM, 15.7% of Iranian adults use Radio Farda weekly. 76.8% of past-week listeners told Gallup that they trust Radio Farda as a news source; the figure rises to 83.8% when asking multi-platform Farda users. Through briefings, I’ve been told that despite a government ban, Farda logged a monthly average of 12.2 million visits to its website and almost 22 million-page views. Almost two-thirds of all website traffic originated inside Iran. Farda has more than 3.5 million combined followers on Facebook, Instagram, Twitter and Telegram.

I have been very impressed by all the data I have received about these initiatives. But, based on what I know now, I cannot fully assess if CurrentTime and Radio Farda are appropriately constructed. As part of my thorough review of USAGM operations and products, referred to above, I will certainly be looking closely at these initiatives. I will most certainly report back to you after I assess their missions and current structures, if confirmed.

*Question.* Do you believe network and grantee heads should have editorial independence? How do you plan to enforce this? How do you plan to handle disputes should they arise?

*Answer.* As USAGM CEO, I would be required to “respect the professional independence and integrity” of USAGM’s broadcasting services and grantee broadcasters. As I have stated, I believe that USAGM broadcasting entities’ credibility rest on the belief that the reporters at all the networks are independent and free of political interference, without anyone telling them how to slant the news. As I said at the hearing, in response to a question of yours, if someone in the government or elsewhere tried to direct the coverage of USAGM journalists, it would be my responsibility to say “no.”

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*Question.* How much did Manifold Productions, LLC receive from the Claremont Institute for fundraising?

Answer. Manifold Productions, Inc. was paid a monthly fee of \$6,250 per month to provide development and fundraising services to the Claremont Institute, a fee in line with that paid other entities providing development and fundraising services to Claremont.

*Question.* Did Claremont's board convene to review the contract with Manifold and determine whether it was the best choice for fundraising and whether the terms and conditions were at no more than fair market value?

Answer. Claremont's Board of Directors' Compensation Committee reviewed the contract. Although I was an ex officio member of the Compensation Committee, I absented myself from that entire committee meeting and review. I personally did not advocate for the contract, had no involvement in the negotiations of the contract,



and did not review the contract. I also refrained from any role in the approval of the contract by Claremont. Once the contract was approved by Claremont, I refrained from the ongoing evaluation and enforcement of the contract.

*Question.* Why did you not recuse yourself from any involvement in the contract with Manifold?

*Answer.* By not attending the meeting of Claremont's Board of Directors' Compensation Committee and by not having any involvement in the review of the contract (as mentioned in the answer above), I in effect recused myself. I removed myself from the entire process of the consideration and approval of the contract. Once the contract was approved by Claremont I refrained from the ongoing evaluation and enforcement of the contract.

*Question.* What fundraising services did Manifold perform for the Claremont Institute? Had Manifold ever performed fundraising services for any other organization prior to its contract with the Claremont Institute?

The services performed by Manifold for Claremont included the following: (i) event planning support, (ii) developing relationships with high capacity donors, (iii) maintaining and increasing donations of existing donors, (iv) overall support to the development department such as expanding client profiles for inter-departmental communication, and (v) administrative support, particularly for the newly opened Washington, DC offices of Claremont.

The Manifold contract with Claremont required the services of Gina Cappel Pack. Before joining Manifold in 1987, Mrs. Pack worked extensively in marketing and new product development in New York. At Manifold, Mrs. Pack helped raise millions of dollars for documentary and educational film projects. In addition, she volunteered for close to eight years as part of a fundraising team for Annual Giving for the St. Albans School in Washington, DC.

As a result of the Manifold contract Claremont maintained and increased the giving of existing donors in the seven figures, cultivated relationships with new donors in the six figures, and Claremont's Washington, DC office was successfully launched and established.

*Question.* Why were you provided a severance package of nearly \$130,000 from the Claremont Institute?

*Answer.* To answer this question more fully and provide some context, I have incorporated the answer to this question into the answer to the following question.

*Question.* Please describe the circumstances of your departure from the Claremont Institute. If you were asked to leave the Claremont Institute, please explain why.

*Answer.* My departure from the Claremont Institute was a mutual decision. The Board of Directors and I decided to end my contract with Claremont early. For me, it made sense to return to Washington DC full time. My employment contract with Claremont contained certain severance and other obligations and the Board honored those contractual obligations. To this date, I remain a Senior Fellow of the Claremont Institute.

*Question.* Who are the other officers/members of Manifold?

*Answer.* As of this date, these are the officers of Manifold Productions, Inc.: Michael Pack, President; Gina Cappel Pack, Secretary/Treasurer.

*Question.* What is Public Media Lab's purpose? How has Public Media Lab fulfilled that purpose?

*Answer.* The purpose of the Public Media Lab (PML) is to: receive grants and funding to develop, promote, and support educational documentary films and filmmakers, and to conduct related public education and information activities in the United States and abroad; engage in other charitable and educational activity as determined by the Board of Directors consistent with the mission of PML; and, assist and support other charitable and educational organizations in the conduct of similar activities.

To fulfill this purpose, PML supports the production of educational documentary films; provides advice and counseling to young, up and coming filmmakers, such as reviewing treatments, production budgets, rough cuts and other materials; advises other foundations about how to make successful grants to documentary filmmakers; and endeavors to involve leaders in public media, academia and other nonprofits to collaborate and support training programs in the arts and humanities.

*Question.* How many awards has Public Media Lab made to Manifold? How much do those awards add up to?

Answer. Manifold and PML together approach a third-party funder to support a documentary film project. The grant is given by the funder to PML, and Manifold produces the film in accordance with the proposal and the grant agreement. PML serves as the fiscal agent and manager of the film project in accordance with the grant agreement. From 2008 through 2019, Manifold and PML developed seven projects, and received 38 grants, totaling \$4.28 million.

*Question.* Has Public Media Lab ever made awards to any recipients besides Manifold? How much do those awards add up to?

Answer. PML has offered its services as a fiscal agent and manager to several other filmmakers. For example, PML formally applied to the National Endowment for the Humanities for a film project to be produced by another film company, but the project was not selected by the NEH for a grant. While there have yet to be occasions for PML to perform fiscal agent and manager services for other filmmakers besides Manifold, PML continually looks for projects that can further fulfill its mission. PML also continues to look for opportunities to launch other initiatives to further its mission.

*Question.* What percentage of the nearly \$800,000 grant from the Sloan Foundation to Public Media Lab was subsequently awarded by Public Media Lab to Manifold?

Answer. As is customary, the Public Media Lab grant application to the Sloan Foundation identified Manifold as the production company for the film described in the application. The grant application and proposal to the Sloan Foundation from PML stated that the entire grant would support the production of a documentary about Admiral Rickover, father of the Nuclear Navy, which was distributed by the Public Broadcasting Service (PBS).

#### *Political Targeting*

*Question.* As you know, there have been troubling reports of targeting and retaliation against career employees in this Administration, based on their perceived political affiliation or work on policy initiatives under the previous administration.

- Do you agree that such actions have no place in federal government?

Answer. Yes, I do.

*Question.* If confirmed, do you commit to familiarize yourself with these allegations, including reading the recent Inspector General report regarding the International Organizations Bureau in the State Department?

Answer. Yes, I do.

*Question.* What will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. Pursuant to statutory and regulatory guidelines, I will ensure that all personnel practices are followed without exception. I will work with the Office of Personnel Management, USAGM human resources, and general counsel's office. I will employ a zero tolerance regarding targeting and/or retaliation of any kind.

#### *Responsiveness*

*Question.* Do you commit to respond promptly to all requests for information by any member of this committee?

Answer. Yes.

*Question.* Do you commit to appear before this committee upon request?

Answer. Yes.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

Answer. Yes.

#### *Administrative*

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

Answer. No.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

Answer. No.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. Yes, I do agree. Pursuant to statutory and regulatory guidelines, I will ensure that all personnel practices are followed without exception. I will work with the Office of Personnel Management, USAGM human resources, and general counsel's office. I will employ a zero tolerance regarding targeting and/or retaliation of any kind.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MICHAEL PACK BY SENATOR JOHN BARRASSO

*Question.* In your opinion, is the United States Agency for Global Media (USAGM) effectively promoting U.S. foreign policy goals and national security interests?

Answer. From my view as a private citizen, USAGM could be more effective in the promotion of U.S. foreign policy goals and national security interests, in the very broad sense that such promotion is an existing goal of USAGM. However, I am not privy to any interagency communications on strategy and programs. It is important to note, however, as I communicated in my written testimony and during my committee hearing, one of my three goals, if confirmed as CEO, would be to make the Agency more effective. "The hope was that a CEO would provide the leadership and vision to help ramp up the impact of the five broadcasting entities and to create a more effective U.S. broadcasting effort on the world stage. Fulfilling that hope won't be easy or fast. I will confer extensively with the talented and dedicated men and women of USAGM and will consult with all stakeholders, most definitely including here in Congress."

*Question.* Are there better and more cost efficient ways for the United States to be get our message out across the globe?

Answer. As I said at my hearing, one of my first orders of business will to "confer extensively with the talented and dedicated men and women of USAGM and will consult with all stakeholders, including here in Congress." Once I conduct a thorough review, I be able to assess what USAGM is doing now and whether there is a better and more cost-efficient way to get our message out.

*Question.* What is the USAGM's broadcasting strategy for countering foreign propaganda from countries like China and Russia?

Answer. I have been told in my briefings by the Agency that in underserved and information-denied areas, USAGM seeks to introduce services in selected new languages; serve as a conduit for the transmission of reporting from inside closed societies lacking press freedom to outside audiences; ensure strong local news coverage, as warranted by events, to meet urgent audience needs in areas of crisis; and draw on the experiences of the world's many models of free societies. In Russia, USAGM broadcasts in Russian through the Voice of America and Radio Free Europe/Radio Liberty, along with hyper-local websites in languages like Tatar-Bashkir. In China, USAGM broadcasts in Mandarin, Cantonese, Uighur, and Tibetan. USAGM also supports two fact-checking websites in Russian and English, called Factograf and Polygraph respectively, that call out and investigate disinformation campaigns.

*Question.* What changes would you make to current USAGM's broadcasting strategy for countering foreign propaganda?

Answer. Before proposing changes to current broadcasting strategy for countering foreign propaganda, I would assess how successful five USAGM networks are in achieving the Agency's statutory responsibility, mission and strategic goals by meeting with the leadership and staff of each and fully investigating their current efforts.

*Question.* How should the USAGM coordinate with other government agencies who are also working on countering foreign propaganda and disinformation like the Global Engagement Center in the States Department?

*Answer.* USAGM should communicate regularly with other government agencies on its strategy and programs while protecting the professional integrity of its cadre of journalists, consistent with the Agency's current practices.

*Question.* How would you ensure all U.S. international broadcasting is being consistent with the broad foreign policy objectives of the United States and counterbalancing anti-American sentiment?

*Answer.* If confirmed, I would confer regularly with the State Department and other government agencies who have a role in U.S. foreign policy, including Congress. I understand this is USAGM's current policy. This process will ensure that USAGM targets its resources strategically to provide accurate and credible news and information for audiences impacted by state-sponsored disinformation. I understand USAGM currently conducts mandated annual language service reviews that evaluate all broadcast languages, and potential languages, with input from the State Department and others.

"Telling America's story" truthfully and fairly is the best way to counter anti-American sentiment. The principles and ideals of this country, toward which we strive however imperfectly, should be a light to all nations.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MICHAEL PACK BY SENATOR BENJAMIN L. CARDIN

*Human Rights*

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

*Answer.* As a documentary filmmaker, I have spent my career "telling America's story," which includes human rights and democracy. This may be most evident in our two films on founding fathers, Rediscovering George Washington and Rediscovering Alexander Hamilton, but it is a theme throughout my work. Since my fifteen plus films have been nationally broadcast to high ratings and excellent review, as well as used extensively in schools, I believe the impact is significant.

These values underlie all my other work as well, including serving as Senior Vice President for Television Programming at the Corporation for Public Broadcasting; at the National Council on the Humanities; President and CEO of The Claremont Institute; and Director of WORLDNET, then the U.S. Information Agency's global satellite network. For example, while at CPB, I launched two major initiatives. The first was America at a Crossroads, a series of prime-time documentaries examining challenges facing America after September 11th, from a variety of perspectives. Many of these films dealt directly with issues involving democracy and human rights. The second was the History and Civics initiative, employing all media, from traditional TV to video games, to address middle and high schoolers' declining knowledge of our nation's past—including the nature of American democratic values.

*Diversity*

*Question.* What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Broadcasting Board of Governors?

*Answer.* As a manager, supervisor, and CEO—if confirmed—I will continue to expect that not only policies be in place to mentor and support a diverse staff, but that every manager and supervisor embrace a culture of diversity. I value each person contributing to the success of the organization, and I expect my employees to do the same. In addition to the legal responsibility, I see it as a human responsibility.

*Question.* What steps will you take to ensure each of the supervisors in the Broadcasting Board of Governors are fostering an environment that is diverse and inclusive?

*Answer.* If confirmed, I will review the policies and procedures in place now regarding diversity and inclusion and will work with USAGM leadership to strengthen them and effectively implement them.

*Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the Inspector General of the Broadcasting Board of Governors) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

Answer. Yes, I do.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. Yes.

*Question.* Do you or do any members of your immediate family have any financial interests in any country abroad?

Answer. No.

*Technology*

*Question.* What, in your opinion, is the best mix of technologies to use in broadcasting to countries with repressive governments? Should USAGM be focused primarily on increasing audience size with its platform choice, or on increasing the resilience of such broadcasting against government interference and tracking?

Answer. The complement of countries targeted by the USAGM represents the most diverse mix of media markets in existence. As such, the mix of technological solutions deployed by the USAGM needs to craft each country's distribution tactics with the needs, desires and capabilities of each country—including those with highly repressive governments. In some cases, for example North Korea and Cuba, increasing the resilience of our broadcasting is particularly important.

*Importance of Professional Independence and Integrity*

*Question.* As USAGM CEO, you would be required to "respect the professional independence and integrity" of USAGM's broadcasting services and grantee broadcasters.

- As a presidential appointee statutorily required to seek guidance from the Secretary of State, do you see any potential problems carrying out this requirement?

Answer. I do not anticipate problems. There would be a problem if the Secretary of State, or anyone else, tried to direct the coverage of USAGM journalists. As I said to Senator Menendez at my hearing, it would be my responsibility to say "no."

*Question.* How do you plan to meet this requirement while at the same time promoting the foreign policy goals of the United States?

Answer. As I said at my hearing, if confirmed, I will communicate and consult with all stakeholders—including the State Department and including Congress—and confer extensively with the talented and dedicated men and women of USAGM. I believe that you can both maintain the independence and integrity of the journalists working for USAGM and also promote the broad foreign policy goals of the United States—and both are stated goals of USAGM.

*Importance of Complete and Balanced Coverage*

*Question.* U.S. international broadcasters are required under U.S. law to provide complete and balanced coverage that examines all sides of important issues and related U.S. government policies, not just the official U.S. government position, and to provide an opportunity for debate on such issues and policies in their programming.

- Should U.S. international broadcasters fashion their reporting to promote U.S. interests?

Answer. Reporters and journalists are independent and should not be told to slant their coverage. This does not conflict with the USAGM's mission of supporting freedom and democracy and communicating America's democratic experience and values.

*Question.* If not, do you agree that U.S. international media can only be successful if the broadcast entities act as objective providers of information?

Answer. USAGM's media need to be objective, fair, and without bias—and to be perceived that way. To ensure that result, journalists must employ the highest level of professional standards, ethics, and accountability.

*Question.* Should other U.S. foreign policy actors, including the State Department, have a greater say in directing or coordinating U.S. international media?

*Answer.* As I stated above, if confirmed, I will regularly consult with all stakeholders, include the State Department and the Senate Foreign Relations Committee, as is current USAGM practice.

#### *Issues with Office of Cuba Broadcasting*

*Question.* In 2018 reports surfaced that the Office of Cuba Broadcasting had disseminated a story attacking George Soros that was deemed anti-Semitic and “unjournalistic.” Other stories targeting the Cuban population included an opinion piece decrying the “Islamization” of Europe and its threat to the United States. It was reported on February 27, 2019 that USAGM is seeking to terminate the employment of eight journalists, editors, and anchors in response to these broadcasts.

- What steps can be taken by USAGM to better protect against such lapses in journalistic standards, and what will be your approach to prevent and respond to these types of problems across the broadcasters you supervise?

*Answer.* As I stated in my written testimony, if confirmed, I will address the scandals besetting USAGM. This is just one of the scandals reported. I will make certain that the Agency is doing everything it can to make sure such scandals cease and put processes in place to prevent such situations in the future. Doing so will inevitably contribute to making USAGM more effective.

#### *Countering Russian Propaganda*

*Question.* Congress has authorized substantial funding to counter foreign propaganda, especially messaging from Russia, including creating the Countering Russian Influence Fund, and expanding the mandate of the Global Engagement Center in the State Department, significantly increasing its available resources. Meanwhile, USAGM has increased resources and created targeted programming to counter Russian messaging.

- How does USAGM coordinate with other government agencies to best counter foreign propaganda?

*Answer.* Based my briefings by USAGM staff, USAGM conducts a mandated annual language service review that evaluates all broadcast languages, and potential languages. The State Department provides its input to USAGM on this process and how these languages fit into the foreign policy priorities of the Department.

*Question.* Do you believe USAGM should have a larger role, or more resources from Congress, to meet the challenge presented by such foreign messaging?

*Answer.* I would need to conduct a thorough review of the current operations before I had an informed opinion on whether USAGM should change its strategy or seek more resources to counter foreign propaganda. However, I reaffirm what we discussed during our meeting, and again stated during my hearing, that you will hear from me often.

#### *Countering Propaganda (General)*

*Question.* USAGM has been criticized for a perceived failure in some cases to counter propaganda from certain countries of vital interest to U.S. foreign policy, including Russia and China.

- In your opinion, has USAGM been deficient in meeting these challenges, and if so, what must USAGM do to improve broadcaster effectiveness in these and other places?

*Answer.* As I said in my oral testimony, “my mission will be to make the Agency more effective. There was bi-partisan support to create this new CEO position. The hope was that a CEO would provide the leadership and vision to ramp up the impact of the five broadcasting entities and to create a more effective U.S international broadcasting effort on the world stage. That won’t be easy or fast. I will confer extensively with the talented and dedicated men and women of USAGM and will consult with all stakeholders, including here in Congress.” However effective USAGM has been to date, my mission, if confirmed, would be to make it more effective.

*Question.* What, in your opinion, is the best mix of technologies to use in broadcasting to countries with repressive governments?

*Answer.* The complement of countries targeted by the USAGM represents the most diverse mix of media markets in existence. As such, the mix of technological solutions deployed by the USAGM needs to craft each country’s distribution tactics with the needs, desires and capabilities of each country. Accomplishing my goal to increase USAGM’s effectiveness will involve evaluating the mix of technologies.

*Question.* Should USAGM be focused primarily on increasing audience size with its platform choice, or on increasing the resilience of such broadcasting against government interference and tracking?

*Answer.* I am confident USAGM can do better in terms of both increasing audience size and increasing resilience, especially in countries like Cuba and North Korea where circumventing government interference and tracking is especially important.

#### *Firewall*

*Question.* While the “firewall” represented by the former Broadcasting Board of Governors is no longer in place legislatively, the U.S. International Broadcasting Act of 1994 still requires U.S. international broadcasting to meet standards and principles of journalistic integrity and independence.

- How do you plan to ensure these standards and principles are upheld?

*Answer.* I expect the thousands of journalists representing the USAGM broadcasting entities to practice the highest standards of professional journalistic ethics, accountability, and integrity. If confirmed, I will ensure management processes are in place at the Agency to support the intent of the U.S. International Broadcasting Act of 1994.

#### *Separate Missions*

*Question.* As you know, U.S. international media operates under a bifurcated mission, with VOA informing the world about the United States and its policies, and the surrogate broadcasters taking the role of an otherwise absent free media.

- In your view, why maintain these separate missions?

*Answer.* As I mentioned in my hearing and above, I will conduct a thorough review of existing practices and operations in consultation with stakeholders and USAGM leadership and staff. While I have no plans to make any structural changes, the question of how the five broadcasters should coordinate their missions will be part of the process of review and evaluation.

*Question.* Do you believe that U.S. international media can only be successful if the broadcast entities act as objective providers of information, or should U.S. international broadcasters fashion their reporting to promote U.S. interests?

*Answer.* USAGM can both provide objective information and promote U.S. interests. Far from being an either/or proposition, the two goals are very compatible. I understand that the current leadership USAGM is explicitly dedicated to achieving both goals. I also believe that maintaining both the reality and perception of USAGM media as objective, fair, and non-biased is essential to the success of the agency—it is its bedrock.

*Question.* Should other U.S. foreign policy actors, including the State Department, have a greater say in directing or coordinating U.S. international media?

*Answer.* I have been informed in my staff briefing that USAGM regularly communicates and coordinates with the State Department and other foreign policy actors, while maintaining the independence of its broadcasters. I do not see any reason to change that balance.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MICHAEL PACK BY SENATOR JEANNE SHAHEEN

*Question.* Access to online sources of information is crucial, especially in a closed society where information is carefully controlled by the government. The USAGM plays an important role in supporting internet freedom and anti-censorship activities by funding the activities and operation of tools used to evade the Chinese firewall and all other such barriers to unfettered internet access throughout the world. Will you commit to making circumvention of internet firewalls a priority and provide immediate funding to add capacity to field-tested systems by increasing IP addresses and servers?

*Answer.* As I mentioned to you in our brief discussion at my hearing, I consider internet freedom of vital national importance. In fact, I can think of few greater blows for freedom worldwide than successfully circumventing firewalls in closed societies, especially China but others as well. If confirmed, I will definitely commit to

making it a priority, and I will rapidly review what is currently being done at USAGM in this area and how it can be improved.

*Question.* Mr. Pack, over the last three years we have heard repeated complaints that the USAGM/BBG has smeared, and eventually defunded the most effective tools for evading the Chinese firewall and all other such barriers to unfettered Internet access throughout the world. This has left millions in China, Vietnam, Iran, and other closed societies unable to evade their country's firewalls. Will you commit to investigating these allegations, and if true remedy the situation?

*Answer.* Yes, I will commit to investigating these allegations and correcting any problems.

*Question.* I am concerned that USAGM will focus on preserving the old radio broadcast model of communicating with individuals in closed societies rather than embracing the power of a free Internet to accomplish agency goals. What is your vision of the role that internet freedom and firewall circumvention should play in fulfilling the USAGM's mission to "inform, engage and connect with people around the world in support of freedom and democracy?" How do you plan to counter these outdated and change-resistant forces at the USAGM?

*Answer.* The opportunity to provide internet access to citizens operating behind firewalls in places like China, Iran, Vietnam and other countries dominated by autocratic regimes, is one of the best opportunities to truly implement the USAGM's charter. While I do believe that radio broadcasts are still effective in certain very closed regimes or where FM is still viable, I also understand that the media consumption patterns throughout the world continue to change with increased opportunities on digital platforms including Mobile, Social Media, Web, and Digital Television. I will explore those opportunities to maximize USAGM's effectiveness.

*Question.* Since 2014, Congress has directed USAGM/BBG spend a minimum of \$25 million of its annual nearly \$800 million appropriation on firewall circumvention technologies to promote democracy in closed societies. However, USAGM has consistently spent less than \$10 million on these technologies. Will you pledge to spend not less than \$25 million to fund existing field tested, scalable circumvention technologies that provide access to millions of users daily, and to do so on an annual basis?

- aWill you commit to investigating concerns that USAGM/BBG has not adequately funded some of the most effective tools for evading the Chinese firewall and other firewall circumvention tools, and if true remedy the situation?

*Answer.* Yes. I have heard those reports myself and, if confirmed, I will ensure that we quickly assess the situation, establish accountability and swiftly remedy the situation.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MICHAEL PACK BY SENATOR EDWARD J. MARKEY

*The Mission of U.S. Agency for Global Media*

*Question.* The U.S. International Broadcasting Act of 1994 requires U.S. international broadcasting to meet standards and principles of journalistic integrity and independence.

- How do you plan to ensure these standards and principles are upheld at the U.S. Agency for Global Media (USAGM), if confirmed?

*Answer.* I expect each reporter at the five USAGM broadcasting entities to embrace the standards and principles of journalistic integrity and independence with the utmost professionalism. Any lapse will be addressed and rectified immediately.

*Question.* Will you respect the professional independence and integrity of the agency's broadcasting services and grantee broadcasters? Specifically, how will you ensure their professional independence and integrity?

*Answer.* Yes. I believe that USAGM broadcasting entities' credibility rest on the belief that the reporters at all the networks are independent. As I stated during the committee hearing last week, the Agency would be completely undermined if there were political influence telling these journalists how to report the news and what to say.



*Question.* Should the State Department have a greater say in coordination in at USAGM, or will you maintain the independence, substantive balance and integrity of the agency's broadcasting services and grantee broadcasters?

*Answer.* If confirmed, I will most certainly maintain the independence, substantive balance and integrity of USAGM's federal broadcasters and grantees while communicating and coordinating with the State Department and other stakeholders and partners, as is the current practice.

*Question.* Do you believe U.S. international media can only be successful if the broadcast entities act as objective providers of information, or should U.S. international broadcasters fashion their reporting to promote U.S. interests?

*Answer.* I believe USAGM can provide objective information while promoting our nation's interests. Far from being an either/or proposition, the two goals are very compatible. I understand that the current leadership USAGM is explicitly dedicated to achieving both goals.

*Question.* At the moment, the USAGM CEO is required to seek guidance from the Secretary of State. Do you think there are potential problems fulfilling this requirement? How do you plan to reconcile this requirement while at the same time promoting the foreign policy goals of the United States?

*Answer.* I do not see this as a potential problem. If confirmed, I will confer regularly with the State Department as well as other stakeholders, including the Senate Foreign Relations Committee. A problem would only arise if the Secretary of State, or anyone else, tried to direct the coverage of USAGM journalists. As I said at my hearing, it would be my responsibility to say "no."

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LETTERS SUBMITTED SUPPORTING HON. MARSHALL  
BILLINGSLEA'S NOMINATION

MARÍA CORINA MACHADO

Caracas, September 12, 2019

**The Honorable Robert Menendez**  
Ranking Democratic Member

**Committee on Foreign Relations**  
United States Senate  
Washington, DC 20510

Dear Sir:

On behalf of millions of Venezuelans who suffer under a narcodictatorship that also threatens the stability of the Americas and the security of the United States, I want to convey the importance we give to the positive approval of the nomination of Mr. Marshall Billingslea to be Under Secretary of State for Civilian Security, Democracy, and Human Rights.

As Assistant Secretary of the United States Treasury, Mr. Billingslea has become a powerful advocate for targeted sanctions against dozens of corrupt officials and their cronies who continue to defy the international community's call to step aside in favor of a democratic transition. He has become an expert in the transnational organized criminal networks whose lawless activities attack government institutions and undermine legitimate economic development in numerous countries on the United States' neighborhood. These illegal activities have decimated my country's democracy and prosperity—looting and destroying our oil sector and fueling a humanitarian crisis that has sent at least four million of my compatriots fleeing to other countries, including the United States, as refugees.

We Venezuelans have been impressed with his commitment to our cause. We are convinced that Mr. Billingslea has the unique understanding of the nature of the regime as well as the compassion for suffering people that is needed to invigorate U.S. policy toward Venezuela. His energy and talent are needed to address such global threats to U.S. security. And his positive vision can help us recover our liberty and reconstruct Venezuela, using recovered stolen assets, extending vast opportunities for mutually beneficial investments for U.S. entrepreneurs.

I thank you for your consideration of my views and wish you the very best in carrying out your solemn duties in service to your noble country.

Sincerely,



María Corina Machado  
National Coordinator of Vente Venezuela



DESPACHO DE LA PRESIDENCIA  
República Bolivariana de Venezuela

Caracas-Venezuela, 16 de septiembre de 2019

Honorable

**Senador James E Risch**

Presidente del Comité de Relaciones Exteriores  
del Senado de los Estados Unidos de América  
Su Despacho.-

Estimado Senador Risch, reciba un cordial saludo.

Me dirijo a usted, en mi condición de Presidente (E) de la República Bolivariana de Venezuela, a fin de hacer de su conocimiento el trabajo resaltar el apoyo que nuestra administración, y el pueblo de Venezuela, ha recibido por parte del señor Marshall Billingslea.

Desde que asumí la Presidencia Legítima de Venezuela y desde la Asamblea Nacional, nos propusimos como objetivo el cese de la usurpación y la salida del régimen de Nicolás Maduro, llevamos a cabo las gestiones necesarias para la creación de alianzas en el hemisferio, entendiéndolo que el apoyo que recibiríamos de los gobiernos democráticos más importantes de la región sería fundamental para alcanzar nuestros objetivos como Gobierno y país.

En este sentido, el señor Marshall Billingslea ha sido de gran apoyo para el pueblo de Venezuela, al contribuir decididamente en nuestra lucha diaria contra la tiranía encabezada por un grupo de personas que no representan a mis conciudadanos y que poco les importa su vida, menoscaban los derechos humanos de nuestro pueblo, por medio de persecución y represión, pero también a través de la crisis humanitaria compleja que ha supuesto la pérdida de muchas vidas inocentes.

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**DESPACHO DE LA PRESIDENCIA**  
República Bolivariana de Venezuela

Ante esta grave situación la lucha contra la corrupción resulta de vital importancia, es especial lo relativo a la protección de los activos de nuestro país en el exterior, lo cual, luego de lograr el cese de la usurpación nos permitirá reinvertir en el futuro de nuestra Nación, y es aquí donde los esfuerzos de Billingslea han resultado de gran valor e importancia.

Desde el Gobierno Legítimo de Venezuela, deseamos una vez manifestar nuestra gratitud por la labor llevada a cabo, el pueblo venezolano no olvidará a quienes en estos momentos de sufrimiento han sido una mano amiga, en nuestra lucha por recuperar la democracia en pro del bienestar de nuestro pueblo.

Sin más a que hacer referencia, se despide de usted,

Atentamente,



**Juan Guaidó**

Presidente de la Asamblea Nacional

Presidente (E) de la República Bolivariana de Venezuela

MHENYBCCQU160919



September 16, 2019

The Honorable James Risch  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, DC, 20510

The Honorable Robert Menendez  
Ranking Member  
Committee on Foreign Relations  
United States Senate  
Washington, DC, 20510

Dear Chairman Risch and Ranking Member Menendez,

Youth and Democracy in the Americas is an organization for freedom minded youth hailing from the Western Hemisphere. I write to you in behalf of the organization to ask you to support the nomination of The Honorable Marshall Billingslea for the position of Under Secretary of State for Civilian Security, Democracy, and Human Rights.

Cuba, Nicaragua, and Venezuela are experiencing humanitarian crisis of epic proportions under the authoritarian rule of socialist dictatorships led by Raul Castro, Daniel Ortega, and Nicolas Maduro respectively. These dictators abuse their power to enrich themselves while their people die of starvation and are forced into exile. They are the reason most of our members are refugees and asylees that escaped our homes to come to America.

We are sure that Mr. Billingslea would promote democracy and human rights in our region and around the world like he has in his current position of Assistant Secretary of the Treasury for Terrorist Financing. His experience and knowledge tackling the financial resources of the Castro, Ortega, and Maduro regimes with financial, sectorial, and secondary sanctions is invaluable and would be of great use in the State department to further the fight for Democracy in our Hemisphere.

We ask you to support and confirm Mr. Marshall Billingslea for the position of Under Secretary of State for Civilian Security, Democracy, and Human Rights.

Sincerely,

Cecilia Navas  
President,  
Youth and Democracy in the Americas

May 11, 2017

The Honorable Michael Crapo  
Chairman, Senate Committee on Banking  
SD-239, Senate Dirksen Office Building  
Washington, DC 20510

The Honorable Sherrod Brown  
Ranking Member, Senate Committee on Banking  
SH-713, Senate Hart Office Building  
Washington, DC 20510

Dear Chairman Crapo and Ranking Member Brown:

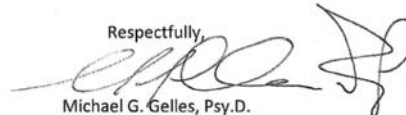
I am writing to you, in support of Mr. Marshall Billingslea's nomination to serve as Assistant Secretary of the Treasury for Terrorist Financing. I have known Marshall since 2002, when I served as the Naval Criminal Investigative Service's (NCIS) Chief Psychologist. In that capacity, I was supporting the Criminal Investigative Task Force at Guantanamo Bay, Cuba (GTMO). Since then, I have had the pleasure of working with Mr. Billingslea at Deloitte.

Marshall is an honest, and highly principled individual with impeccable integrity. I understand that some have raised questions about his views on interrogation procedures used at GTMO. The record shows that I personally was very outspoken at the time, and since, against the use of coercive interrogation techniques. While Marshall and I did not agree on every aspect of GTMO, he never condoned the use of torture, nor did he advocate any technique that could constitute torture. I also know that Marshall was the person who single-handedly blocked consideration of the use of waterboarding at GTMO.

It is very important to note that the Senate Armed Services Committee thoroughly investigated this issue, and that Marshall was never even called to speak with Senate investigators. This is because the record is very clear that he is one of several officials who worked to establish transparency and clear rules regarding detainee operations.

For this, and his tireless service to the nation, I urge the Senate Committee on Banking to confirm Mr. Billingslea to the position for which he has been nominated.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael G. Gelles". The signature is fluid and cursive, with a large initial "M" and "G".

Michael G. Gelles, Psy.D.

**Mark R. Jacobson  
Washington DC**

The Honorable John McCain  
Chairman, Senate Committee on Armed Services  
228 Russell Senate Office Building  
Washington, DC 20510

Dear Chairman McCain:

I wanted to send a short note with regards to my experience with the work of Marshall Billingslea and his involvement with detainee affairs issues during the first-term of the Bush Administration. I worked as a civil servant at Office of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict (OASD SO/LIC) during the time when Marshall was serving as the Principal Deputy Assistant Secretary of Defense. Specifically, I worked on detainee affairs issues as an action officer and am thus familiar with some of Marshall's work. As you may recall and your staff is aware, I was also part of the investigative team at the Senate Armed Services Committee that worked for you and Senator Levin on the Inquiry Into the Treatment of Detainees in U.S. Custody and, as a Navy reservist, had first had experience with interrogation and detention policy during my military and civilian tours in Afghanistan.

I realize there are a few articles out there that suggest Marshall played a central or directing role in the development and approval of interrogation and detention policy at Guantanamo Bay. While I understand why articles written during the 2004-2007 period may suggest this I also believe this information is neither accurate nor supported by the investigation conducted by the Senate Armed Services Committee. As you know, the SASC investigation was thorough and well received by both parties in Congress and the Department of Defense. I believe that investigation explained clearly that the aggressive techniques were developed by the military Guantanamo Bay and were heavily influenced, as we now know, by SERE techniques that had been approved for use by the CIA. We also concluded that the "migration" of techniques to Iraq did not simply come via a straight path from Guantanamo Bay to Abu Ghraib but that multiple paths carried the SERE "DNA" including from Afghanistan to Iraq.

Likewise I believe that some of the single sourced information about Marshall's role at the Pentagon overplays his authority and role. In both my experience at the Pentagon and on the investigative team it was clear that Marshall was not the decider as to whether the Pentagon would push forward with aggressive interrogation techniques. Indeed, the role of OSD SO/LIC was simply process and there was little to no influence that organization had or could have had on detainee policy given the views and power held by Jim Haynes, the DoD General Counsel. As the record shows, Haynes (who frequently "could not recall" or refused to answer the Committee's questions during the hearings) had already made the legal and policy decisions on the aggressive techniques under consideration given – as we now know – his involvement in the review of CIA techniques. To my knowledge OSD SO/LIC personnel were not aware of any of this information at the time and indeed, my frustration with the inability to craft policy was key to my decision to resign in 2003 from my civil-service post at the Pentagon.

Finally I would note that while I certainly have my own biases and that others may not share my interpretations, I have been steadfast in my objection to techniques that are un-American, put our uniformed military personnel in danger, and don't reflect the values instilled into our public servants. I neither supported the Bush Administration's approach to detention at Guantanamo Bay nor their flawed approach to interrogation and learning during the course of the investigation about the systematic abuse made me absolutely furious. I even believe we still have others to hold legally accountable for what happened. But that said it is incumbent upon us to strive for the objective assessments and understand that some of our assessments, or those of journalists, did not necessarily have all the facts at the time of publication.

I'd be happy to discuss my own experience in seeing Marshall pushback against US Central Command on both the issue of legal handling of detainees and his support in allowing me to work around to the bureaucracy to get juvenile detainees released from Guantanamo Bay -- two stories that didn't make their way into the news media but are an important part of the overall story.

I am happy to answer any further questions and can be reached at [mark.jacobson01@gmail.com](mailto:mark.jacobson01@gmail.com) or at 202-604-2206.

Very Respectfully,



Mark R. Jacobson

Cc: The Honorable Jack Reed, Ranking Member  
Senate Armed Services Committee



## Vente USA

September 16, 2019

The Honorable James Risch  
Chairman  
Committee on Foreign Relations  
United States Senate  
Washington, DC, 20510

The Honorable Robert Menendez  
Ranking Member  
Committee on Foreign Relations  
United States Senate  
Washington, DC, 20510

Dear Chairman Risch and Ranking Member Menendez,

We represent thousands of Venezuelans and Venezuelan-Americans through *Vente USA*, the U.S. chapter of *Vente Venezuela*, a pro-freedom political party led by Maria Corina Machado that seeks to end the socialist dictatorship of Nicolas Maduro and implement free market policies in our homeland. We write to you in support of the nomination of The Honorable Marshall Billingslea of Virginia for the position of Under Secretary of State for Civilian Security, Democracy, and Human Rights.

Venezuela is undergoing the worst humanitarian crisis in the history of the Western Hemisphere as a consequence of the socialist policies implemented by the regime previously led by Hugo Chavez and currently by Nicolas Maduro. These dictators have censored the press, killed and tortured dissidents, rigged elections, and abused their illegitimate power. They are the reason the overwhelming majority of us had to escape our homes in Venezuela.

Mr. Billingslea has recognized this atrocity and acted to stop it. In his current position as Assistant Secretary of the Treasury for Terrorist Financing, Mr. Billingslea has crafted and implemented individual and financial sanctions against members of the Maduro regime and their supporters, successfully diminishing their financing sources. Mr. Billingslea recognizes the threat posed to the United States by a Venezuela controlled by narcoterrorist groups such as FARC, ELN, Hezbollah, and others; and he understands the role of Cuba, Russia, China, Iran, and other foreign authoritarian actors in keeping the Maduro regime in power.

We are confident that, if confirmed for this position, Mr. Billingslea would continue defending democracy and human rights in Venezuela and around the world. And it is for these reasons that we urge you to confirm The Honorable Marshall Billingslea for the position of Under Secretary of State for Civilian Security, Democracy, and Human Rights.

Sincerely,



Daniel Di Martino

Spokesperson for the United States  
Vente Venezuela - USA



Jose Amalio Graterol

Coordinator for the United States  
Vente Venezuela - USA

September 17, 2019

Dear Senators:

We are writing in support of President Trump's nomination of Marshall Billingslea to be the Under Secretary for Civilian Security, Democracy, and Human Rights at the Department of State.

Mr. Billingslea, who was confirmed by the Senate 65-35 to be the Assistant Secretary of the Treasury for Terrorist Financing, is one of the Administration's foremost advocates for human rights and democracy. He has worked tirelessly at the Treasury Department to implement this Administration's efforts to counter human rights abuse and corruption throughout the world.

As the Assistant Secretary for Terrorist Financing, Mr. Billingslea has played a key role in guiding the Administration's use of its Global Magnitsky and related authorities to target corrupt kleptocrats and those engaging in atrocities across the world. To date, the Treasury Department has sanctioned hundreds of entities and individuals – including over one hundred under its Global Magnitsky authorities alone – including human rights abusers and the corrupt in Nicaragua, Venezuela, Iran, South Sudan, the Democratic Republic of Congo, and Myanmar, among others.

These targets include Maung Maung Soe, who oversaw the military operation in Burma's Rakhine State responsible for widespread human rights abuse against Rohingya civilians, including shooting civilians and raping women, as well as Burmese military commanders and units for their involvement with ethnic cleansing and other widespread human rights abuses. They also include international businessman Dan Gertler, who "amassed his fortune through hundreds of millions of dollars' worth of opaque and corrupt mining and oil deals in the Democratic Republic of the Congo," and helped loot the wealth of the country.<sup>1</sup>

Mr. Billingslea has also played a key role in combating the Maduro regime's efforts to undermine democracy in Venezuela. As Mr. Billingslea has made clear, "the rapacious corruption of Nicolas Maduro and Celia Flores, and their inner circle, have laid low a once great nation, and impoverished millions. We are talking about a kleptocracy that is operating on a scale seldom – if ever -- seen in modern history, which has now precipitated a humanitarian crisis threatening regional stability."<sup>2</sup> At Treasury, Mr. Billingslea has worked to target the Venezuelan leadership and impose financial consequences for their campaign against their own people. To date, the Treasury Department has designated approximately 200 officials and entities, including the state-owned oil company PdVSA and numerous high-ranking officials in the Maduro regime who have looted the country. According to Billingslea, "[Treasury's] actions [] are designed to send a clear message to those who are responsible for the suffering of others, who prey upon the weak and the

<sup>1</sup> Press Release, U.S. Dep't of the Treasury, *United States Sanctions Human Rights Abusers and Corrupt Actors Across the Globe*, (Dec. 21, 2017), available at <https://home.treasury.gov/news/press-releases/sm0243>.

<sup>2</sup> Marshall Billingslea, *Remarks before the United Nations Security Council*, UN Arria-formula meeting, Sept. 10, 2018.

innocent to enrich themselves. There will be a steep price to pay for abusing human rights, and we will prevent these individuals from using our financial system to further their ill-gotten gains.”<sup>3</sup>

His efforts to protect human rights and democracy around the world build on his extensive national security experience. Most recently, for example, he served as the President of the Financial Action Task Force (FATF), where he helped drive initiatives to strengthen global countering the financing of terrorism and proliferation regimes. Importantly and as part of the U.S. presidency, FATF adopted new measures for ensuring that virtual currencies are not abused by terrorist financiers, corrupt actors, human and drug traffickers, and other malign actors. He has also had a distinguished national security career, serving in important positions in Treasury, NATO, the Defense Department, and the United States Senate.

Further, as part of his confirmation to be the Assistant Secretary of the Treasury, the Senate reviewed Mr. Billingslea’s role in U.S. detainee policy, including the Senate Armed Services Committee Report on detainee treatment (“SASC Report”).<sup>4</sup> Chairman Carl Levin (D-MI) and Senator John McCain (R-AZ) released this definitive, comprehensive report on the treatment and interrogation of detainees in U.S. military custody in December 2007. As part of the year and a half investigation, the Senate investigators reviewed hundreds of thousands of documents, conducted interviews with 70 people, and held public hearings.

According to Dr. Mark Jacobson, who was a key member of Levin’s staff conducting the SASC inquiry, “[A] few articles out there suggest Marshall played a central or directing role in the development and approval of interrogation and detention policy at Guantanamo Bay. ... [T]his information is neither accurate nor supported by the investigation conducted by the Senate Armed Services Committee.”<sup>5</sup> Jacobson further elaborates that “In both my experience at the Pentagon and on the investigative team it was clear that Marshall was not the decider as to whether the Pentagon would push forward with aggressive interrogation techniques. Indeed, the role of OSD SO/LIC was simply process and there was little to no influence that organization had or could have had on detainee policy.”<sup>6</sup>

In addition, the Naval Criminal Investigative Service’s Chief Psychologist, who supported the Criminal Investigative Task Force at Guantanamo Bay and worked with Mr. Billingslea on detainee issues, has made clear that “[Marshall] never condoned the use of torture, nor did he advocate any technique that could constitute torture.”<sup>7</sup> He was also “the person who single-handedly blocked consideration of the use of waterboarding at GTMO.”<sup>8</sup>

<sup>3</sup> Marshall Billingslea, Remarks at the Brookings Institution, “Financial Tools for U.S. Policy Towards Nicaragua and Venezuela,” (Oct. 24, 2018), Washington, D.C.

<sup>4</sup> Committee on Armed Services United States Senate, “Inquiry into the Treatment of Detainees in U.S. Custody,” (2008), [https://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final\\_April-22-2009.pdf](https://www.armed-services.senate.gov/imo/media/doc/Detainee-Report-Final_April-22-2009.pdf).

<sup>5</sup> Letter from Dr. Mark Jacobson to Senator John McCain.

<sup>6</sup> *Id.*

<sup>7</sup> Letter from Dr. Michael Gelles to Senators Michael Crapo and Sherrod Brown (May 11, 2017).

<sup>8</sup> *Id.*

It is noteworthy that Senator John McCain, who was tortured at the hands of the North Vietnamese during his detention in the Vietnam war supported Mr. Billingslea's nomination to be the Assistant Secretary of the Treasury.

Marshall Billingslea is an outstanding national security professional devoted to serving his country and pursuing human rights abusers, the corrupt, and those who support them around the world. He is without a doubt qualified to be the Under Secretary for Civilian Security, Democracy, and Human Rights at the Department of State and we encourage this body confirm him as soon as possible.

Sincerely,

Michael Allen  
Beacon Global Strategies

Toby Dershowitz  
Foundation for Defense of Democracies

Mark Dubowitz  
Foundation for Defense of Democracies

Eric Edelman  
Former Undersecretary of Defense for Policy

Robert Joseph  
Former Under Secretary of State for Arms Control and International Security

Eric Lorber  
Financial Integrity Network

Michael Makovsky  
Jewish Institute for National Security Affairs

Roger Noriega  
American Enterprise Institute

Clifford D. May  
Foundation for Defense of Democracies

Moises Rendon  
Center for Strategic and International Studies

Samantha Ravich  
Transformative Cyber Innovation Lab, FDD

Jonathan Schanzer  
Foundation for Defense of Democracies

Ken Weinstein  
Hudson Institute

\* Affiliations are for identifications only.



## NOMINATIONS

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WEDNESDAY, OCTOBER 16, 2019

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

The committee met, pursuant to notice, at 2:05 p.m. in Room SD-419, Dirksen Senate Office Building, Hon. Cory Gardner, chairman of the committee, presiding.

Present: Senators Gardner, Barrasso, Young, Shaheen, and Markey.

### **OPENING STATEMENT OF HON. CORY GARDNER, U.S. SENATOR FROM COLORADO**

Senator GARDNER. The committee will come to order.

Welcome, all, to today's full committee hearing on nominations. We have a full slate today with five nominees for very important posts, including three nominees for ambassadorships in the Indo-Pacific region. I am grateful for these nominees and their families who are here with us today, for their willingness to serve and sacrifice on behalf of our great country.

Senator Markey is a bit delayed today, but with his permission, we will go ahead and begin with the testimonies from the nominees and he will deliver his opening statement upon arrival.

But before we get into the nominees, I know Senator Young is here with an introduction. Senator Young, why do you not proceed with your introduction.

### **STATEMENT OF HON. TODD YOUNG, U.S. SENATOR FROM INDIANA**

Senator YOUNG. Well, thank you, Mr. Chairman. It is an honor to introduce Michael DeSombre today.

Mr. DeSombre has spent the past 20 years living and working in Hong Kong. So he is well versed in how to get things done in Asia. Mr. DeSombre began gathering his knowledge of Asia as he studied quantitative economics, then East Asian studies at Stanford University. He went on to study at Harvard Law School where he graduated *magnum cum laude*.

In addition to his academic work on law and economics, he has also mastered speaking Mandarin, which is very impressive for someone who is still working on English. Right?

[Laughter.]

Senator YOUNG. Speaking Chinese has opened a number of doors for Mr. DeSombre. It has given him a unique position in his busi-

ness interactions. He is an expert on mergers and acquisitions and a partner in the law firm of Sullivan and Cromwell since 2004. He has honed his negotiation skills, representing U.S. businesses opposite Chinese and other counterparties.

Needless to say, having someone with Mr. DeSombre's extensive Asia experience, living and working throughout the region will serve the United States very, very well in Thailand.

What also sets Mr. DeSombre apart from others in his efforts to give back to others is he serves on several boards that do meaningful and important work in Asia. As a board member of the Hong Kong Forum, he has sought to promote greater interaction and sharing of ideas between scholars and policymakers worldwide. As we look at the news coming out of Hong Kong right now, there is no question we need better dialogue to help resolve the crisis there.

Mr. DeSombre has also been on the board of Save the Children Hong Kong since 2015. In that role, he has furthered the organization's goal of becoming more professional and responsive to the important mandate of helping each child achieve their full human potential.

I am grateful he has accepted the call to serve his country. I know it is something that he and his wife discussed even before they were married. And his lovely bride is present today with three of his four children. I know they are all very proud of him. We are grateful for his desire to serve, his heart for service. We know he will be a true asset to the State Department, to the President, and to the nation.

I look forward to supporting his nomination before this committee and on the Senate floor.

Mr. Chairman, I yield back.

Senator GARDNER. Thank you, Senator Young. Thank you very much for that kind introduction.

I am going to go ahead and introduce each and every one of the other witnesses before we begin with the testimony. So I will go ahead and start. Since Mr. DeSombre has already been introduced graciously by Senator Young, I will begin with the introduction of Ms. Cantor.

Our next witness is Ms. Carmen Cantor, nominated to serve as Ambassador to the Federated States of Micronesia. Ms. Cantor is a career member of the Senior Executive Service and currently serves as Director of the Civil Service Human Resource Management at the Department of State.

Previously Ms. Cantor served in various roles within the Department of State, including as the Executive Director of the Bureau of Educational and Cultural Affairs and Bureau of International Information Programs and as Executive Director of the Bureau of Counterterrorism.

Welcome to the committee, and thank you very much for your service.

Our next witness is Ambassador Kelley Eckels Currie, who is nominated to serve as Ambassador at Large for Global Women's Issues. Ambassador Currie currently serves as Deputy to the Ambassador-at-Large and Senior Bureau Official at the Office of Global Criminal Justice.



From 2017 to 2019, she served as U.S. Representative to the Economic and Social Council at the U.S. mission to the United Nations.

Thank you. Welcome back, Ambassador Currie. Thank you for your service as well.

Ambassador Kim, our next witness nominated to serve as the Ambassador to Indonesia. Ambassador Kim is a career member of the Senior Foreign Service and currently serves as Ambassador to the Philippines. Ambassador Kim has an extensive history of public service, including as Ambassador to the Republic of Korea, Special Envoy for the Six Party Talks, Director of the Office of Korean Affairs, Special Representative for North Korea Policy, and Deputy Assistant Secretary of State in the Bureau of East Asian and Pacific Affairs.

Welcome back, Ambassador Kim, and thank you for your long and distinguished career.

And our final witness today is Mr. Morse Tan, who is nominated to serve as Ambassador at Large for Global Criminal Justice. Mr. Tan is an associate professor and professor of law at Northern Illinois University College of Law.

Previously, he served as an assistant associate professor of law at Florida Coastal School of Law and visiting professor of law at the University of St. Thomas and a visiting scholar at both the University of Texas Law School and Northwestern University Pritzker School of Law.

Welcome to you as well, and thank you, all of you, for your willingness to serve.

So we will go ahead and begin with Ms. Cantor, if you would like to start. But I would remind all witnesses that we have a long day of this panel, as well as a subcommittee hearing following this, and in the middle somewhere, there are a number of votes that are about to occur beginning at 4:00 or so. I would kindly ask that you limit your testimony, your remarks to no more than 5 minutes. Your full written statement obviously will be made a part of the record.

With that, Ms. Cantor, you may begin.

**STATEMENT OF CARMEN G. CANTOR, OF PUERTO RICO, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA**

Ms. CANTOR. Thank you very much, Mr. Chairman and distinguished members of this committee. I am honored to appear before you today as the President's nominee to be the next United States Ambassador to the Federated States of Micronesia, the FSM.

I am grateful for the confidence that President Trump and Secretary of State Pompeo have placed in me with this nomination.

If confirmed, I pledge to do my utmost to uphold this trust and to advance our nation's interests in the FSM and in the vital Indo-Pacific region.

Over the past 29 years, I have been privileged to serve our nation in different roles and agencies: the Postal Service, the Federal Maritime Commission, the Foreign Agricultural Service, and the

Department of State. Any measure of success that I achieved during these appointments would not have been possible without the support of my family. So I would like to start by expressing my heartfelt gratitude to them.

I come from a very large Puerto Rican family. My father, an Army veteran, is one of 18 siblings. My mother is one of nine siblings. I have one sister and many uncles, aunts, and cousins. I will not name them all, but I do want to recognize my husband Carlos, a public servant at the Postal Service and Department of Health and Human Services for the last 35 years who is here with me today.

Our daughters are here as well. Ashley is a public servant at NASA. Amanda is a student at the University of Maryland, and Adriana at Annapolis High School.

As the FSM President David Panuelo highlighted in his inauguration speech, the U.S. is the FSM's most important partner. And from our perspective, the FSM is an important longtime partner, a stronghold of freedom in the Indo-Pacific. We share a distinctive partnership based on mutual values enshrined in the Compact of Free Association.

The FSM's geopolitical importance is clear. The FSM shares our vision for an open and free Indo-Pacific that respects sovereignty, rule of law, and transparency.

With that solid foundation in place, the reality is that we are at a historic moment. We have an opportunity to act as a positive alternative to China's growing presence in the FSM and the region. If confirmed, I will work to ensure the U.S. continues to support the FSM's peace, prosperity, democracy, and freedoms. I will continue to foster an interagency environment of collaboration with U.S. agencies, including Interior, Defense, USAID, Health and Human Services, Agriculture, and others.

Pursuant to the Compact, the U.S. government provides economic assistance and access to federal programs and services, including the Federal Deposit Insurance Corporation, Postal Service, and National Oceanic and Atmospheric Administration, to name a few. The U.S. is also responsible for security and defense matters in and relating to the FSM and has special and extensive access to operate in the FSM's territory, as well as the authority to deny access to the FSM by other countries' militaries and their personnel.

In August, Secretary Pompeo became the first Secretary of State to visit the FSM where he announced our intent to begin negotiations on agreements to amend certain provisions of the compact. If confirmed, I will continue working on solidifying our bonds with the FSM by facilitating efficient negotiations to advance our mutually beneficial partnership.

FSM's sons and daughters, citizens representing all four states, serve in the U.S. military at per capita rates higher than most U.S. States. 10 citizens of the FSM have paid the ultimate price and died in combat while serving in the U.S. armed forces. Many FSM citizens join our military and put their lives at risk on behalf of freedom and democracy around the world. If confirmed, I will work with our Department of Veterans Affairs and the Department of Defense to improve the assistance veterans in the FSM receive.

The FSM is highly vulnerable to natural disasters. I am not a stranger to the issues and challenges surrounding natural disasters in an island environment. Living in Puerto Rico, I remember very vividly Hurricane Hugo in 1989 and saw from afar the damage caused by Hurricanes George in 1998 and Maria in 2017. I am aware of the loss caused by Typhoon Wutip in the FSM this past winter. If confirmed, I will work with the FSM government to strengthen resilience to disasters through preparedness and I will make the safety of our embassy staff a top priority.

In closing, I cannot envision a greater honor other than to lead the U.S. mission to the FSM.

Mr. Chairman, if confirmed, I look forward to working with you and the honorable members of this committee to advance U.S. interests in the FSM and to sustain and expand the progress we have achieved in our unique, long-term, and positive relationship with this extremely important partner.

Again, thank you for the opportunity to appear before you today. I will be pleased to answer any questions you may have.

[The prepared statement of Ms. Cantor follows:]

PREPARED STATEMENT BY CARMEN G. CANTOR

Thank you very much Mr. Chairman, Ranking Member, and distinguished members of the committee. I am honored to appear before you today as the President's nominee to be the next United States Ambassador to the Federated States of Micronesia, the FSM. I am grateful for the confidence that President Trump and Secretary of State Pompeo have placed in me with this nomination.

If confirmed, I pledge to do my utmost to uphold this trust and to advance our nation's interests in the FSM and in the vital Indo-Pacific region.

Over the past twenty-nine years, I have been privileged to serve our nation in different roles and agencies: the U.S. Postal Service, the Federal Maritime Commission, the Foreign Agricultural Service, and the U.S. Department of State. Any measure of success that I achieved during these appointments would not have been possible without the support of my family, so I would like to start by expressing my heartfelt gratitude to them.

I come from a very large Puerto Rican family. My father, Anibal Castro Justiniano, an Army National Guard veteran, was one of 18 siblings. My mother, Zoraida Laracuente Ramirez, was one of 9 siblings. I have one sister and many uncles, aunts and cousins. I won't name them all, but I do want to recognize my husband, Carlos, a public servant for the last 35 years, who is with me today. Carlos spent most of his career in the U.S. Postal Service and now works in the U.S. Department of Health & Human Services.

Our daughters are here with us as well. Ashley is a public servant working at NASA, Amanda is a college senior at the University of Maryland, and Adriana is a freshman at Annapolis High School.

As the Federated States of Micronesia President David Panuelo highlighted in his inauguration speech, the United States is the FSM's most important partner. And, from our perspective, the FSM is an important longtime partner and, as Secretary Pompeo said during his recent visit, a stronghold of freedom in the Indo-Pacific. We share a distinctive partnership based on mutual values enshrined in the Compact of Free Association (Compact), as amended.

The FSM's geo-political importance is clear:

- The FSM shares our vision for an open and free Indo-Pacific that respects sovereignty, the rule of law, and transparency.
- The FSM supports international efforts to advance the denuclearization of North Korea, in particular by ensuring the full implementation of U.N. sanctions.
- The FSM votes with the United States at the United Nations at rates higher than most countries, especially to combat anti-Israel bias.

With that solid foundation in place, the reality is that we are at a historic moment in our unique and special partnership. We have an opportunity to act as a

positive alternative to China's growing presence in the FSM and the region. If confirmed, I will work to ensure the United States continues to support the FSM's peace, prosperity, democracy, and freedoms. I will continue to foster an interagency environment of collaboration with agencies including Department of the Interior, U.S. Agency for International Development, Department of Health and Human Services, and Department of Agriculture.

Pursuant to the amended Compact, the U.S. government provides economic assistance and access to U.S. federal programs and services, including the Federal Deposit Insurance Corporation, U.S. Postal Service, and National Oceanic and Atmospheric Administration, to name a few. The United States is also responsible for security and defense matters in and relating to the FSM and has special and extensive access to operate in the FSM's territory, as well as the authority to deny access to the FSM by other countries' militaries and their personnel. In August, Secretary Pompeo became the first Secretary of State to visit the FSM where he announced the United States' intent to begin negotiations on agreements to amend certain provisions of the Compacts with the FSM, the Marshall Islands, and Palau. If confirmed, I will continue working on solidifying our bonds with the FSM by facilitating efficient negotiations to advance our mutually beneficial partnership.

FSM's sons and daughters, citizens representing all four states, serve in the United States military at per capita rates higher than most U.S. States. Ten citizens of the FSM have paid the ultimate price and died in combat while serving in the U.S. armed forces. Many FSM citizens join our military and put their lives at risk on behalf of freedom and democracy around the world. If confirmed, I will work with our Department of Veterans Affairs and the Department of Defense to improve the assistance veterans in the FSM receive.

The FSM is highly vulnerable to natural disasters. I am not a stranger to the issues and challenges surrounding natural disasters in an island environment. Living in Puerto Rico, I remember very vividly Hurricane Hugo in 1989 and saw from afar the damage caused by Hurricane George in 1998 and Hurricane Maria in 2017. I've seen landslides, flooded roads, devastation, and destruction. I'm aware of the loss caused by Typhoon Wutip in the FSM this past winter. If confirmed, I will work with the government of the Federated States of Micronesia to strengthen the FSM's resilience to disasters through disaster preparedness and I will make the safety of our embassy staff a top priority.

In closing, I can't envision a greater honor other than to lead the U.S. Mission to the Federated States of Micronesia, working with our friends in the FSM and representing our nation during this vital time.

Mr. Chairman, Ranking Member, if confirmed, I look forward to working with you and the honorable members of this committee to advance U.S. interests in the FSM and to sustain and expand the progress we have achieved in our unique, long-term, and positive relationship with this extremely important partner.

Again, thank you for the opportunity to appear before you today. I would be pleased to answer any questions you may have.

Senator GARDNER. Mr. DeSombre?

**STATEMENT OF MICHAEL GEORGE DeSOMBRE, OF ILLINOIS,  
TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE  
KINGDOM OF THAILAND**

Mr. DESOMBRE. Chairman, Ranking Member, Senators, I thank you for the opportunity to appear before you today as the nominee for the Ambassador to the Kingdom of Thailand.

I want to thank President Trump for nominating me to be his personal representative to the Kingdom of Thailand, and I wish to thank Secretary Pompeo for his strong support.

I am grateful to all members of this committee for the opportunity today to speak with you about my qualifications and intentions.

I want to thank my wife and four children for their support of my desire to enter public service. My wife Jean and I recently celebrated our 27th wedding anniversary. Jean has always been my inspiration and in the last 27 years, we have managed to build our

respective professional careers while together raising four wonderful children, Winnona, Gabrielle, Michael Ray, and Phoenix. Notwithstanding the logistical challenges of two continents and three cities, I am very pleased to be joined here today by my wife Jean, my two daughters, and my youngest son Phoenix. My eldest son Michael Ray plays scrum half on his rugby team in Hong Kong and is critical to their success at two matches during this period and thus was not able to make it here today. If I am confirmed, my son looks forward to playing rugby in Bangkok.

I also would like to thank my parents, Eugene and Nancy, for their support. Mom and Dad were not able to make it here in person, but I know they are watching the livestream back in Chicago.

Since a young age, I have been motivated to serve my country. I believe that my experience in legal, economic, and strategic matters over the past 30 years is directly relevant to the position for which I have been nominated.

I have been a practicing lawyer for almost 25 years. I fundamentally believe in the importance of the rule of law, transparency, and good governance. This is true both for corporations and for countries.

As the head of Sullivan & Cromwell's acquisitions practice in Asia, I have advised many Western corporations on complex investments in many different Asian countries, including Thailand. I also am frequently engaged by corporations to provide training on high-stakes negotiations.

I have been a student of strategic issues between the United States and China since the late 1980s when I received my master's degree in East Asian Studies focused on China's military and foreign policy. While living and working in Hong Kong and China for the past 2 decades, I have had a front row seat to the challenges and opportunities presented by China's economic and military modernization.

If confirmed, I will apply my background in law, commerce, and strategic issues in Asia to work with our longtime ally Thailand to advance a free and open Indo-Pacific, including promoting the rule of law and good governance, strengthening the economic partnership with Thailand, and further enhancing the U.S.-Thai military alliance. In that regard, I would like to thank Senator Gardner and Senator Markey for their leadership on the Asia Reassurance Initiative Act, which reflects very clearly the administration's foreign policy priorities in Asia.

Thailand and the United States share an enduring friendship. Last year marked the 200th anniversary of Thailand and the United States as great and good friends, as President Lincoln told His Majesty Rama IV back in 1862. 2019 has already been a historic year for our Thai friends. Thailand saw the coronation of His Majesty, King Rama X, and also saw the long-awaited elections that stood up a new civilian government led by Prime Minister Prayut Chan-o-cha. The resumption of elected civilian governance presents an opportunity for the U.S. to raise its cooperation with Thailand to a new level.

Thailand is a major non-NATO ally and the only United States ally in mainland Southeast Asia. We have a broad, multifaceted relationship with Thailand that is both bilateral and regional in

scope. The U.S.-Thai alliance helps Thailand in the lower Mekong countries maintain their sovereignty while protecting their security, supporting their economies, and safeguarding their rich cultures and environment. Our deep partnership with Thailand also includes more than a half century of extensive cooperation on public health issues of common concern in Thailand and in the region.

United States and Thailand have a growing economic and commercial relationship and, if confirmed, it will be a priority of mine to focus on expanding this relationship. I am particularly excited by the opportunities available by the creation of the Development Finance Corporation under the BUILD Act.

Thailand is making democratic strides. However, more progress is needed. If confirmed, I will consult closely with Congress to ensure we continue to promote the rule of law, transparency, human rights, democracy, and good governance in Thailand. I am confident that Thailand will become an even stronger ally as it strengthens its democratic institutions.

If confirmed, I will dedicate myself to the U.S. government's highest priority, the protection of U.S. citizens in Thailand. I will also have the honor and privilege of leading the dedicated Americans and local staff of the State Department and the many other U.S. government agencies that make up Mission Thailand. As Secretary Pompeo emphasized before this committee in April of last year, the State Department's responsibility and one of my top priorities, if confirmed, is to empower the staff of Mission Thailand and provide them with the necessary support to apply their capabilities and ideas to further U.S. foreign policy goals. I have spent the last 15 years leading teams and organizations in the private and NGO sectors in Asia and would hope to bring this experience to the management of Mission Thailand.

Finally, Chairman, Ranking Member, and Senators, I would like to respectfully ask you for your support for my nomination.

I look forward to your questions.

[The prepared statement of Mr. DeSombre follows:]

PREPARED STATEMENT OF MICHAEL GEORGE DESOMBRE

Mr. Chairman, Ranking Member, Senators, I thank you for the opportunity to appear before you today as the nominee for the Ambassador to the Kingdom of Thailand.

I want to thank President Trump for nominating me to be his personal representative to the Kingdom of Thailand and I wish to thank Secretary Pompeo for his strong support.

I am grateful to all members of this committee for the opportunity today to speak with you about my qualifications and intentions.

I want to thank my wife and four children for their support of my desire to enter public service. My wife Jean and I recently celebrated our 27th wedding anniversary. Jean has always been my inspiration and in the last 27 years we have managed to build our respective professional careers while together raising four wonderful children—Winnona, Gabrielle, MichaelRay, and Phoenix. Notwithstanding the logistical challenges of two continents and three cities, I am very pleased to be joined here today by my wife Jean, my two daughters and my youngest son Phoenix. My eldest son Michael Ray plays scrum half on his rugby team in Hong Kong and is critical to their success at two matches during this period and thus was not able to make it here today. If I am confirmed, my son looks forward to playing rugby in Bangkok.

I also would like to thank my parents Eugene and Nancy for their support. Mom and Dad were not able to make it here in person but I know they are watching the livestream back in Chicago.

Since a young age I have been motivated to serve my country. I believe that my experience in legal, economic, and strategic matters over the past thirty years is directly relevant to the position for which I have been nominated.

I have been a practicing lawyer for almost 25 years. I fundamentally believe in the importance of the rule of law, transparency and good governance. This is true both for corporations and for countries.

As the head of Sullivan & Cromwell's acquisitions practice in Asia, I have advised many Western corporations on complex investments in many different Asian countries, including Thailand. I also am frequently engaged by corporations to provide training on high-stakes negotiations.

I have been a student of strategic issues between the United States and China since the late 1980s when I received my Master's degree in East Asian Studies focused on China's military and foreign policy. While living and working in Hong Kong and China for the past two decades, I have had a front row seat to the challenges and opportunities presented by China's economic and military modernization.

If confirmed, I will apply my background in law, commerce and strategic issues in Asia to work with our long-time ally, Thailand, to advance a free and open Indo-Pacific, including promoting the rule of law and good governance; strengthening the economic partnership with Thailand; and further enhancing the U.S.-Thai military alliance. In that regard I would like to thank Senator Gardner and Senator Markey for their leadership on the Asia Reassurance Initiative Act, which reflects very clearly the administration's foreign policy priorities in Asia.

Thailand and the United States share an enduring friendship. Last year marked the 200th anniversary of Thailand and the United States as great and good friends, as President Lincoln told His Majesty Rama IV back in 1862. Two thousand nineteen has already been a historic year for our Thai friends. Thailand saw the coronation of His Majesty, King Rama X, and also saw the long-awaited elections that stood up a new civilian government led by Prime Minister Prayut Chan-o-cha. The resumption of elected civilian governance presents an opportunity for the U.S. to raise its cooperation with Thailand to a new level.

Thailand is a major non-NATO ally and the only United States ally in mainland South East Asia. We have a broad, multi-faceted relationship with Thailand that is both bilateral and regional in scope. On the security side, we have frequent joint exercises and interactions, including our annual Cobra Gold multinational exercise that we have been co-hosting since 1982.

America's partnership with Thailand also helps Thailand address increasing security and humanitarian challenges throughout the Lower Mekong region, including methamphetamine flows, trafficking in persons, and wildlife trafficking.

The U.S.-Thai alliance helps Thailand and the lower Mekong countries maintain their sovereignty while protecting their security, supporting their economies, and safeguarding their rich cultures and environment. Our deep partnership with Thailand also includes more than half a century of extensive cooperation on public health issues of common concern in Thailand and in the region such as HIV, infectious diseases, and malnutrition.

United States and Thailand have a growing economic and commercial relationship and, if confirmed, it will be a priority of mine to focus on expanding this relationship. I am particularly excited by the opportunities available by the creation of the Development Finance Corporation under the BUILD Act and other initiatives under the economic pillar of the Indo Pacific Strategy.

Thailand is making democratic strides. However, more progress is needed. If confirmed, I will consult closely with Congress to ensure we continue to promote the rule of law, transparency, human rights, democracy, and good governance in Thailand. I am confident that Thailand will become an even stronger ally as it strengthens its democratic institutions.

If confirmed, I hope to apply my knowledge and training to assist this important ally to continue democratic progress and will seek to use existing exchange programs like the Young Southeast Asian Leaders Initiative, or YSEALI, and the International Visitor Leadership Program to empower the next generation of Thai leaders to embrace the benefits of the rule of law, transparency, and good governance.

If confirmed, I will dedicate myself to the U.S. government's highest priority—the protection of U.S. citizens in Thailand. I will also have the honor and privilege of leading the dedicated Americans and local staff of the State Department and the many other U.S. government agencies that make up Mission Thailand. As Secretary Pompeo emphasized before this committee in April of last year, the State Department's responsibility, and one of my top priorities, if confirmed, is to empower the staff of Mission Thailand and provide them with the necessary support to apply their capabilities and ideas to further U.S. foreign policy goals. I have spent the last

15 years leading teams and organizations in the private and NGO sectors in Asia and would hope to bring this experience to the management of Mission Thailand.

Finally, Chairman, Ranking Member and Senators, I thank you for the opportunity to appear before you today.

I look forward to your questions.

Senator GARDNER. Well done. 5 minutes exactly. Thank you, Mr. DeSombre.

[Laughter.]

Senator GARDNER. Ambassador Kim, thank you very much for your service. I had the opportunity to work with you in both the Philippines and on Korea issues. So I look forward to your statement.

**STATEMENT OF HON. SUNG Y. KIM, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF INDONESIA**

Ambassador KIM. Thank you very much, Mr. Chairman.

Mr. Chairman, Senator Young, I am deeply honored to appear before you as the President's nominee to be U.S. Ambassador to the Republic of Indonesia.

I am grateful to the President and Secretary Pompeo for placing their confidence in me and, if confirmed, I look forward to working closely with this important committee to advance our strong relationship with Indonesia.

With your permission, Mr. Chairman, I would like to begin by thanking my family: my wife Jae and our daughters, Erin and Erica. At my confirmation hearing 3 years ago, they could not be present. They promised that they watched me on C-SPAN, so I am delighted that they are actually here with me today. I know they are proud and excited about the prospect of helping me represent the United States in Indonesia. My parents and siblings could not be here, but I am certain that they are watching over me as they always do.

I also would like to thank the many friends, mentors, and colleagues who have been a source of tremendous inspiration for me throughout my career, and some of them are here today.

Mr. Chairman, it has been a privilege to spend my entire 30-year career in the State Department focused on Asia. I have been honored to represent my country as Ambassador to the Republic of Korea and currently to the Republic of the Philippines. To be able to serve a third time as Ambassador in this region of great importance would be an incredible honor, particularly given our special relationship with Indonesia.

The U.S. and Indonesia have a strong relationship that dates back to a time in which prospects for democracy and prosperity in South Asia seemed far from certain. Now, as we celebrate 70 years of diplomatic relations, it is remarkable how much Indonesia has achieved, both as a stable democracy and as a G20 economy. As a proud partner and friend of Indonesia, we look forward to a future of even more progress, shaped by our shared commitment to democracy and good governance, respect for human rights, and promoting stability and prosperity in the region.



The U.S. engagement with Indonesia is, indeed, both broad and deep, featuring extensive defense cooperation, robust partnership on counterterrorism, and meaningful development programs.

Regionally, Indonesia has long been a leader in Southeast Asia. Today we recognize the dynamic role that Indonesia can and does play in support of ASEAN unity and centrality, and the promotion of stability in the evolving strategic framework.

We applaud Indonesia's growing leadership on a wide range of global issues. Indonesia is an active member of the United Nations and a major source of U.N. peacekeepers. Indonesia is currently serving a term on the U.N. Security Council, where we coordinate closely on important issues facing the international community.

We also appreciate how Indonesia, as the world's largest Muslim majority nation, demonstrates that Islam and democracy can not only coexist but thrive together. If confirmed, I will support Indonesian efforts to reinforce tolerance and interfaith harmony, and to advance respect for human rights more broadly.

Mr. Chairman, I also plan to focus on advancing a far more significant, balanced bilateral economic and trade relationship. Our trade should better reflect the size of our markets and the depth of our cooperation in other areas.

Of course, the ties between our countries are much more than what our governments do together. It also is about our private sectors working together, our civil societies advancing shared goals, and our students learning from each other. More fundamentally, our relationship is about people-to-people ties, and I look forward to leading our efforts to deepen the special friendship between Americans and Indonesians.

As two of the world's largest democracies, we share a responsibility and compelling national interest to address strategic challenges on the international stage. If confirmed, I will do my best to ensure that our shared responsibility is carried out to the fullest.

I appreciate the opportunity to appear before you today, and I am pleased to answer your questions. Thank you, Mr. Chairman.

[The prepared statement of Ambassador Kim follows:]

PREPARED STATEMENT OF SUNG KIM

Mr. Chairman and members of the committee, I am deeply honored to appear before you today as the President's nominee to be United States Ambassador to the Republic of Indonesia. I am grateful to the President and Secretary Pompeo for placing their confidence in me and, if confirmed, I look forward to working closely with this committee to advance U.S. interests and our strong relationship with Indonesia.

With the Chairman's permission, I would like to begin by thanking the many friends and colleagues who have played an essential role in my career—some of them are here today. First and foremost, I'd like to thank my wife Jae and our two daughters, Erin and Erica. I know they are proud and excited about the prospect of helping me represent the United States in Indonesia. My family, friends, and colleagues have all been a source of tremendous support and inspiration.

Mr. Chairman, it has been a privilege to spend my entire 30-year career in the State Department focused on Asia. I have been honored to represent my country as Ambassador to the Republic of Korea and to the Republic of the Philippines. To be able to serve a third time as Ambassador in this region of great importance to U.S. interests would be an incredible honor, particularly given the depth and breadth of our relationship with Indonesia.

The United States and Indonesia have a strong relationship that dates back to a time in which prospects for democracy and prosperity in Southeast Asia seemed far from certain. Now, as we celebrate 70 years of diplomatic relations, it is remarkable how much Indonesia has achieved, as both a stable democracy and a G20 econ-

omy. As a proud partner and friend of Indonesia, we look forward to a future of even more progress, shaped by our shared commitment to democracy and good governance, respect for human rights, and promoting stability and prosperity in the region. In April, Indonesia successfully conducted what was likely the largest single-day election anywhere. Its democratic institutions are strong and only growing stronger.

Mr. Chairman, if confirmed, I look forward to leading the dedicated Mission team of Americans and Indonesians who are working tirelessly to advance the U.S.-Indonesia Strategic Partnership. I also pledge to be a responsible steward of resources provided by Congress, both for the operations of our large diplomatic platform in Indonesia and for foreign assistance.

U.S. engagement with Indonesia is both broad and deep. We have extensive defense cooperation, robust partnership on counterterrorism, meaningful development programs, increasing maritime security cooperation, growing science and technology ties, and deep people-to-people diplomacy.

Regionally, Indonesia has long been a leader in Southeast Asia. Today we recognize the dynamic role that Indonesia can and does play in support of ASEAN unity and centrality, and the promotion of stability in the evolving strategic context. Indonesia's initiative to forge a shared ASEAN vision of a free and open Indo-Pacific region stands as a valuable example of such leadership.

We recognize Indonesia's growing leadership on a wide range of key global issues. Indonesia, an active member of the United Nations, is a top source of U.N. peacekeepers. Indonesia is currently serving a term on the U.N. Security Council, where we coordinate closely on the top issues facing the international community, including the denuclearization of North Korea and counterterrorism.

Last year Indonesia hosted the Our Oceans Conference, and continues today to marshal global attention and resources to address marine debris, and illegal, unreported, and unregulated fishing.

We also appreciate the special role Indonesia, as the world's largest Muslimmajority nation, can play as a positive example of where Islam and democracy not only coexist, but thrive. If confirmed, I will support Indonesian efforts to reinforce tolerance and interfaith harmony, and to advance respect for human rights more broadly.

Mr. Chairman, if confirmed, I also plan to focus on advancing a far more significant, balanced bilateral economic and trade relationship. Our trade should better reflect the size of our markets and depth of our cooperation in other areas. The extent and type of our two-way economic engagement will add to the bedrock of a long term partnership.

The ties between our two countries are much more than what our governments do together. The full Strategic Partnership is about our private sectors working together, it's about our civil societies advancing shared goals, and it's about students, the next generation of leaders in our two countries, learning from each other. More than anything else, our relationship is about people-to-people ties, and I look forward to leading our efforts to deepen the special friendship between Americans and Indonesians.

As two of the world's largest democracies, we share a responsibility and compelling national interest to address strategic challenges on the international stage. If confirmed, I will do my best to ensure that our shared responsibility is carried out to the fullest.

I appreciate the opportunity to appear before you today and am pleased to answer your questions.

Senator GARDNER. Thank you, Ambassador Kim.

Mr. Tan?

**STATEMENT OF MORSE H. TAN, OF ILLINOIS, TO BE  
AMBASSADOR AT LARGE FOR GLOBAL CRIMINAL JUSTICE**

Mr. TAN. Chairman Gardner, Senator Young, it's a privilege to be here. Let me thank you for the opportunity to be here today with you.

My thanks as well to the President and to the Secretary of State for the confidence that they have expressed in me and also the friends and family, both those who are gathered here, as well as those who are watching live right now. I am pleased to have my parents, Minho and Sunae Tan; my wife, Dr. Sarah Tan; my

daughter, Hope Tan; my sons, Enoch, Isaiah, and Moses Tan, here with me today, as well as various friends here as well.

The fact that I am here before you today, Senators, is a tribute to the American dream. My parents were children during the hardships and difficulties of the Korean War, and it was a dream of my father's, from his youth, to come to the United States of America, which he views as the Promised Land.

We came to Campbell, California where we stayed with those we fondly called Uncle Frank and Aunt Janet Ramirez. And we came with empty pockets but hearts full of this American dream.

You may wonder how I got this unique name of Morse. Well, my practical parents realized that there were sounds in my Korean name that could not be pronounced in English, and they also figured that this energetic son of theirs was bound to get lost at some point. And so, given all those things, they actually named me after the street we lived on, Morse Avenue. We actually lived on Alice Avenue previous to that, and that's my sister's name. It is a good thing we did not live on Alameda de Las Pulgas or West 23rd Street, in which case I would ask that you call me Al or Wes. But that is how I got the name Morse.

Here in this land of opportunity, my parents sacrificed to give my sister and me opportunities that they never had. My sister has served as a medical doctor treating heads of state. I was the first from both sides of my family to attend law school, much less to serve as a tenured full professor of law.

I have devoted my professional life to the pursuit of justice. Whether it is justice for people who are crushed in political prisoner camps in North Korea or those who have been massacred in Latin America, I have advocated, taught, written, and dedicated myself to this ideal of justice. As far back as I can remember, I have been keenly wired along these lines to pursue justice. It is who I am.

The GCJ Ambassador position is the first and only such position in the entire world and is a testament to the goodness and greatness of the United States of America, of the commitment of our government and people to address mass criminal atrocities, whether it is crimes against humanity, war crimes, or genocide.

If confirmed, I would dedicate myself to the prevention, mitigation, and addressing of these mass criminal atrocities. And no government in the world has more tools than the United States of America to address these mass criminal atrocities whether it is diplomatic, whether it is economic, whether it is legal, whether it is military or intelligence tools.

I am passionate that the cry of "never again" after the horrors of the Holocaust would find greater fulfillment. It was the United States that led, after World War II, in the formation of the Nuremberg and the Tokyo Trials, and it is the United States that is again leading the world through our promotion of global criminal justice through this office.

If confirmed, I would be building upon the work of past ambassadors who have done amazing work, and I would be seeking to address the places that cry out for justice at this day and time. I have been privileged to get the support and counsel of past ambassadors

and their deputies, and I would continue to seek their advice and counsel.

I would look to collaborate with Congress and other partners to work together for this worthwhile cause. If confirmed, the work would be much bigger than that of just one person.

I would also seek to learn voraciously during this time of service. In certain respects, I have been, I think, preparing for this unwittingly to a large extent, for most of my life.

Serving in this capacity would be the greatest professional honor of my life. It is beyond anything I had ever dreamed of. To me, though, it is more of a mission than a position. If parents coming from the ruins and rubble of the Korean War can see their son in this position, then I submit to you that the American dream, which so many in our country have lived, is alive and well.

Thank you again so much for the honor of being here today with you, and I would be pleased to respond to your questions.

[The prepared statement of Mr. Tan follows:]

#### PREPARED STATEMENT OF MORSE TAN

Senators, let me thank you, the President, the Secretary of State, and the friends and family who supported me, including those gathered here today.

The fact that I am before you today, Senators, is a tribute to the American Dream, which so many in this country have experienced. My parents underwent the hardships of the Korean War as children, and it was my father's dream from his youth to come to America, which he has viewed as the Promised Land. After passing a very competitive test, he brought his family to the United States with almost empty pockets but a heart full of the American Dream. Initially, we lived with those we fondly called Uncle Frank and Aunt Janet Ramirez in Campbell, California.

You may wonder how I have this unique first name Morse. Well, my practical parents figured that this energetic son of theirs was bound to get lost at some point. Furthermore, they came to realize that my Korean name had sound combinations that don't exist in the English language. So, they actually named me after the street we lived on, Morse Avenue, so that if I ever did get lost, my name would be the same as where I lived. Believe it or not, my sister somehow got Alice the same way, because we lived on Alice Avenue previously. It's a good thing we didn't live on Alameda de Las Pulgas or West 23rd Street. If we did, I'd probably tell you to just call me Al or Wes.

Here in this land of opportunity, my parents sacrificed to give my sister and me opportunities they never had. I am the first from both sides of my family to attend law school, much less to serve as a tenured, full professor of law. My sister has cared for many patients, including heads of state, as a physician.

I have devoted my professional life to pursue justice. Whether it is justice for people crushed in political prisoner camps in North Korea or those massacred in Latin America, I have written, taught and advocated for justice. From as far back as I can remember, I have been keenly wired for justice, which strongly motivates me.

The position of Ambassador at Large for Global Criminal Justice, formerly known as the Ambassador-at-Large for War Crimes, was established 22 years ago to lead the U.S. policy response to the atrocities in the former Yugoslavia and Rwanda. Over the years, the work of the Ambassador and the Office of Global Criminal Justice (GCJ) has expanded to fight impunity throughout the world, such as in Cambodia, the Sudan, and Colombia. The office supports criminal accountability in international, hybrid, and national courts; it promotes efforts such as documentation and evidence collection to lay the groundwork for justice; and also promotes transitional justice policies to promote reconciliation as well as stability in seeking a durable peace under a just rule of law.

The GCJ Ambassador position is the first and only such position in any government worldwide and a testament to the goodness and greatness of the United States of America, of the commitment of our government and people to pursue justice for the victims of the worst atrocities, including genocide, crimes against humanity, and war crimes--and to help prevent such atrocities in the first place.

If confirmed, I would dedicate myself to the work of preventing, mitigating and seeking accountability for mass atrocities. No government in the world has more

tools—whether diplomatic, intelligence, legal, military or economic—to do this work than the United States.

I am passionate that the cry of “Never Again” after the horrors of the Holocaust would find greater fulfillment. It was the United States that led the way with the unprecedented Nuremberg and Tokyo Trials, and it is the United States that is again leading the world through our promotion of global criminal justice over the last couple of decades. If confirmed, I would be building upon this past work in areas crying out for justice today. I am honored to be supported by past Ambassadors who held this position as well as their Deputies. I have benefited from their counsel and would seek it while serving.

I would look to collaborate with Congress and other partners to work together for this worthwhile cause. If confirmed, the work would be much bigger than that of just one person.

My leadership style is one that seeks to delegate, play to the strengths of and credit those I work with. I am an affirming and encouraging person, who tries to find solutions and focus on positives, even in the context of crushing criminal abuses and violations. At the same time, I am a tenacious, persevering advocate for justice. I am deeply empathetic and conscientious, both tender hearted and tough minded. I believe these traits support success in this position, if confirmed.

I would seek to learn voraciously throughout my time of service. In certain respects, I have prepared to serve in this position for most of my life without necessarily even being aware of it.

Serving in this capacity would be the greatest professional honor of my life: it is beyond anything I had ever dreamed. To me though, it would be more of a mission than a position. If parents coming from the ruins and rubble of the Korean War can see their son in this Ambassador-at-Large for Global Criminal Justice position, then I submit to you that the American Dream, as it has been for so many in our country, is alive and well! Thank you again for the honor of being here before you, Senators, and I would be pleased to respond to your questions.

Senator GARDNER. Thank you, Mr. Tan.  
Ambassador Currie?

**STATEMENT OF HON. KELLEY ECKELS CURRIE, OF GEORGIA,  
TO BE AMBASSADOR AT LARGE FOR GLOBAL WOMEN’S ISSUES**

Ambassador CURRIE. Thank you, Chairman Gardner and distinguished members of the committee, for giving me the opportunity to appear before you today. Morse is a tough act to follow.

It is an amazing honor to serve the American people, and I deeply appreciate the confidence that President Trump and Secretary Pompeo have shown in me by nominating me for this position.

I wanted to recognize my family, some of whom are here today: my wonderful husband Peter; my children, Mack and Sarah; and my mother-in-law Dottie, and to say, hey, to my family watching at home in Georgia, my mom G.G., and my sister Emily. And I also want to thank my friends and colleagues, especially my colleagues from the State Department who are here today and especially for all of the support that they have shown in helping me prepare for this hearing.

Advancing the role of women and girls around the world, socially, politically, and economically, is central to achieving U.S. foreign policy goals. Throughout my career, I have worked to defend the rights of women and girls from regimes that are threatened by the ideas of freedom and equality. As a young congressional staffer, I was involved in early efforts to raise awareness around the Taliban’s treatment of women and the Burmese military’s systematic use of sexual violence against ethnic nationalities.

At the International Republican Institute, I saw firsthand how important it was to encourage women to run for office and otherwise demand a seat at the most powerful tables in their countries.

And at every job since, this has been a persistent thread, whether documenting Tibetan mothers who risked everything to get their children an education and religious freedom, or working to ensure the U.N. system was responding effectively to the scourge of sexual violence in conflict. I have been honored to work alongside and learn from so many amazing advocates, practitioners, political leaders, and survivors. These brave women continue to inspire and motivate me.

Empowering women and girls around the world is a vital national security issue as well. We know that countries are more peaceful, prosperous, and stable when women are able to fully participate at all levels. In order to realize this goal, women and girls must be free from violence and discrimination in their homes, workplaces, and communities.

We must ensure that women are involved in key decisions about peace and security in their communities and nations. Evidence shows that women's participation in peace-building, accountability, security sector reform, and countering violent extremism leads to better outcomes across the board. Yet, women historically have been absent from critical decision-making about security and power structures.

Bold U.S. leadership is key to breaking this cycle, and we are already leading through the Women, Peace, and Security Act, the first country in the world to pass such legislation. Thank you. And we are implementing efforts underway across the administration. If confirmed, I will ensure that GWI takes a role, a leading role, in our new whole-of-government U.S. WPS strategy.

Security and economic opportunity for women are intrinsically related. Women are key drivers of economic prosperity. Yet, their potential as employers, entrepreneurs, and workers remains undervalued, under-appreciated, and under-developed.

I am proud of the administration's commitment to women's economic empowerment through the Women's Global Development and Prosperity Initiative and am committed to advancing WGDP, if confirmed.

Meaningful empowerment often requires changes to policies and societal norms that preclude women from fully participating in the economy. Women must be able to exercise their human rights and fundamental freedoms in the workplace, at home, and in their communities, confident that governments will protect and support them, not persecute them. Identifying and reducing the legal, political, and regulatory barriers faced by women is critical to building a durable foundation for economic empowerment. The State Department is uniquely positioned to carry out this important work, and if confirmed, I look forward to leading these efforts.

It is also mission critical that we ensure today's girls receive the skills and education needed to become tomorrow's women leaders. The under-representation of women and girls in STEM fields, for example, is an area ripe for public-private engagement.

The United States has long been a global leader on these issues. Using the new tools Congress and the White House have given us, we have to refocus our efforts, renew and expand our partnerships, and be bold in our advocacy. If confirmed, I look forward to working with our colleagues and counterparts across the U.S. govern-

ment and around the world to advance and protect the rights of women and girls.

Thank you so much for the opportunity to appear here today. I look forward to your questions.

[The prepared statement of Ambassador Currie follows:]

PREPARED STATEMENT OF AMBASSADOR KELLEY CURRIE

Chairman, Ranking Member, distinguished members of the committee, thank you for the opportunity to appear before you as President Trump's nominee to be the Ambassador-at-Large for Global Women's Issues. I am honored to have this opportunity to serve my country and appreciate the confidence President Trump and Secretary Pompeo have shown in me with this nomination. I also want to thank Senator Isakson for his kind and generous introduction. I've been fortunate to be a constituent of his since he was elected to the Senate to represent the great state of Georgia, and we'll certainly miss his leadership. I wish him all the best and fully expect he will continue to serve State and our country in some way.

I wanted to take a moment to thank my family, some of whom are here today: my wonderful partner and husband Peter Currie, my children Mack and Sarah, and my mother in law Dottie Currie. I want to shout out to my family down in Georgia who are watching the proceedings: thanks Mom, G.G. and Emily for everything. And finally, to my friends and colleagues—especially all my State Department colleagues who have worked so hard to get us here—thank you so much for all your support.

Advancing the role of women and girls around the world, socially, politically and economically, is central to achieving U.S. foreign policy goals, and it is something to which I am deeply committed. Throughout my career, I have had the privilege to serve in various roles working to advance human rights protections, and defend the rights of women and girls from regimes that are threatened by the idea of freedom and equality. I started out as a young congressional staffer, working on legislation and other congressional initiatives to promote and protect women's human rights. This included early efforts to raise awareness about the Taliban's treatment of women in Afghanistan and the Burmese military's systematic use of sexual violence against ethnic women. At the International Republican Institute, one of my most important responsibilities was promoting women's political participation through our programming in Asia, and I saw first-hand how important and difficult it was to encourage women to run for office, train them to ask for campaign contributions, and otherwise demand a seat at the most powerful tables. And in every job I have had since, this has been a persistent thread—whether I was interviewing Tibetan mothers about why they risked everything to get their children an education and religious freedom in India, or working with the Special Representative of the Secretary General on Sexual Violence in Armed Conflict to ensure the U.N. system is responding effectively to this horrific scourge. I have had the tremendous honor to work alongside and learn from so many amazing advocates, practitioners, political leaders and survivors. These brave women continue to inspire and motivate me.

Empowering women and girls around the world is also a vital national security issue. We know that countries are more peaceful, prosperous and stable when women are able to fully participate at all levels of government and the economy. In order to realize this goal, women and girls must be free from violence and discrimination in their homes, workplaces and communities.

The best way to make this happen is to make sure that women are involved in key decisions about peace and security in their communities and nations. Around the world, women are on the frontlines of some of the world's most pressing challenges: they are preventing atrocities, brokering ceasefires, delivering aid, implementing transitional justice and countering terrorism. Evidence shows that women's participation in peace-building, accountability efforts, security sector reform and countering violent extremism leads to better outcomes—not just for women, but for their families, their communities, and entire countries. Yet women historically have been absent from the places and processes where critical decisions are made about their communities' and countries' security and power structures. It is past time to reverse this historic trend and bold U.S. leadership will remain key to this effort. We are already leading through the passage of the Women, Peace and Security Act—the first country in the world to pass such legislation—and the implementation efforts that are underway across the administration. If confirmed, I will ensure that the GWI office is driving progress on the new U.S. Strategy on Women, Peace, and Security and proactively lead efforts to advance its implementation.

Security and economic opportunity for women are also intrinsically linked. Women represent half of the population and are key drivers of economic growth. Yet, their potential as employers, entrepreneurs, and workers remains underdeveloped, under-resourced and underappreciated.

Meaningful women's economic empowerment often requires changes to policies and societal norms that have historically precluded women from fully participating in the economy. It also relies on women's ability exercise their human rights and fundamental freedoms in the workplace, at home, and in their communities, safe in the knowledge that their governments will protect them and not persecute them.

I am proud of the administration's commitment to women's economic empowerment through the Women's Global Development and Prosperity Initiative and am committed to advancing this ambitious initiative, if confirmed. The State Department is uniquely positioned to carry out the diplomatic and policy tasks required to deliver on this agenda. In particular, identifying and reducing the policy, legal, political and regulatory barriers faced by women is critical to building a strong and durable foundation for women's economic empowerment. If confirmed, I look forward to leading U.S. efforts on this front.

To do this important work, we must also invest in the girls of today who will be the leaders of tomorrow. With today's large global youth population—the so-called “youth bulge”—it is mission critical that we ensure the next generation of girls receive the skills and education needed to become productive members of society. The under-representation of women and girls in STEM fields—not only as students, teachers and researchers, but also as managers, leaders, entrepreneurs and other role models—is an area ripe for public-private engagement and action.

While the United States has long been a global leader on these issues, far too many women and girls around the world still face debilitating barriers and violence. We have to focus our efforts; build new partnerships with the international community; effectively utilize the new tools Congress and the White House have built out; and be bold in our advocacy. But we cannot do this alone; we need strong partners here in the United States and abroad. If confirmed, I look forward to working with our colleagues and counterparts across the U.S. government and around the world to advance and protect the rights of women and girls.

Thank you for the opportunity to appear before the committee today. I look forward to your questions.

Senator GARDNER. Thank you, Ambassador Currie. And again, thanks to all of the nominees who are here today for your service. And to the families, again, my thanks to all of you for the time away from home, and the work that you provide and the efforts that go into this service is greatly appreciated.

Ambassador Kim, I am reminded of our time when we had a meeting together. The very facility where we were meeting, hours after we left, was attacked. And I cannot think of anything more than just to say thank you from all of us sincerely for the work that each and every one of you is already doing and that you are about to undertake in further endeavors.

We are going to start now with questions and turn to members.

I just want to start briefly with comments on China. In a little bit, we are going to have a hearing on the Asia Reassurance Initiative Act, and we are going to go forward with that. So I know my colleague, Senator Markey, is going to be joining us shortly for that. But I am going to reserve my time and yield first to Senator Young, if you would like to begin with questions. Then we will go to Senator Shaheen after that. I caught him off guard. I apologize.

Senator YOUNG. No. It is just a dramatic pause.

Well, I thank you all for your interest in serving. Without exception, I was favorably impressed by your backgrounds, by your qualifications, and I anticipate supporting each of you.

I have had an opportunity to visit with a number of you. So I will ask Ms. Cantor—you and I have not been able to personally visit. So as you step into this role, just identify your top priorities for me please.



Ms. CANTOR. Thank you, Senator, for that question.

If confirmed, I would love to strengthen the bilateral relationship between the FSM and the U.S. I will also work with the government of the FSM on reaching their economic development goals. There are certain areas where they need assistance. We have been providing about \$80 million every year in six areas: health, education, the environment, public infrastructure, public sector capacity development, and private sector capacity development.

I would also aim to encourage private sector investment. I will work with other agencies in the Federal government like the Department of the Interior and others that are present in the FSM.

And I also would love to promote the role of women and girls in leadership in the FSM.

Senator YOUNG. Thank you.

Mr. Kim, it was good to visit with you yesterday. I found quite interesting our conversation about the challenges associated with serving as an Ambassador, as our United States point person, to an island nation. And you are uniquely qualified for that role. Maybe you could sort of explain to my colleagues some of the challenges and opportunities associated with that.

Ambassador KIM. Thank you very much, Senator. It was a privilege to meet you yesterday. I very much enjoyed our discussion as well.

So the Philippines is a country of 7,000 islands. I did not think I could find a country that had even more islands, but Indonesia has 17,000 islands.

[Laughter.]

Ambassador KIM. And I think both countries present some unique circumstances.

But I think at the heart of our relationship with both the Philippines and Indonesia is that we have a strong partnership, multifaceted partnership, that includes military cooperation, counterterrorism cooperation, a fairly robust economic partnership, and of course, both countries being in that important region are affected by Chinese behavior in the South China Sea.

So I hope, if confirmed by the Senate, that I will have a chance to work with Indonesians to expand our cooperation with them in both regional and global issues.

Senator YOUNG. Well, thank you so much.

Mr. Tan, you and I have not had an opportunity to visit. So just your top priorities please as Ambassador.

Mr. TAN. Yes. Among my priorities would be what this body, namely Congress, has supported and given the first programmatic funding for, namely seeking accountability for ISIS in Iraq and Syria. There are efforts that are ongoing. I would continue to support them—the IIIM, for example, and UNITAD which are seeking to secure and gather evidence that could be used for prosecutions, some of which are going on domestically in places such as Germany and Sweden. But in the conflict and in the situations that are there, there are very serious issues that I would make a priority as you in Congress have done. And let me thank you for the support that Congress has given along these lines.

North Korea, which I have dedicated much of my scholarship and media work and teaching to, is another priority of mine. I under-

stand that it has also been a major priority both of Congress as well as the executive branch, and this would be an important priority. And I have various others, but those are two examples.

Senator YOUNG. Well, thank you.

Ms. Currie, I have 40 seconds remaining. So one or two top priorities you would have, should you be confirmed.

Ambassador CURRIE. Thank you, Senator Young.

The two priorities are actually quite straightforward. We have two great new tools, the Women, Peace, and Security strategy that Congress has given us, the Women, Peace, and Security Act, and we are now implementing WPS strategies across the administration with a whole-of-government approach to this important initiative. And then the WGDP initiative, promoting women's economic empowerment.

If confirmed, I would see building the office's work around these two really important strategic initiatives and making sure that we are focusing like a laser on implementing these two great initiatives.

Senator YOUNG. Well, thank you.

I have more than a measure of confidence that each of you will, indeed, be confirmed. I wish you well and I look forward to doing some good together.

I yield back.

Senator GARDNER. Thank you, Senator Young.

Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman.

Congratulations to each of you on your nominations, and thank you for your willingness to serve at this critical time.

Ambassador Currie, first of all, thank you for taking time to meet with me this morning. I appreciated the opportunity to talk with you. As you know, I shared some of my concerns about the way this administration has pushed an agenda on gender issues. For example, at the United Nations, U.S. officials have described the United States as a pro-life nation, which I appreciate. There are legitimate differences of view about abortion. My concern is that has bled over into other issues affecting women in ways that are often detrimental to the health of women.

At the U.N. the U.S. threatened to veto a resolution supporting victims of rape over the single mention of sexual and reproductive health. When I think about reproductive health for myself, I am not talking about abortion. I do not think most women are.

We have also aligned the U.S. with countries like Saudi Arabia that have a very troubling history on women's and LGBTQ rights.

So can you commit, that if you are confirmed, that you will support women's rights, including reproductive rights, gender equality—and when I say reproductive rights, I am talking about in the context of family planning. I am not talking about abortion—gender equality and LGBTQ rights and all aspects of U.S. policy?

Ambassador CURRIE. Thank you, Senator Shaheen, for that important question. And I appreciated the opportunity as well to have a frank exchange of views with you this morning.

As I said this morning, this is a pro-life administration pursuing a pro-life foreign policy, and the policy of the administration is to protect women's health but also to ensure that U.S. taxpayer dol-

lars are not used to promote or provide abortion as a form of family planning. So our efforts in that regard have been focused on that.

I am committed to advancing the health and wellbeing of women and girls globally and continue to believe that the United States is a leader in this regard. We remain the largest provider of family planning assistance in the world, and that will continue to be the case. And we continue to support in the United States—the United States government and the administration continues to support a broad range of women’s health initiatives related to maternal health, sexual violence in conflict—an issue I have worked on extensively—and HIV/AIDS prevention and treatment. So I believe that the administration continues to provide for assistance to women’s health and wellbeing and will continue to do so, and I strongly support those efforts.

I would just leave it at that.

Senator SHAHEEN. Thank you.

And so will you commit to pushing back on pressure both within the administration and externally to move the U.S. in a counter-productive direction on issues that affect women and girls globally?

Ambassador CURRIE. I will commit to pursuing a very vigorous policy of promoting and protecting the human rights of women and girls, including their rights to adequate health care and the highest attainable standards of health.

Senator SHAHEEN. Thank you. I think it is very important for us to have an Ambassador for Global Women’s Issues, and I very much appreciate your willingness to consider taking on this responsibility.

Mr. Tan, will you commit to work with the Departments of Justice and Defense in order to ensure that those who are associated with a notorious British ISIS cell, known as the Beatles, are brought to justice in civilian courts in the United States, that they are not simply sent to Guantanamo Bay? And I would just point out that those terrorists who until recently were held in detention in Syria—it is my understanding that they have been moved, but they are believed to be responsible for the killing of Americans, including James Foley, whose family are constituents of mine. And I know that the families who lost loved ones to ISIS terrorists are very concerned about seeing that those responsible for the murders are brought back to the United States and brought to justice in civilian courts.

Mr. TAN. Thank you, Senator Shaheen, for your important question.

I share your concern and the concern of those who are both ISIS victims and their family members and loved ones, and bringing accountability for the atrocities that ISIS has committed will indeed be a priority of mine. And it is something that would encompass the range of the atrocities that have been perpetrated and are ongoing to an extent. So thank you very much for your important question, and I can commit to what you have mentioned.

Senator SHAHEEN. Thank you. I appreciate that, and I know the families will too.

Ambassador Kim, surprisingly New Hampshire has the largest Indonesian American population north of New York in Somersworth, New Hampshire. I do not know if you were aware of

that. But they have recently inaugurated the first Little Indonesia, which we are very proud of, and I hope that if confirmed, that you will take time to come and visit Little Indonesia and visit Somersworth, New Hampshire and hear from the Indonesian population in New Hampshire their views on what is happening in the country.

Ambassador KIM. Thank you very much for that warm invitation. I very much look forward to visiting Little Indonesia, if confirmed by the committee.

Senator SHAHEEN. Many of those Indonesians who fled to New Hampshire and the United States came because of religious persecution. They are Christians who were persecuted in their home islands in Indonesia.

Can you talk about how you would promote U.S. values around respect for religious freedom and, given that that has been challenging in Indonesia, how you can help encourage them to address that in a more positive way?

Ambassador KIM. Thank you, Senator.

Indonesia has made significant strides, but I think we can agree that more needs to be done. And I intend to spend a considerable amount of time working with senior government officials, including President Jokowi on promoting greater religious tolerance and interfaith harmony. I believe they are on the right path. We want to work with them to continue to encourage them.

Senator SHAHEEN. Thank you very much.

Thank you, Mr. Chairman. My time is up.

Senator GARDNER. Thank you, Senator Shaheen.

And Senator Markey has graciously allowed—I was going to yield to him for a statement, but go ahead, Senator Barrasso, if you would like.

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

Mr. Chairman, I want to take this opportunity to raise my concerns with the nomination of Sung Kim to be the U.S. Ambassador to Indonesia.

In 2017, we learned through press reports that the U.S. Ambassador to the Philippines, Ambassador Kim, pledged to the Philippines government to move the Bells of Balangiga from Wyoming's F.E. Warren Air Force Base to the Philippines. I join Wyoming veterans in strongly opposing the efforts of Ambassador Kim. Despite the opposition of our veterans and legislation passed to protect the veterans' memorials, Ambassador Kim believed it was, quote, the right thing to do to return the bells soon.

Well, the Bells of Balangiga were not just some bells indiscriminately taken during the Philippine insurrection. These bells were part of a veteran memorial located in Wyoming to pay tribute to the massacre of C Company, 9th Infantry. The Bells of Balangiga were used by the Filipino insurgents to signal the attack on American soldiers while they were asleep. In all, 48 of the 75 U.S. soldiers were killed during the attack. To honor the soldiers of C Company, these bells were legally brought to Cheyenne, Wyoming to be placed at Fort D.A. Russell, which is now F.E. Warren Air Force Base. A veteran memorial was erected displaying these bells as a way to recognize the troops who bravely fought for our nation and never came home.

Mr. Kim's support for moving the bells to the Philippines resulted in tearing down a veteran memorial. In Wyoming, we have a strong tradition of never forgetting the sacrifices of our brave men and women. Dismantling this veteran memorial was completely unacceptable. It also sets a dangerous precedent for future veteran and war memorials. Mr. Kim's support and involvement helped establish a bad precedent for the future.

There is nothing more important for a nation than to honor and remember those who died in service to their country. Mr. Kim's support for dismantling the Bells of Balangiga memorial is contrary to that commitment, and he failed to meet the standard expected of him.

Mr. Chairman, I yield the remainder of my time.

Senator GARDNER. Thank you, Senator Barrasso.

Senator Markey, would you like to give your opening statement? Then we will turn to Ambassador Kim and the panel for comments.

Senator MARKEY. I can pass on the opening statement.

Senator GARDNER. At this point, Ambassador Kim, if you would like to respond.

Ambassador KIM. Sure. Unfortunately, the Senator has left the room.

But I would just like to state for the record that the administration's decision to return the Balangiga Bells was obviously a very difficult decision and one that was made after very careful deliberation by then Secretary of Defense Mattis and other senior officials of the administration. They decided, after extensive consultations with veterans' organizations, that returning the bells was the right thing to do for the alliance with the Philippines. Throughout the deliberation process, our colleagues in Washington consulted with various veterans' organizations and addressed their concerns fully.

So I regret that Senator Barrasso has deep concerns about the decision, but it was an administration decision that was made after very careful consideration.

Senator GARDNER. Senator Markey?

Senator MARKEY. Thank you, Mr. Chairman.

Mr. Kim, as we know, countering violent extremism is not a problem only in the Middle East but also in Southeast Asia. There are news reports that Indonesian ISIS fighters and family members have escaped prisons in northeast Syria during the current crisis initiated by President Trump. The global implications of the administration's poor judgment in the Middle East must be acknowledged.

Mr. Kim, how will you work with the Indonesian government to address ISIS fighters and counter violent extremism?

Ambassador KIM. Thank you very much, Senator, for that very important question.

We have a strong law enforcement-led counterterrorism cooperation with Indonesia, and we hope to expand that cooperation. Indonesia in recent years has taken a number of steps to strengthen their counterterrorism fight, including passing a counterterrorism law that gives law enforcement authorities greater authority to go after funding for terrorist organizations and also to stop Indonesians from going overseas to join terrorist organizations. So we

want to encourage them to do more, and I am deeply committed to focusing on this very important aspect of the relationship.

Senator MARKEY. So, you have been working on ISIS issues in the Philippines. Is that correct?

Ambassador KIM. Yes, sir.

Senator MARKEY. So, thank you.

So, it is just very important for them to know that we want to partner with them in that battle, but at the same time, the Indonesian government should establish truth and reconciliation measures, but also investigate and prosecute those responsible for grave human rights violations. So, we thank you for your commitment to hold Indonesia accountable and demonstrating American commitment to human rights in the region.

You have also been nominated to serve in a country that has great potential, and while we appreciate the democratic progress that Indonesia has made since 1998, I am still concerned about the reports of increasing political instability, and threats to basic human rights protections and democratic norms. The proposed criminal code, which spurred the country into protests this past August and September, would have violated tenets of free speech and freedom of association. Various provisions would have restricted access to contraception, freedom of speech, and reduced the rights of religious minorities.

Ambassador Kim, if confirmed, how will you press the Indonesian government to take action on human rights, ending hateful rhetoric against minorities, establishing accountability for security forces, and upholding the right to freedom of expression?

Ambassador KIM. Thank you, Senator.

Indonesia, as you suggest, has made significant progress on governance and respect for human rights, but more needs to be done. And I pledge to work closely with President Jokowi and his senior team to make sure that they remain focused on promoting human rights, improving governance, making bureaucracy more transparent and more accountable.

I believe there is an opportunity for us to do more with them. Indonesia has long been a leader in Southeast Asia and has shown that they can be a responsible leader, not just on regional issues, but on global issues as well. So I look forward to working with them, if confirmed, to make sure that their path improving governance for all Indonesians continues.

Senator MARKEY. So, a lot of the protests that are actually occurring are protesting the past human rights violations, and asking for accountability. That goes back to the Suharto era. President Widodo has not followed through on his promise to address past violations through the traditional system.

So, Ambassador Kim, if confirmed, will you push the Indonesian government not only to establish truth and reconciliation measures, but also to investigate and prosecute those responsible for grave human rights violations?

Ambassador KIM. Yes. I very much look forward to working with the leaders in Indonesia to make sure that their path towards greater governance, transparency, and accountability continues.

Senator MARKEY. Do you agree that many of the proposed changes to Indonesia's criminal code raises serious human rights

concerns, in particular, possible violations of basic civil and political rights?

Ambassador KIM. Sir, apologies, but I am not fully read up on all of the provisions in the proposed criminal statute.

But I do know that the concerns expressed by citizens with regard to possible curtailment of authorities given to the anti-corruption commission is of deep concern. That commission has played an important role not only dealing with corrupt activities currently but also looking into past corrupt practices. So I would like to work with Indonesian authorities to make sure that that very important commission's authorities are fully maintained.

Senator MARKEY. I wrote a letter to Secretary Pompeo back in June expressing concerns for recent reports that the State Department was restricting U.S. embassies from flying the Pride parade. Such actions are worrying, especially at a time when it is crucial for the U.S. to be a leader in supporting LGBTI rights around the world. In Indonesia alone, reports have indicated harrowing incidents of intimidation, discrimination, and attacks against LGBTI people.

Ambassador Kim, if confirmed, how will you encourage the government to reform its policies and attitudes towards the LGBTI community?

Ambassador KIM. Senator, I am deeply committed to protecting and promoting LGBTI rights. And as I have done in my previous assignments in Korea and the Philippines, if confirmed, I look forward to working with Indonesian authorities, as well as the civil societies, to make sure that LGBTI communities' rights are protected adequately in Indonesia.

Senator MARKEY. And, Indonesia in March threatened to pull out of the Paris Accord over an EU decision to rule out palm oil as a biofuel by 2030. Considered as one of the five largest emitters of greenhouse gases, Indonesia's suggestion only stalls our global commitment to fight the existential threat of climate change.

Ambassador Kim, if confirmed, what types of U.S. programs or investments will you support to ensure Indonesia's continued commitment to fighting climate change?

Ambassador KIM. Senator, thank you for that important question.

USAID and other elements of the embassy in Jakarta have been engaged in a number of productive programs to help the Indonesians deal with environmental resilience and disaster relief. Some of the programs have focused on irresponsible deforestation. So I would like to continue those programs and, if at all possible, to enhance those programs, broaden those programs so that we are covering more of Indonesia in terms of environmental resilience and making sure that they responsibly utilize their natural resources and learn sustainability practices.

Senator MARKEY. Thank you, Mr. Chairman.

Senator GARDNER. Thank you, Senator Markey.

I look forward to working with Ambassador Kim, Mr. DeSombre, and Ms. Cantor on the issues relating to implementation of the Asia Reassurance Initiative Act that Senator Markey and I authored as we move forward with the appropriations process, the

tools that it makes available for continued and growing presence in Asia. And U.S. leadership is incredibly important.

Mr. DeSombre, I would like to follow up with you at some point on a Colorado constituent issue that we have in Thailand in terms of a company that challenged that they are having a dispute over an issue with the Institute for Nuclear Technology. And perhaps we can get into that a little bit later as you get into the role itself.

Thanks to Mr. Tan for being here as well. Perhaps we can have a conversation about Uighurs and the role of your office and the work that we need to do to stand up for human rights and the criminal activity that is taking place in China as a result of their treatment of populations like the Uighur population.

And, Ms. Currie, we heard from Brian Hook this morning talking about the role of FIFA in Iran and how women were being excluded from these soccer games, matches and what it meant for U.S. leadership. And of course, that voice is incredibly important as we not only empower women and girls around Iran but around the world to the standards that we know every human being deserves.

So thank you to all of you for your time and testimony today. I am going to go ahead and adjourn the hearing because of the need to move on with the next panel. So thank you all for attending the hearing. Thank you very much for your willingness to serve.

For the information of members who attended or those who did not, the record will remain open until the close of business on Friday, including for members to submit questions for the record. This is your homework assignment. I kindly ask that you respond as promptly as possible. The responses will be made a part of the record.

We are going to adjourn this committee hearing. We are going to have a few minutes of time to turn around and prepare for the next hearing. And once that is set, then we will begin with the subcommittee hearing.

With that, the committee is adjourned.

[Whereupon, at 3:00 p.m., the hearing was adjourned.]

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### Additional Material Submitted for the Record

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#### RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO CARMEN G. CANTOR BY SENATOR BENJAMIN L. CARDIN

##### *Human Rights*

*Question.* What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

*Answer.* I have promoted human rights and democracy through my work in the Bureau of Education and Cultural Affairs (ECA), as well as through my experience as Executive Director in the Bureau of Counterterrorism (CT). At ECA, I supported exchanges designed to connect people from around the world with U.S. democratic processes and institutions. At CT, we protected and advanced human rights and democracy by countering intolerance and extremism. I see civil rights as human rights and have also dedicated a significant portion of my career to advancing civil rights within multiple agencies.

*Question.* What are the most pressing human rights issues in Micronesia? What are the most important steps you expect to take—if confirmed—to promote human



rights and democracy in Micronesia? What do you hope to accomplish through these actions?

*Answer.* The government of the Federated States of Micronesia (FSM) generally respects human rights. In the Department of State's most recent Human Rights Report, the Department noted that civilian authorities maintained effective control over the security forces; there were no reports of egregious human rights abuses; and the government sometimes took steps to punish officials. Impunity does remain a problem, however, particularly regarding alleged corruption. Some other problems persist, including continued discrimination and violence against women. If confirmed, I will work to implement the Indo-Pacific Transparency Initiative, which promotes civil society, the rule of law, and transparent and accountable governments across the Indo-Pacific. I would do so through advocacy, outreach programs, and cooperation with local NGOs to address corruption, violence against women, and increase women's political and economic participation. I would also encourage stronger legal institutions and work to expand programs that provide U.S. training to the FSM judiciary, if confirmed.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Micronesia in advancing human rights, civil society and democracy in general?

*Answer.* There are human rights challenges rooted in long-standing FSM customs. If confirmed, I will work to leverage available resources, including working with other embassies, international organizations, and local NGOs, to prevent and respond to gender-based violence and corruption. I will also work to increase political and economic participation for women. Women's political participation is particularly important; there has never been a woman representative in the National Congress of the Federated States of Micronesia.

*Question.* Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in Micronesia? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

*Answer.* I am committed to meeting with human rights and other NGO actors in both the United States and Micronesia to learn about their concerns and collaborate with them where possible and appropriate. Micronesia does not have a military of its own. Under the Compact and Amended Compact, the United States has full authority and responsibility for security and defense matters in or relating to the FSM. As Micronesia does not generally receive U.S. assistance for security forces, the Leahy Law is often not relevant to Micronesia. However, in the rare instances when U.S. assistance could be directed toward a Micronesian security force unit, I am committed to the effective implementation of the Leahy Law.

*Question.* Will you and your embassy team actively engage with Micronesia to address cases of key political prisoners or persons otherwise unjustly targeted by Micronesia?

*Answer.* There have been no reports of political prisoners or other persons unjustly targeted by Micronesia. Should such a situation arise, I would, if confirmed, of course bring U.S. concerns to the attention of the government at the highest levels.

*Question.* Will you engage with Micronesia on matters of human rights, civil rights and governance as part of your bilateral mission?

*Answer.* Yes. If confirmed, I will engage the government, NGOs, civil society, and other partners on matters of human rights, civil rights, and governance as part of the U.S. government's commitment to these issues under the Indo-Pacific Transparency Initiative.

#### *Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking

any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in Micronesia?

Answer. My investments consist of rental property in the United States and cash accounts. I am committed to ensuring that my official actions will not give rise to a conflict of interest and will remain vigilant with regard to my ethics obligations.

#### *Diversity*

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

Answer. Promoting, mentoring, and supporting staff with diverse backgrounds both in the Foreign Service and Civil Service is something I have done throughout my career. If confirmed, I would make strong mentoring relationships an integral part of the Embassy culture by promoting initiatives that support employee engagement, job satisfaction, development of leadership skills, and increased teamwork. It is my expectation that by doing so, workplace diversity, employee retention, productivity, and morale will all improve.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

Answer. Supervisors are instrumental to diversity and inclusion efforts. If confirmed, I will ensure that I foster an environment where differences are celebrated. I will develop specific strategies to promote inclusiveness such as listening to and communicating with all staff, holding more effective meetings, communicating goals, and measuring progress.

If confirmed, I will verify the existence of a robust EEO program at post that includes continuous training and sensitization, meet individually with EEO counselors to gain their perspectives, and ensure that personnel are aware of the Department's discrimination and harassment policies and how to report violations. I will review the mentoring and support programs currently in place, meet with the American and local staffs in the Mission to determine where inclusivity is perceived as lacking, and work with employee organizations to discuss their support. In addition, I will review our HR processes to determine where and how we can mitigate unconscious biases and provide access to training that will support these efforts. I will also meet with Mission supervisors and the management team to discuss what I have heard from the employees, where improvements are needed and, based on all of the information gathered, put a plan in place to correct any weaknesses or gaps.

#### *Corruption*

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Micronesia specifically?

Answer. Corruption undermines democratic governance and the rule of law, including in the Federated States of Micronesia. The law in Micronesia provides criminal penalties for corruption by officials, and the government generally implements the law, but some officials have engaged in corrupt practices with impunity. This erodes public confidence in institutions, systems of governance, and impedes achievement of the goals of our vision for a free and open Indo-Pacific. The FSM can only reach its full potential if we make efforts to end these corrupt practices. The government of the FSM continues to work to address corruption through its Attorney General's Office. According to the Department's most recent Human Rights Report, this office operated independently and actively collaborated with civil society via a hotline operated by the Office of the National Public Auditor to encourage reporting of public complaints of corruption. The public auditor referred some corruption cases to the FSM Department of Justice during the year. One case concluded with the individual losing his job.

*Question.* What is your assessment of corruption trends in Micronesia and efforts to address and reduce it by that government?

Answer. The law in Micronesia provides criminal penalties for corruption by officials, and the government generally implemented the law, but some officials reportedly engaged in corrupt practices with impunity. There were numerous anecdotal reports of corruption.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Micronesia?

*Answer.* If confirmed, I will work closely with the government of the FSM and U.S. law enforcement to advance the Indo-Pacific Transparency Initiative by strengthening good governance and anticorruption efforts. I will work with allies and likeminded partners to coordinate our efforts on these important issues. Through new funding for USAID on governance under the Indo-Pacific Strategy, including under the Indo-Pacific Transparency Initiative, I will work to ensure this is implemented in the FSM. I will also work closely with interagency partners to ensure that U.S. taxpayer resources are used for their intended purpose.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MICHAEL GEORGE DESOMBRE BY SENATOR ROBERT MENENDEZ

*Question.* Since becoming head of state in 2016, King Maha Vajiralongkorn, Rama X, has consolidated his control over the Thai military, the \$60 billion Crown Property Bureau, and the basic civil service of Thailand, dismantling much of the constitutional checks and balances put in place after 1932, when Thailand ended its earlier absolute monarchy. New regiments of the military have been placed directly under the king's command, and indications that he has more directly placed himself into the command structures of the Ministry of Defense. At the same time, there have been disturbing reports about the king's staff being forcibly disappeared at the palace in Bangkok. Critics of the king overseas have been killed (in Laos) or harassed (in Japan). There are also reports that the king may order the dissolution of the opposition Future Forward party, especially worrying given a recent speech by the military's new army chief, Apirat Kongsompong, threatening the party. What is your assessment of the king's actions, and do you have any concerns that this behavior could undermine Thailand's political system and the country's long term stability?

*Answer.* The United States respects the institution of the Thai monarchy and understands the great esteem in which the people of Thailand hold the Royal Family. We regularly urge Thai authorities, both privately and publicly, to ensure that the exercise of freedom of expression is not criminalized and is protected in accordance with Thailand's international obligations and commitments. If confirmed, I will continue to encourage our Thai counterparts to respect human rights and fundamental freedoms, including freedom of expression, and to act in a manner consistent with international obligations and commitments.

*Question.* Do you think the U.S. should consider any additional policy measures in light of these actions?

*Answer.* The United States is consistently tracking Thailand's democratic progress and protections for human rights and fundamental freedoms. If I am confirmed, I will ensure that our messaging and policy priorities in Thailand continue to underscore our commitment to advancing democratic principles and protections for human rights and fundamental freedoms.

*Question.* In the event that the government dissolves or dismantles the Future Forward Party what do you think are the appropriate measures the United States ought to take? Do you think that the U.S. should criticize the government for doing so? Warn Thailand that a failure to allow a viable political opposition puts additional or future U.S. assistance at risk, including military assistance?

*Answer.* The United States consistently messages to the Royal Thai government, opposition parties, and civil society that democratic institutions must be strengthened and human rights and fundamental freedoms must be respected. These efforts have been a major part of all high-level engagements with Thailand for many years, including Secretary Pompeo's recent visit to Thailand for ASEAN Foreign Ministers' Meetings. The Department remains concerned about restrictions on human rights and fundamental freedoms, including harassment of civil society organizations and opposition politicians, and recognize that progress is a long-term effort. Our messaging and engagements intentionally underscore our commitment to advancing democratic principles in Thailand.

*Question.* What about if, as a more general matter, if the Thai government's human rights record worsens?

*Answer.* The United States is tracking and providing support for democratic progress and efforts to protect human rights in Thailand. Protecting human rights

and fundamental freedoms and advancing democratic values are among our highest priorities and, if confirmed, I will be sure those priorities are elevated in our engagement. If confirmed, I will encourage the Royal Thai government to respect human rights and fundamental freedoms, including freedom of expression, and to act in a manner consistent with international obligations and commitments. I will also support U.S. efforts to respond to human rights concerns and any new circumstances in a manner consistent with applicable U.S. law, regulations, and policy priorities.

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

*Answer.* For the past four years, I have had the honor to serve as the Chairman of the Board of Trustees of Save the Children Hong Kong, a member organization of the global Save the Children movement working in 120 countries to provide health, education, protection, and disaster relief assistance to the world's most marginalized and deprived children. As a father of four children, the organization's mission is personal and important to me. I am extremely proud to have had the opportunity to support these efforts, and look forward to new opportunities to promote human rights and democracy in Thailand, if confirmed.

*Question.* What issues are the most pressing challenges to democracy or democratic development in Thailand? These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights and press freedom. Please be as specific as possible.

*Answer.* Challenges to democracy and human rights in Thailand include unlawful or arbitrary killings by the government or its agents; torture by government officials; arbitrary arrest and detention by government authorities; censorship, site blocking, and criminal libel; restrictions on political participation; and corruption. The United States supports democracy, human rights, and fundamental freedoms as essential components of good governance, peace, and prosperity in Thailand, the Indo-Pacific and around the world. We are committed to a long-term partnership with Thailand and have long supported accountable and transparent democratic governance, as well as efforts to strengthen democratic institutions and protect human rights. There has been democratic progress in Thailand this year, but we understand that work remains to be done by Thailand on democracy and human rights. The promotion of democracy and human rights and fundamental freedoms has been a major part of U.S. engagement with Thailand for many years. If confirmed, I will continue to ensure that human rights and democratic progress will be key areas of engagement.

*Question.* What steps will you take—if confirmed—to support democracy in Thailand? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

*Answer.* Thailand is a key partner and a long-term ally in Asia; our broad cooperation benefits both our countries, the region, and beyond. We have long supported accountable and transparent democratic governance in Thailand, and we are pleased to see a great diversity of opinion and voices in Parliament, but we understand that work remains to be done by Thailand on democracy and human rights. If confirmed, I will engage through new and existing U.S. programs focused on strengthening democracy in Thailand, including under our vision for a free and open Indo-Pacific. I would also continue to call on Thailand to strengthen democratic institutions and protect human rights and fundamental freedoms.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

*Answer.* The United States supports democracy and human rights and fundamental freedoms in the Indo-Pacific as part of our Indo-Pacific Transparency Initiative, as well as around the world, as the building blocks of progress and the bulwarks of independence. If confirmed, I will work closely with interagency partners to use U.S. government assistance resources efficiently and effectively to support democracy and governance in Thailand. I would also continue to call on Thailand to strengthen its democratic institutions and protect human rights and fundamental freedoms.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in Thailand? What steps will you take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

*Answer.* If confirmed, I look forward to meeting with human rights, civil society, and other non-governmental organizations in the United States and with local and other human rights NGOs in Thailand. Protecting human rights and fundamental freedoms and advancing democratic values are among our highest priorities under our vision for a free and open Indo-Pacific and, if confirmed, I will be sure those priorities continue to be elevated in our engagement with the Royal Thai government. The United States is consistently tracking and providing support for democratic progress and efforts to protect human rights in Thailand, and will respond to new situations or concerns according to U.S. law and policy.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties? What steps will you take to encourage genuine political competition? Will you advocate for access and inclusivity for women, minorities and youth within political parties?

*Answer.* The United States has long supported a restoration of accountable and elected governance in Thailand. That support has included the strengthening of democratic institutions, civil society, and independent media in the country. The United States does not support any candidate or political party in Thailand—we support the democratic process. If confirmed, I will support transparency, good governance, and human rights and fundamental freedoms in Thailand and will continue to work with the Thai people and the Royal Thai government, including opposition politicians, to this end.

*Question.* Will you and your embassy team actively engage with Thailand on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory or other measures? Will you commit to meeting regularly with independent, local press in Thailand?

*Answer.* If confirmed, I look forward to meeting with members of the press in Thailand. Fundamental freedoms and human rights, including freedom of speech, are top U.S. priorities under the Indo-Pacific Transparency Initiative. If confirmed, I will encourage the Royal Thai government to respect human rights and fundamental freedoms, including freedom of expression. I would work closely with Congress and interagency colleagues, like-minded foreign partners, civil society, and private sector partners to promote freedom of expression via internet or traditional media in Thailand, both through U.S. government-sponsored programs and in engagements with members of the media and the Royal Thai government.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in Thailand?

*Answer.* The United States takes a holistic approach to identifying, tracking, and countering disinformation. It is imperative that countries around the world continue to share information and work together in this effort by building collective resilience, sharing best practices, and imposing costs on actors that carry out disinformation campaigns. If confirmed, I will support U.S. efforts to counter disinformation, support a free and transparent news media environment, and to increase awareness by conducting outreach to the public, private industry, civil society, and academic groups.

*Question.* Will you and your embassy teams actively engage with Thailand on the right of labor groups to organize, including for independent trade unions?

*Answer.* The United States has long promoted internationally recognized labor rights with a particular focus on freedom of association and collective bargaining, and strengthening core labor standards, particularly for members of traditionally neglected groups, such as women, youth, and informal sector workers. If confirmed, I will work closely with Congress and interagency partners to support protections for labor rights in Thailand.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Thailand, no matter their sexual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Thailand? What specifically will you commit to do to help LGBTQ people in Thailand?

Answer. Promoting, protecting, and advancing human rights—including the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons—has long been the policy of the United States. If confirmed, I will support U.S. policy efforts to deter violence against LGBTI persons, advocate against laws that criminalize LGBTI status or conduct, and to prevent discrimination against LGBTI persons, as applicable in the context of Thailand.

*Question.* Do you commit to respond promptly to all requests for information by Members of this committee?

Answer. If confirmed, I commit to respond promptly and appropriately to requests for information by Members of this committee, in accordance with U.S. laws and regulations.

*Question.* Do you commit to appear before this committee upon request?

Answer. If confirmed, I commit to appear before this committee upon request, in accordance with U.S. laws and regulations.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

Answer. If confirmed, I will follow all Department rules and regulations as to reporting waste, fraud, and abuse, including notifying the Department's Inspector General when appropriate.

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

Answer. No.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

Answer. I have not faced such concerns in my previous experience. If confirmed, I will draw on the Department's resources for employees and uphold relevant laws, regulations and Department policy related to equal employment opportunity protections. As Secretary Pompeo has said, we aim to recognize the diversity of our employees' rich experiences, talent, knowledge, and personal characteristics. Fostering a culture of inclusion is about creating a workplace environment in which everyone is treated with dignity and respect, where each individual is valued and empowered to thrive.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. Yes, I agree with that statement. If confirmed, I will work to prevent any attempts to target or retaliate against career employees on the basis of their perceived political beliefs, prior work on policy, or affiliation with a previous administration. I take allegations of such practices seriously and will ensure they are referred to the Department's Inspector General.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO MICHAEL GEORGE DESOMBRE BY SENATOR BENJAMIN L. CARDIN

*Question.* What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

Answer. For the past four years, I have had the honor to serve as the board chair of Save the Children Hong Kong, which is a global organization working in 120 countries to provide health, education, protection, and disaster relief assistance to the world's most marginalized and deprived children. As a father of four children, the organization's mission is personal and important to me. I am extremely proud to have had the opportunity to support these efforts. I recognize the importance of

these issues in America's foreign policy, and, if confirmed, I, look forward to new opportunities to promote human rights and democracy in Thailand.

*Question.* What are the most pressing human rights issues in Thailand? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Thailand? What do you hope to accomplish through these actions?

*Answer.* As mentioned in the annual State Department Human Rights Report, human rights issues in Thailand include unlawful or arbitrary killings by the government or its agents; torture by government officials; arbitrary arrest and detention by government authorities; censorship, site blocking, and criminal libel; restrictions on political participation; and corruption. The United States supports democracy, human rights, and fundamental freedoms as essential components of good governance, peace, and prosperity in Thailand, the Indo-Pacific and around the world. We are committed to a long-term partnership with Thailand and have long supported accountable and elected governance, as well as efforts to strengthen democratic institutions and protect human rights. There has been democratic progress in Thailand this year, but we understand that work remains to be done by Thailand on democracy and human rights. The promotion of democracy, human rights, and fundamental freedoms has been a major part of U.S. engagement with Thailand for many years. If confirmed, I will continue to make sure that human rights and democratic progress will be key areas of engagement.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Thailand in advancing human rights, civil society and democracy in general?

*Answer.* The United States is consistently tracking and providing support for democratic progress and efforts to protect human rights in Thailand. We remain concerned about restrictions on human rights and fundamental freedoms, including harassment of civil society organizations and opposition politicians, and recognize that progress is a long-term effort. If confirmed, I will encourage the Royal Thai government to respect human rights and fundamental freedoms, including freedom of expression, and to act in a manner consistent with international obligations and commitments.

*Question.* Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in Thailand? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

*Answer.* If confirmed, I look forward to meeting with human rights, civil society, and other non-governmental organizations in the United States and with local human rights NGOs in Thailand. Protecting human rights and fundamental freedoms and advancing democratic values are among our highest priorities under our vision for a free and open Indo-Pacific and, if confirmed, I will be sure those priorities continue to be elevated in our engagement with the Royal Thai government. I will work closely with U.S. Embassy and Department of Defense colleagues to ensure that recipients of U.S. security assistance continue to be vetted in a manner consistent with the Leahy Law, other U.S. laws, and Department policy.

*Question.* Will you and your embassy team actively engage with Thailand to address cases of key political prisoners or persons otherwise unjustly targeted by Thailand?

*Answer.* If confirmed, I will directly engage the Royal Thai government on cases of particular concern, including political prisoners or other individuals targeted for exercising their human rights and fundamental freedoms. I will encourage the Royal Thai government to respect human rights and fundamental freedoms, including freedom of expression and the right to liberty of person, and to act in a manner consistent with international obligations and commitments.

*Question.* Will you engage in Thailand on matters of human rights, civil rights and governance as part of your bilateral mission?

*Answer.* The United States supports democracy and human rights and fundamental freedoms in the Indo-Pacific as part of our Indo-Pacific Transparency Initiative, as well as around the world, as the building blocks of progress and the bulwarks of independence. If confirmed, I will continue to call on Thailand to strengthen democratic institutions and protect human rights and fundamental freedoms.

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you or any members of your immediate family have any financial interests in Thailand?

*Answer.* I am committed to ensuring that my official actions will not give rise to a conflict of interest. As reflected in my ethics agreement, I will divest my interests in investments the Department of State Ethics Office has deemed necessary to avoid a conflict of interest, and will remain vigilant with regard to my ethics obligations.

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

*Answer.* As Secretary Pompeo has said, we aim to recognize the diversity of our employees' rich experiences, talent, knowledge, and personal characteristics. Fostering a culture of inclusion is about creating a workplace environment in which everyone is treated with dignity and respect, where each individual is valued and empowered to thrive. If confirmed, I will draw on the Department's resources for employees, including those related to work life wellness, resilience, and employee affinity groups. I will also meet with Mission supervisors and the management team to discuss employee feedback, where improvements are needed and, based on all of the information gathered, put a plan in place to correct any weaknesses or gaps. As the Secretary noted when he introduced the Department's Professional Ethos Statement on April 26, respect, responsibility, and accountability are the foundation of everything we do because our greatest resource is our people.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

*Answer.* If confirmed, I intend to create a content and productive mission by focusing on the safety, security, and personal fulfillment of my staff, by remaining actively engaged, by extending opportunities in and out of the mission, and by listening to their needs. As Secretary Pompeo has said, all employees should feel they work in a professional, supportive, and teamwork-oriented community where everyone can contribute to the mission, regardless of position, rank, grade, or employment status. If confirmed, I will make taking care of my team and fostering a high-performing, healthy, and secure workplace a priority, with zero tolerance for misconduct, including sexual harassment.

*Question.* How do you believe that political corruption impacts democratic governance and the rule of law generally, and in Thailand specifically?

*Answer.* Corruption, whether in Thailand or elsewhere, saps energy from economic growth and undermines trust in government needed for long-term cohesion and stability. A key tenet of the Indo-Pacific strategy is to support good governance, including anticorruption measures. In November 2018, Vice President Pence announced the Indo-Pacific Transparency Initiative, which dedicates \$400 million over two years to empower the region's citizens, help combat corruption, and strengthen nations' sovereignty in order to achieve the goals of sound, just, and responsive governance. In Thailand, the United States has long supported a restoration of accountable and elected governance. For many years, we have supported the strengthening of democratic institutions, civil society, and independent media in the country. If confirmed, I will support transparency, good governance, human rights, and fundamental freedoms in Thailand and will continue to work with the Thai people and the Royal Thai government to this end.

*Question.* What is your assessment of corruption trends in Thailand and efforts to address and reduce it by that government?



Answer. The United States supports efforts to combat corruption in Thailand. In cooperation with the Royal Thai government, Mission Thailand sponsors a series of anticorruption training courses designed to improve the capacity of Thailand's criminal justice institutions to investigate and prosecute corruption crimes. It is my understanding that we use our International Law Enforcement Academy (a joint U.S.-Thailand project sponsored by the Department of State's Bureau of International Narcotics and Law Enforcement Affairs) as a platform to deliver cutting-edge instruction by U.S. federal law enforcement experts from agencies such as the Federal Bureau of Investigations, Internal Revenue Service, Department of Justice, and Homeland Security Investigations. In 2019, anticorruption courses included public corruption investigations, asset recovery techniques, financial investigations, and trafficking in persons (TIP) related corruption. If confirmed, I look forward to continuing and strengthening these efforts.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Thailand?

Answer. In November 2018, Vice President Pence announced the Indo-Pacific Transparency Initiative, which dedicates \$400 million over two years to empower the Indo-Pacific region's citizens, help combat corruption, and strengthen nations' sovereignty in order to achieve the goals of sound, just, and responsive governance. The United States supports several regional anticorruption projects that aim to strengthen good governance and anticorruption in Thailand. For example, a grant to the American Bar Association's Rule of Law Initiative (ABA ROLI) works to decrease corruption by providing expertise to regional anticorruption bodies and targeted technical assistance and capacity building training to domestic anticorruption bodies and law enforcement officials in order to promote implementation of international anticorruption commitments, with an emphasis on countering foreign bribery. If confirmed, I look forward to supporting and continuing these and other efforts to support good governance and anticorruption programming in Thailand.

*Question.* As a military government, the Prayuth regime has severely curtailed freedoms of speech and assembly and reined in criticism from the press, academia, and civil society. Do you believe the new civilian government, also led by Prime Minister Prayuth, has restored a satisfactory level of political freedom in Thailand? If not, what would be your priorities in encouraging it to do so?

Answer. The U.S.-Thai relationship covers a wide range of political, security, and economic cooperation. We congratulated the tens of millions of Thai citizens who participated in the long-awaited March 24 election for demonstrating their strong support for a return to elected government. The voting, robust media coverage of the process, and open debate around its merits are steps toward a more democratic government that reflects the will of the people. The United States welcomed the diverse elected voices in the newly formed Parliament, and has communicated to the Royal Thai government that continued progress to uphold democratic institutions, human rights, and fundamental freedoms is essential to the success of our ongoing partnership with Thailand. If confirmed, I will continue to place priority and emphasis on this important aspect of our relations.

*Question.* How do you think the U.S. can continue to promote values of democracy and rule of law despite the strong political push-back from Thailand, particularly in the aftermath of the 2019 election?

Answer. The Department consistently communicates to the Royal Thai government, opposition parties, and civil society that democratic institutions must be strengthened and human rights and fundamental freedoms must be respected. These efforts have been a major part of all high-level engagements with Thailand for many years, including Secretary Pompeo's recent visit to Thailand for ASEAN Foreign Ministers' Meetings. The Department's messaging and engagements intentionally underscore the commitment to advancing democratic principles in Thailand. Local elections, expected in 2020, present an opportunity for the U.S. to encourage Thai civil society and the Royal Thai government to enlarge the democratic space and promote peaceful freedom of expression. These elections will provide insight into Thailand's progress toward stronger democratic institutions.

*Question.* If you are confirmed as Ambassador, how will you balance the goals of advancing the U.S.-Thai alliance and promoting democracy and rule of law?

Answer. The United States is committed to a long-term partnership with Thailand, assisting it in defense modernization efforts to be ready and capable to address a broad range of 21st century threats to a free and open Indo-Pacific. At the same time, protecting human rights and advancing democratic values remain among our highest priorities in Thailand, and we will continue to ensure that those priorities

are advanced in our engagement. U.S. military assistance to Thailand is consistently evaluated according to U.S. law and policy objectives, and we are carefully tracking Thailand's democratic progress and protections of human rights. For example, in addition to building relationships that support our diplomatic and military interests in Thailand, U.S. International Military Education and Training (IMET) courses help promote the United States' tradition of upholding and respecting the international law of armed conflict and human rights, including civil and political liberties, as well as the military's responsibility to protect civilian life and support a civilian government. If confirmed, I will continue to support these efforts to advance the U.S.-Thai alliance and promote democracy and the rule of law in Thailand.

*Question.* Do you think U.S. approaches to Thailand will set precedents and send signals to other nations regarding what the U.S. considers to be an acceptable form of democracy?

*Answer.* Thailand is a key partner and a long-term ally in Asia; our broad cooperation benefits both our countries, the region, and beyond. Following Thailand's elections in March, the seating of Parliament, and the subsequent formation of government, the Secretary certified that a democratically elected government had taken office in Thailand, which lifted the military coup restrictions on assistance to the government of Thailand in accordance with U.S. law. The United States has long supported accountable and elected governance in Thailand, and we are pleased to see a great diversity of opinion and voices in Parliament, but we understand that work remains to be done by Thailand on democracy and human rights. If confirmed, I will continue to call on Thailand to strengthen democratic institutions and protect human rights and fundamental freedoms.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO HON. SUNG Y. KIM BY SENATOR ROBERT MENENDEZ

*Question.* Indonesia has a long and sordid history of criminalizing and intimidating human rights and environmental defenders, including a legacy of torture and in some cases murder. In recent months there has been a dramatic rise in the attacks against human rights defenders in Indonesia, including criminal charges against dozens of Papuan anti-racism protestors; inhumane detention conditions for the peaceful solidarity activist Surya Anta; the criminalization of Veronica Komen, Dandhi Laksono and Ananda Badudu for their online human rights activism; and the recent suspicious death of the environmental human rights lawyer Golfrid Siregar in Sumatra:

- How would you encourage the Indonesian government to reverse this trend and begin protecting rather than attacking human rights defenders?

*Answer.* In Indonesia, the Department continues to make clear at every level the importance the United States government places on respect for human rights and democracy. We do this through our engagement with government and civil society, people to people ties, and annual public reports, such as the Human Rights Report, International Religious Freedom Report, and Trafficking in Persons Report. The Department has emphasized our support for human rights in specific bilateral discussions related to reported violations and abuses by certain military members. USAID works with the National Legal Aid Foundation in 16 provinces to defend the rights of marginalized and vulnerable populations. If confirmed, I will continue this strong advocacy for the promotion of human rights in Indonesia.

*Question.* Only last week, Golfrid Siregar, a human rights and environmental lawyer, died or was possibly murdered under suspicious circumstances. Golfrid was part of the legal advocacy team of the Indonesian Forum for the Environment (WALHI)/Friends of the Earth Indonesia, Indonesia's largest environmental organization. He had been heavily involved in fights to protect Sumatra's rainforests and communities threatened by palm oil plantations and large hydropower. While local authorities appear to be trying to treat his death as the result of a traffic accident, substantial evidence points to potential foul play. Indonesian civil society is calling on their government to launch an independent, transparent investigation into Golfrid's death—to be led by Indonesian Police Headquarters (Mabes POLRI) rather than local North Sumatran police (POLDA Sumut). They are also calling for an independent fact-finding team coordinated directly by the National Commission on Human Rights (KOMNAS HAM):

- Will you support these demands?

*Answer.* If confirmed, I will support a thorough and transparent inquiry into Siregar's tragic death in accordance with the rule of law.

*Question.* Will you further support Presidential Regulations which establish and ensure protections for environmental, human rights defenders, so as to prevent any further violence and the criminalization of those who may expose unjust or illegal activities?

*Answer.* Civil society has flourished in Indonesia since 1998, contributing to improvements in Indonesia's democratic governance, accountability, and citizen engagement. It is important that government and an independent civil society, including a vibrant media, work together to continue this progress. If confirmed, my focus will be to continue to encourage and foster opportunities to further this progress.

*Question.* An already over-militarized area, West Papua has become even more heavily militarized, with additional troops, some 7000 police (not including intelligence operations), and militia. For years the political conflict in West Papua has continued as the Indonesian government pursued a policy of economic development and physical intimidation through state security forces. In the past year it has been apparent that this policy has not been accepted by the local population, with the eruption of conflict in Nduga that has displaced thousands of people since late 2018, and the dramatic anti-racism and pro-independence protests across the two provinces since August of this year, which resulted in more than 30 people killed in the town of Wamena:

- Does U.S. security assistance to Indonesia help or hinder an end to violence in West Papua? How can the U.S. best assist a peaceful resolution of the conflict there?

*Answer.* The Department encourages the Indonesian government's efforts to engage in dialogue with local communities to address Papuan concerns, resolve conflicts peacefully, improve governance, and support development that is consistent with the desires of Papuans. We also support the rights to freedom of expression and freedom of peaceful assembly to express political views. The United States respects Indonesia's territorial integrity, to include the provinces of Papua and West Papua. The United States does not support separatism in Papua or in any other part of Indonesia.

Important goals of U.S. security assistance to Indonesia and our military to military engagement include the strengthened professionalization of the military, reinforcement of the military's proper role in a democracy under the direction of civilian authority, and emphasis on the importance of the respect for human rights. Over time, the Indonesian military's advances in these areas contribute to better approaches by the Indonesian government and military to internal conflict resolution.

*Question.* Would you support suspension of security assistance to Indonesia until these human rights violations cease in West Papua?

*Answer.* We remain concerned about human rights violations and undue restrictions on human rights and fundamental freedoms in Papua, including the freedoms of expression and peaceful assembly, as well as the use of overly broad sedition laws. We have also urged greater transparency, including ensuring access for media and civil society, as well as visits by U.N. human rights representatives.

Our U.S. security assistance to Indonesia and our military to military engagement include aims to strengthen military professionalization, reinforce the military's proper role in a democracy under the direction of civilian authority, and emphasize the importance of the respect for human rights. Over time, the Indonesian military's advances in these areas contribute to better approaches by the Indonesian government and military to internal conflict resolution. Suspending security assistance to Indonesia would undercut the objective of a more professional and accountable military, and impede other important U.S. objectives.

*Question.* Will you encourage the Indonesian government to withdraw from a military approach to West Papua and instead pursue a dialogue with the United Liberation Movement for West Papua and the KNPB to find a peaceful solution to the conflict?

*Answer.* If confirmed, I will urge the Indonesian government to engage in meaningful dialogue with Papuan leaders in the provinces of Papua and West Papua and local communities to peacefully address Papuan concerns and resolve conflicts peacefully. The United States respects Indonesia's territorial integrity, to include the provinces of Papua and West Papua. The United States does not support separatism in Papua or in any other part of Indonesia.

*Question.* West Papua is now virtually sealed off from the outside world. Freedom of expression is effectively banned and those trying to assist the Papuan people are criminalized. At this year's Pacific Island Forum in Tuvalu (which the U.S. attended as a dialogue partner), leaders called on the U.N. Human Rights Commissioner to visit West Papua. However, Michelle Bachelet has encountered difficulties in persuading the Indonesian government to allow her to visit.

- How will you effectively press the Indonesian government to allow open access to West Papua for the U.N. and other officials, human rights advocates, and domestic and international media?

*Answer.* The U.S. Mission has urged greater transparency, including access for media and civil society, as well as visits by U.N. human rights and other international representatives. If confirmed, I will continue this advocacy.

*Question.* What will you do to support respect for human rights for the Papuan people, including the right to freedom of expression and freedom of assembly?

*Answer.* We remain concerned about undue restrictions on human rights and fundamental freedoms in Papua, including the freedoms of expression and peaceful assembly, as well as the use of overly broad sedition laws. If confirmed, I will emphasize these concerns to the Indonesian government. Our Mission will also continue to work with and provide support to civil society efforts, as we do across Indonesia.

*Question.* There are multiple Trump-branded projects in Indonesia, with alleged ties to corrupt businessmen and politicians. This includes projects in West Java and Bali with Hary Tanoesoedibjo, who has explicitly tied the business dealings to the president of the U.S, and Setya Novanto, who has been accused of widespread corruption with other U.S. businesses, such as Freeport McMoRan. Human Rights Watch Indonesia has questioned the ethics of these business dealings:

- What are your thoughts on the Trumps' investments and business partnerships in Indonesia?

*Answer.* The U.S. Embassy is not engaged in these private, business-to-business matters. If confirmed as Ambassador, I will always act in the best interest of the United States government and the American people. I will never place the interests of any individual or company ahead of those of the American people, nor take actions that would unfairly advantage or disadvantage any U.S. company or entity. I will make clear that this is my expectation for all Embassy staff.

*Question.* What steps will you take to prevent the Trumps' business interests from affecting U.S. policy toward Indonesia?

*Answer.* The U.S. Embassy is not engaged in these private, business-to-business matters. If confirmed as Ambassador, I will always act in the best interest of the United States government and the American people. I will never place the interests of any individual or company ahead of those of the American people, nor take actions that would unfairly advantage or disadvantage any U.S. company or entity. I will make clear that this is my expectation for all Embassy staff.

*Question.* The U.S. government has yet to respond to the report of Timor-Leste's Commission for Reception, Truth and Reconciliation (CAVR), which documents human rights violations and crimes against humanity committed during Indonesia's illegal occupation. A number of the CAVR's recommendations are directed at the U.S. for its support of Indonesia:

- What do you think of the work of the CAVR and its recommendations about justice?

*Answer.* The United States supports credible accountability for significant human rights violations or abuses, including those committed in Timor-Leste in 1999.

*Question.* Should the U.S. government Issue a formal response to the CAVR report and its recommendations?

*Answer.* We value the work of bodies that credibly investigate and document serious human rights violations, such as those that took place in Timor-Leste (then East Timor) through 1999. The decision on when and how to respond to such reports depends on policy considerations, including whether an official response would further accountability in meaningful ways.

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

*Answer.* Early in my career as a political officer in Malaysia, I reported extensively on the human rights situation there and worked closely with local and inter-

national NGOs and the Malaysian government to address problems and strengthen democratic institutions. As a political officer assigned to Japan, I worked closely with the Japanese government to promote good governance and due process in Southeast Asia.

More recently as ambassador to the Republic of Korea and the Philippines, I led the United States government's efforts to strengthen rule of law and protection of human rights. Our efforts included legal and law enforcement training that focused on transparency and accountability and initiatives to combat human trafficking. I also directly engaged government leaders in both Korea and the Philippines to address shortcomings and ensure protection of institutions and individuals involved in promoting democratic principles and human rights.

*Question.* What issues are the most pressing challenges to democracy or democratic development in Indonesia? These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights and press freedom. Please be as specific as possible.

*Answer.* Indonesia's human rights environment has evolved and in many important ways improved since the end of the authoritarian rule of President Suharto and the emergence of democracy. During the Suharto era, many of the most egregious human rights abuses were directed by the state and perpetrated by its security forces. In the current democratic era, many of the key human rights challenges involve the government's role in safeguarding the constitutional and legal rights of all, including those of vulnerable minorities. Indonesia's efforts to preserve religious pluralism and tolerance, principles reflected in its constitution and state ideology Pancasila, also constitute a key, long-term challenge.

In Indonesia, we continue to make clear at every level the importance the U.S. government places on respect for human rights and democratic principles, through our engagement with government and civil society, people to people ties, and annual public reports, such as the Human Rights Report, International Religious Freedom Report, and Trafficking in Persons Report. We have emphasized our support for human rights in specific bilateral discussions related to past abuses by certain military members and LGBTI rights. If confirmed, I plan to continue this strong advocacy for the promotion of human rights in Indonesia.

*Question.* What steps will you take—if confirmed—to support democracy in Indonesia? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

*Answer.* Indonesia made a remarkably successful transition from authoritarian governance to democracy at the end of the 20th Century, and the Indonesian people, political parties, and government institutions now strongly support democratic principles and mechanisms. Civil society is active and robust. Nevertheless, Indonesia's democracy remains relatively new and continues to evolve. If confirmed, I pledge to continue high-level U.S. government engagement with the Indonesian government and civil society to underscore the importance of democracy and its centrality in our bilateral relationship. These will be central themes in my public engagements as well. When Indonesians seek U.S. advice, engagement, or training in ways to strengthen their democracy and protections for civil liberties, I would use our government resources, including exchange and assistance programs, to offer such opportunities.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

*Answer.* The United States supports democracy and human rights and fundamental freedoms in the Indo-Pacific as part of our Indo-Pacific Transparency Initiative, as well as around the world, as the building blocks of progress and the bulwarks of independence. If confirmed, I will work closely with interagency partners to use U.S. government assistance resources effectively and efficiently to support democracy and governance in Indonesia, including U.S. assistance programs that strengthen key institutions critical for Indonesia's stability and development. Our programs combat corruption, increase civil society's capacity to effectively advocate for individual rights, and strengthen a civic culture of pluralism and tolerance.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in Indonesia? What steps will you

take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

Answer. If confirmed, I look forward to meeting with human rights, civil society, and other non-governmental organizations in the United States and with local human rights and other NGOs in Indonesia. Protecting human rights and fundamental freedoms and advancing democratic values are among our highest priorities under our vision for a free and open Indo-Pacific and, if confirmed, I will be sure those priorities continue to be elevated in our engagement with the Indonesian government. Indonesia currently provides a relatively safe environment for NGO activism, but the legal and regulatory environment continues to evolve, and I would ensure we continue to monitor this closely and engage with legislators and relevant Indonesian government ministries and agencies. The United States is consistently tracking and providing support for democratic progress and efforts to protect human rights in Indonesia, and will respond to new situations or concerns according to U.S. law and policy.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties? What steps will you take to encourage genuine political competition? Will you advocate for access and inclusivity for women, minorities and youth within political parties?

Answer. If confirmed, I look forward to meeting with a wide spectrum of Indonesian political leaders, including those in the opposition, and continuing the U.S. tradition of not supporting any candidate or political party. Indonesia currently has a robustly competitive political environment, with independently-minded political party leaders and frequently evolving coalitions. Indonesia's political parties are mindful of the widespread aspiration for greater women's representation in legislative bodies and the cabinet; ethnic and religious minorities also have meaningful representation and openly advocate for their agendas. Many political parties and mass organizations have youth groups that function effectively as feeder organizations preparing young people for more prominent leadership positions. If confirmed, I will look forward to engaging with the full range of political actors, including youth groups and advocates for diverse political representation; I will support transparency, good governance, and human rights and fundamental freedoms in Indonesia and will continue to work with the Indonesian people and government to this end.

*Question.* Will you and your embassy team actively engage with Indonesia on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory or other measures? Will you commit to meeting regularly with independent, local press in Indonesia?

Answer. Our Embassy maintains good relationships with Indonesian media and media organizations, and regularly engages with contacts in the media sphere, both at the working level and the editorial level. Indonesian independent media continues to grow, and the Embassy encourages their development through participation in media literacy programs, skills building, and by supporting partnerships within Indonesia and the broader Indo-Pacific region. While Indonesia has made great strides on press freedom, some elements within the government, the judiciary, and police use laws against defamation and blasphemy to detain, prosecute, and convict individuals and to restrict freedom of expression, including for members of the press. If confirmed, I will continue our Embassy's engagement with editors and journalists, as well as media outlet owners, and consistently emphasize to all levels of Indonesian society the U.S. support for a free media.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in Indonesia?

Answer. The U.S. Mission has consistently strengthened the capacity of Indonesian journalists to produce credible news reports, combat disinformation, and promote news literacy through exchanges and speaker programs, reporting tours, media co-ops, and partnerships with local and U.S. organizations. The Embassy has also supported the work of Indonesian fact checking organizations and engaged with student audiences and the Indonesian public through programs focused on tools for identifying disinformation and combatting hoax news. If confirmed, I plan to continue this important work.

*Question.* Will you and your embassy teams actively engage with Indonesia on the right of labor groups to organize, including for independent trade unions?

Answer. Indonesian law provides for the rights of workers to join independent unions, conduct legal strikes, and bargain collectively. Indonesian unions and labor

groups do face some restrictions and challenges, but they are active in advocating on behalf of workers. If confirmed, I look forward to ensuring our Mission continues its regular engagement with labor unions and monitors closely the government's respect for union and workers' rights. We will also continue to promote close cooperation between the U.S. Department of Labor and Indonesian authorities.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Indonesia, no matter their sexual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Indonesia? What specifically will you commit to do to help LGBTQ people in Indonesia?

*Answer.* The U.S. Mission in Indonesia is committed to monitoring, reporting, and engaging on Indonesia's treatment of members of minority groups, including religious minorities and LGBTI persons. The embassy and consulates maintain close relationships with contacts and civil society organizations and support their initiatives, including through grants, technical support, and public engagement. As a best practice, the Mission works to support and expand human rights efforts initiated by Indonesians themselves. If confirmed, I will continue to express U.S. support for the human rights and dignity of all people in Indonesia, no matter their sexual orientation or gender identity.

#### *Responsiveness*

*Question.* Do you commit to respond promptly to all requests for information by members of this committee?

*Answer.* If confirmed, I commit to respond promptly to all requests for information by members of this committee, in accordance with U.S. laws and regulations.

*Question.* Do you commit to appear before this committee upon request?

*Answer.* If confirmed, I commit to appear before this committee upon request, in accordance with U.S. laws and regulations.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

*Answer.* If confirmed, I commit to comply with all relevant laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

#### *Administrative*

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

*Answer.* No, I am not aware of any formal or informal complaint or allegation of sexual harassment, discrimination, or inappropriate conduct against me, in a workplace or any other setting.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

*Answer.* I take the issues of sexual harassment, discrimination, and inappropriate conduct with the utmost seriousness and throughout my career, I have immediately addressed any issues raised to me in accordance with the Department of State's policies, including encouraging any employee who feels they have been harassed or discriminated against to report such behavior to any supervisor under my management or the Department's Office of Civil Rights. If confirmed, I will work to ensure that the message of zero tolerance is affirmed from the beginning of my assignment and repeatedly throughout.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

*Answer.* Yes, I agree with that statement. If confirmed, I will work to prevent any attempts to target or retaliate against career employees on the basis of their perceived political beliefs, prior work on policy, or affiliation with a previous adminis-

tration. I take allegations of such practices seriously and will ensure they are referred to the Department's Inspector General.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO HON. SUNG Y. KIM BY SENATOR BENJAMIN L. CARDIN

*Human Rights*

*Question.* What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

*Answer.* Early in my career as a political officer in Malaysia, I reported extensively on the human rights situation there and worked closely with local and international NGOs and the Malaysian government to address problems and strengthen democratic institutions. As a political officer assigned to Japan, I worked closely with the Japanese government to promote good governance and due process in Southeast Asia.

More recently as ambassador to the Republic of Korea and the Philippines, I led the United States government's efforts to strengthen rule of law and protection of fundamental human rights. Our efforts included legal and law enforcement training that focused on transparency and accountability and initiatives to combat human trafficking. I also directly engaged government leaders in both Korea and the Philippines to address shortcomings and ensure protection of institutions and individuals involved in promoting democratic principles and human rights.

I believe my efforts have made a difference in improving overall protection of basic human rights in these countries and helped resolve difficult challenges for organizations and individuals.

*Question.* What are the most pressing human rights issues in Indonesia? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Indonesia? What do you hope to accomplish through these actions?

*Answer.* Indonesia's human rights environment has evolved and in many important ways improved since the end of the authoritarian rule of President Suharto and the emergence of democracy. During the Suharto era, many of the most egregious human rights abuses were directed by the state and perpetrated by its security forces. In the current democratic era, many of the key human rights challenges involve the government's role in safeguarding the constitutional and legal rights of all citizens, including those of vulnerable minorities. Indonesia's efforts to preserve religious pluralism and tolerance, principles reflected in its constitution and state ideology Pancasila, also constitute a key, long-term challenge. In Indonesia, we continue to make clear at every level the importance the U.S. government places on respect for human rights and democratic principles, through our engagement with government and civil society, people to people ties, and annual public reports, such as the Human Rights Report, International Religious Freedom Report, and Trafficking in Persons Report. We have emphasized our support for human rights in specific bilateral discussions related to past abuses by certain military members and LGBTI rights. If confirmed, I planned to continue this strong advocacy for the promotion of human rights in Indonesia.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Indonesia in advancing human rights, civil society and democracy in general?

*Answer.* Civil society has flourished in Indonesia since 1998, contributing to improvements in Indonesia's democratic governance, accountability, and citizen engagement. It is important that government and an independent civil society, including a vibrant media, work together to continue this progress. If confirmed, my focus will be to continue to encourage and foster opportunities to further this progress for all Indonesians, including LGBTI persons.

While acknowledging some improvements in accountability for human rights abuses by Indonesian security services, I will, if confirmed, urge the government to do more to ensure that credible allegations are appropriately investigated, that suspects are prosecuted on charges commensurate with the crimes alleged, and that convicted perpetrators are held accountable with appropriate sentences.

*Question.* Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights



NGOs in Indonesia? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

Answer. If confirmed, I am committed to meeting with human rights, civil society, and other non-governmental organizations in the United States and with local human rights NGOs in Indonesia. I will ensure that, consistent with the letter and spirit of U.S. law and Department policy, assistance to security force units continues to receive diligent and appropriate Leahy and other vetting. I will continue to make clear to Indonesian military counterparts that engagement remains predicated on respect for human rights by Indonesian military units.

*Question.* Will you and your embassy team actively engage with Indonesia to address cases of key political prisoners or persons otherwise unjustly targeted by Indonesia.

Answer. Unjust detentions are contrary to the fundamentals of a just and democratic country. If confirmed, my team and I will actively engage with Indonesia to address cases of key political prisoners or persons otherwise unjustly targeted by Indonesia, should they arise.

*Question.* Will you engage with Indonesia on matters of human rights, civil rights and governance as part of your bilateral mission?

Answer. If confirmed, engagement on these issues will be one of my top priorities.

#### *Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

Answer. I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in Indonesia?

Answer. I do not have any investments apart from my cash accounts and TSP. I am committed to ensuring that my official actions will not give rise to a conflict of interest and will remain vigilant with regard to my ethics obligations.

#### *Diversity*

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

Answer. If confirmed, I will monitor the implementation of a robust Equal Employment Opportunity (EEO) program at post that includes continuous training and sensitization, meet individually with EEO Counselors to gain their perspectives, and ensure that personnel are aware of the Department's discrimination and harassment policies and how to report violations. I will review the mentoring and support programs currently in place, meet with the American and local staffs in the Mission to get their feedback on inclusivity, and work with employee organizations to discuss their support. I will also meet with Mission supervisors and the management team to discuss what I have heard from the employees, determine where improvements are needed and, based on all of the information gathered, implement a plan to correct any weaknesses or gaps. To ensure diversity in our future teams and workforce, I will also emphasize the importance of EEO principles throughout the hiring process.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

Answer. This has always been a priority for me in my leadership positions and Ambassadorial positions. If confirmed, in addition to the steps mentioned above, I will continue to make clear to the entire Embassy leadership team the priority I

place on fostering an environment that is diverse and inclusive, and prioritize those principles within Mission's leadership development programs.

#### *Corruption*

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Indonesia specifically?

*Answer.* Corruption is an impediment to democratic governance and the rule of law in Indonesia and many other areas of the world. The U.S. Mission to Indonesia assists Indonesia in combatting corruption by cooperating with key government of Indonesia institutions that combat corruption, including the Corruption Eradication Commission (KPK), the Indonesian National Police (POLRI) and the Attorney General's Office; promoting an anti-corruption culture; and strengthening the rule of law. Our engagement with the Indonesian government on capacity building to fight corruption has been positive and, if confirmed, I hope to continue to build on this ongoing cooperation.

*Question.* What is your assessment of corruption trends in Indonesia and efforts to address and reduce it by that government?

*Answer.* Indonesia has taken a number of steps to combat corruption, including the creation of the KPK and steps to improve the transparency and oversight of government procurement. The KPK continues to do its good work even in the face of ongoing challenges. The U.S. Mission supports the KPK and other relevant government institutions through training and other capacity-building programs.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Indonesia?

*Answer.* If confirmed, I will work with all levels of the Indonesian government, with organizations such as the OECD, and with civil society to strengthen capacity, improve policy, and enhance citizen participation in monitoring and oversight of anti-corruption activities. I will continue to seek opportunities for USG assistance to strengthen governance practices in Indonesia.

#### *President Joko Widodo*

*Question.* Under the new administration of President Joko Widodo, a number of new pieces of legislation have been introduced, curtailing the power of Indonesia's anti-corruption commission, placing new restrictions on individual rights, and criminalizing extramarital sex.

- Do you see these pieces of legislation as a major concern?

*Answer.* The U.S. Mission has been closely monitoring the status of these pieces of legislation. Senior officers at our U.S. Mission in Indonesia consistently discuss, at the highest levels, issues of concern, as well as areas in which we might work together with the Indonesian government to promote and protect human rights and fundamental freedoms, and strengthen good governance. The Department has also noted the importance and impact of Indonesian public concern and pressure related to recent legislation.

*Question.* Do you have a sense that President Widodo, in his second term, may be willing to pursue political compromises that limit human rights protections in order to achieve other economic development goals?

*Answer.* Economic development goals, including human capital development, are a key priority for President Joko Widodo's second term. President Joko Widodo has publicly committed to pursue economic development to strengthen the capacity of Indonesia as a whole, and he has also consistently expressed support for human rights protections in Indonesia.

*Question.* Do you see recent moves to curtail the operations of Indonesia's anti-corruption commission as a major concern? If so, what can the U.S. do to help protect this institution?

*Answer.* The KPK continues to do its good work even in the face of ongoing challenges. The U.S. Mission supports the KPK, and other anti-corruption bodies, through training and other capacity-building programs and will continue to do so.

#### *Religious Intolerance*

*Question.* Many have argued that Indonesia has seen a rising amount of religious intolerance in recent years.

- What U.S. policy approaches do you believe are effective in helping Indonesia combat such trends and remain a multi-ethnic democratic success story?

Answer. Indonesia's tradition of tolerance and respect for religious diversity are enshrined in the nation's constitution, which guarantees freedom of religion, and reflected in the state ideology Pancasila. Many members of minority religious groups serve in elected and appointed positions at the national, regional and local levels.

One measure of a democracy is how it protects the rights of members of minority groups. Tens of millions of members of minority religions regularly practice their faith in Indonesia without issue. Nevertheless, members of some minority religious communities in Indonesia still face discrimination, and, in some cases, violence, because of their religious beliefs.

The Department joins the great majority of Indonesians in condemning violence and intimidation against members of religious minority groups and urge the government to be proactive in protecting individuals against violence.

The Department also promotes religious freedom at the highest levels, with both government and civil society leaders, and speak out publicly against discrimination and religious violence. Through outreach efforts the embassy and consulates have carried the message of respect for diversity and religious tolerance to millions of people throughout the country.

#### *Environment*

*Question.* This year, Indonesia is again affected by large-scale wildfires causing severe air pollution, major public health damage, and large-scale greenhouse gas emissions. Such wildfires have recurred regularly for more than 20 years.

- How big a priority is this for U.S. policy towards Indonesia?

Answer. This is an important priority. The United States and Indonesia partner directly to address environmental challenges. Our two countries have a wide range of programs to conserve and manage Indonesia's rich natural diversity, including programs related to forest conservation.

*Question.* What measures have been effective in helping Indonesia curtail the excessive logging, both legal and illegal, that causes the fires, and what more might the U.S. do to help Indonesia with this problem?

Answer. The United States continues to support the GOI with programs that focus on prevention, detection, and firefighting capacity in order to reduce the impact of the perennial human-caused fires in Indonesia, which are often set by farmers to clear land and delineate uncertain land rights. Our programs have strengthened Indonesia's ability to implement conservation activities, to support law enforcement, community development and awareness programs, forest restoration, and private sector engagement in concession management. Our natural resources management programs also empowers thousands of farmers, fishermen, and related businesses to pursue more profitable and sustainable livelihoods and strengthen conservation at the grassroots level.

Our programs promote transparent and accountable land use planning and management that directs development away from fire-prone peatlands and forests. For example, in Central Kalimantan, USAID assists the provincial government with ecosystem restoration using techniques that reduce fire potential and enhance livelihood opportunities, and helping local governments to plan, finance, and implement fire prevention through support to local brigades. The U.S. Forest Service (USFS) also supports community fire prevention training, and catalyzes private sector engagement in fire prevention and mitigation.

We also help Indonesia better detect fires before they spread out of control. The USAID Office of Disaster Assistance (OFDA), in partnership with the USFS is supporting improved fire risk and vulnerability mapping to detect fires in a timelier manner through early warning systems. Additionally, through the Embassy Science Fellow program, experts representing NOAA's National Environmental Satellite, Data, and Information Service (NESDIS) will soon bring resources and hands-on training to strengthen Indonesian agencies on using remote sensing analysis to more accurately detect and predict fires using data from America's advanced public satellite arrays.

And finally, we help Indonesia respond to fires. Both USAID and the USFS have additionally trained Indonesian disaster management officials to integrate the Incident Command System (ICS) into its disaster management system and strengthen the capacity of emergency operations centers—two critical components of effective fire response.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE  
RECORD SUBMITTED TO SUNG Y. KIM BY SENATOR EDWARD J. MARKEY

*Indonesia Criminal Code's Application to U.S. Citizens*

*Question.* Should the new criminal code in Indonesia become law, this would mean any U.S. citizen present in the country, who is part of the LGBTI community or receives an abortion, could be penalized or incarcerated. Some of these changes could impact the rights of expatriate U.S. citizens and U.S. companies operating in Indonesia.

- What is your plan to raise human rights concerns about proposed legal reforms with Indonesian government officials, including members of parliament?

*Answer.* The U.S. Mission has been closely monitoring the status of this legislation; a proposed amendment of the criminal code which would have had significant impact on expatriates and Indonesians alike, including through criminalization of sexual activity outside of marriage, was pending in the legislature but did not pass by the end of the 2014-2019 session. This bill would need to be reintroduced, with hearings beginning anew, if the new session of parliament will aim to amend the criminal code. Senior officers at our U.S. Mission in Indonesia consistently discuss issues of concern at the highest levels, as well as areas in which we might work together with the Indonesian government to promote and protect human rights and fundamental freedoms, and strengthen good governance. We also have noted the importance and impact of Indonesian public concern and pressure related to recent legislation.

If confirmed, I will engage early on and consistently throughout my time in Indonesia to continue to emphasize U.S. concerns about any possible legislation that could restrict the rights of U.S. citizens residing in or visiting Indonesia, with harmful effects also on the climate for international business and a chilling effect on tourism.

*Question.* How will you urge and organize U.S. companies and investors operating in Indonesia to raise these concerns, and harness their combined market power to positively influence the government?

*Answer.* If confirmed, I will continue the U.S. government's strong advocacy for the promotion of human rights in Indonesia. I will make clear at every level the importance the U.S. government places on respect for human rights and democratic principles, including through engagement with U.S. private sector partners operating in Indonesia. I believe U.S. companies are good corporate citizens and, while operating overseas, they model the positive principles and values of the United States.

*Indonesia and Climate Change Activists*

*Question.* With continued deforestation and illegal land acquisitions in Indonesia there may be increased crackdowns on those seeking to defend the environment. Indonesia's parliament revised its counterterrorism law last year, opening the door for prosecution and lengthy detention of peaceful political activists.

- What can you do to support those who seek to raise awareness of environmental damage?

*Answer.* Civil society has flourished in Indonesia since 1998, contributing to improvements in Indonesia's democratic governance, accountability, and citizen engagement. It is important that government and an independent civil society, including a vibrant media, work together to continue this progress. If confirmed, my focus will be to continue to encourage and foster opportunities to further this progress.

*Question.* How can the United States best prevent murder, arrest, and intimidation of climate change activists in Indonesia?

*Answer.* Indonesia—we continue to make clear at every level the importance the United States government places on respect for human rights and democracy, through our engagement with government and civil society, people to people ties, and annual public reports, such as the Human Rights Report, International Religious Freedom Report, and Trafficking in Persons Report. We have emphasized our support for human rights in specific bilateral discussions related to reported violations and abuses by certain military members. If confirmed, I will continue this strong advocacy for the promotion of human rights in Indonesia, including respecting the rights of environmental activists.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
 SUBMITTED TO MORSE TAN BY SENATOR ROBERT MENEDEZ

*General Democracy Questions*

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

*Answer.* I have devoted the bulk of my career to promoting human rights especially, but also democracy. I have done so through my writing, media engagements, teaching and public speaking. For example, I have produced more law review articles regarding North Korean human rights and the absence of democracy (among other subjects) than any other scholar. I wrote a lengthy book on “North Korea, International Law and the Dual Crises: Narrative and Constructive Engagement” (Routledge). I also have written law review articles on the Inter-American Court of Human Rights. These works have been seminal and trailblazing in the field according to independent reviewers. The impact was expanded via media engagements, teaching and other public speaking events to raise awareness and advocate for human rights.

*Question.* What issues are the most pressing challenges to democracy or democratic development today across the globe? Please be as specific as possible.

*Answer.* Autocratic dictatorships are antithetical to democracy and democratic development. For example, the former Maduro regime has systematically dismantled democratic institutions and brutally repressed democratic actors, including civil society in Venezuela.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs when you travel abroad?

*Answer.* Yes, if confirmed, I intend and plan to do so.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people, no matter their sexual orientation or gender identity? In your position, what specifically will you commit to do to help LGBTQ persons globally?

*Answer.* Yes, if confirmed, I am committed to protecting and defending the human rights and dignity of all persons, including marginalized or persecuted populations, regardless of labels.

*G/CJ-Reorganization:* Reports surfaced last year that G/CJ might be eliminated as part of a proposed State Department reorganization. I strongly oppose the elimination of this key office.

*Question.* In your opinion, what has been the role and effectiveness of this office in promoting accountability for perpetrators of atrocities, including genocide, crimes against humanity, and war crimes?

*Answer.* The Office of Global Criminal Justice (J/GCJ) leads U.S. policy formulation on redressing atrocities—including genocide, war crimes, and crimes against humanity—and is the U.S. government’s primary liaison with criminal tribunals and non-judicial transitional justice mechanisms. My understanding is that J/GCJ—despite its small size—has provided senior policymakers with expert advice and is active in promoting accountability for atrocities as a core component of U.S. policy in any country or region.

*Question.* How can the office improve its effectiveness?

*Answer.* If confirmed, I will review J/GCJ’s activities and take steps towards bolstering its effectiveness.

*International Criminal Court*

*Question.* What do you believe is the future of the U.S.-ICC relationship in meeting the mutual goals of holding perpetrators of atrocity crimes accountable for their actions?

*Answer.* If confirmed, I will review the activities and mandate of the Office of Global Criminal Justice (J/GCJ) and take steps to extend its effectiveness. Regarding the U.S. relationship with the International Criminal Court, I understand that current U.S. policy is not to cooperate with or provide assistance to the ICC, given the ICC’s attempts to assert jurisdiction over U.S. personnel. Rather, the United States supports accountability and justice for victims of atrocities, including through legitimate prosecutions by international, hybrid, mixed, and national tribunals.

*Burma*

*Question.* In August 2017, the Burmese military forces increased their attacks against the Rohingya in Rakhine State in a coordinated and widespread campaign of indiscriminate killing, rape, and razing of villages. Following a series of investigations, including by the United Nations Fact Finding Mission and the State Department's contracting with PILPG, there have been credible reports documenting the egregious human rights violations that have occurred in Rakhine State. Do you believe that these crimes amount to crimes against humanity or genocide?

*Answer.* I am appalled by the ethnic cleansing of and other acts of violence against Rohingya in northern Rakhine State. Atrocities including massacres, gang rape, as well as village and mosque burnings shock the conscience, and I am committed to promoting accountability for those responsible. I understand that the process for deciding whether and when to make a determination that certain acts may amount to crimes against humanity, or genocide, has historically been reserved within the Executive Branch to the Secretary of State. If confirmed, I will consult with experts within the Department and examine the information at my disposal to provide the Secretary with my best advice.

*Question.* In August 2017, the Burmese military forces increased their attacks against the Rohingya in Rakhine State in a coordinated and widespread campaign of indiscriminate killing, rape, and razing of villages. Following a series of investigations, including by the United Nations Fact Finding Mission and the State Department's contracting with PILPG, there have been credible reports documenting the egregious human rights violations that have occurred in Rakhine State. What position and specific actions will you take to ensure accountability?

*Answer.* If confirmed, I would want to promote accountability for those responsible for these atrocities, address victims' desire for justice, and seek to deter further atrocities, including by supporting the collection, preservation, and analysis of evidence by credible bodies including the U.N. Independent Investigative Mechanism for Myanmar, consult with victims and civil society, and use the available diplomatic tools to promote an improvement in behavior by Burmese security forces. Additionally, I would want to work with likeminded countries and international organizations to seek justice for victims and accountability for members of the Burmese security forces and others responsible for atrocities and abuses.

*Question.* How do you see the decision to revoke the visas of ICC officials affecting the ability of your office to continue any beneficial relationship with the ICC?

*Answer.* I understand the administration's policy toward the ICC remains unchanged at this time, including the restriction on issuance of U.S. visas for ICC officials who are determined to be directly responsible for any effort to conduct a formal investigation of U.S. or allied personnel, without consent of the United States or the affected ally. If confirmed, I would consult with State Department colleagues and, as appropriate, interagency colleagues to determine the best approach to take as the situation unfolds.

*Responsiveness*

*Question.* Do you commit to respond promptly to all requests for information by members of this committee?

*Answer.* Yes, I would intend and plan to do so appropriately within the framework of the priorities and purposes of this office and the law.

*Question.* Do you commit to appear before this committee upon request?

*Answer.* Yes, I would intend and plan to do so appropriately within the framework of the priorities and purposes of this office and the law.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

*Answer.* I commit to raise concerns that I may have through appropriate channels.

*Administrative*

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

*Answer.* No, never.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority?

*Answer.* No. I commit to address any such concerns or allegations that may become known to me through appropriate channels.

*Question.* If so, please describe the outcome and actions taken.

*Answer.* Not applicable.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government?

*Answer.* Yes.

*Question.* If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

*Answer.* I commit to comply with all relevant laws, regulations, and rules, and to raise concerns that I may have through appropriate channels. Furthermore, I would seek to foster a positive workplace that rallies together around the noble purposes of the office. I am an affirming and encouraging person who wants to inspire and motivate the Office of Global Criminal Justice to fulfill its mission promoting justice and accountability.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MORSE TAN BY SENATOR BENJAMIN L. CARDIN

*Human Rights*

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

*Answer.* I have devoted the bulk of my career to promoting human rights especially, but also democracy. I have done so through my writing, media engagements, teaching and public speaking. For example, I have produced more law review articles regarding North Korean human rights and the absence of democracy (among other subjects) than any other scholar. I wrote a lengthy book on “North Korea, International Law and the Dual Crises: Narrative and Constructive Engagement” (Routledge). I also have written law review articles on the Inter-American Court of Human Rights. These works have been seminal and trail-blazing in the field, according to independent reviewers. The impact was expanded via media engagements, teaching and other public speaking events to raise awareness and advocate for human rights.

*Diversity*

*Question.* What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Bureau for Global Criminal Justice?

*Answer.* As an immigrant member of a small minority myself whose family has overcome many challenges, and as one who relishes opportunities to provide mentoring, if confirmed, I will ensure professional development opportunities for all GCJ staff. I am an encouraging and affirming person who is deeply empathetic. My mentoring and support of my research assistants has helped launch them into opportunities in the State Department, Georgetown University, the City of Chicago, Chase Bank, and prestigious fellowships, among others. If confirmed, I would look forward to giving GCJ personnel opportunities to travel and forge relationships to advance the work of the Department and become more effective and productive. I want to build a strong culture of collegiality and mission-focus to reinforce the already existing culture of excellence that pervades the office.

*Question.* What steps will you take to ensure each of the supervisors in the Bureau for Global Criminal Justice are fostering an environment that is diverse and inclusive?

*Answer.* I have tried hard to be an inclusive person my entire career. In my classes, I emphasize civility, respect, and decency, even in the midst of difficult discussions. If confirmed, I would treat every team member in GCJ with dignity, as

irreducibly valuable human beings and colleagues. I would expect everyone in the office, including employees with supervisory responsibilities, to do the same. I would want all of these things to mark the environment in GCJ. Perhaps these are among the reasons why I have had various people volunteer to work with and for me, and to enthusiastically go the extra mile to support me, as I have sought to do for them.

#### *Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the Inspector General of the State Department) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in any country abroad?

*Answer.* My parents and sister own property in South Korea. My investment portfolio includes diversified mutual funds, which may hold interests in companies with a presence overseas, but which are exempt from the conflict of interest laws. My investment portfolio also includes sector funds, which may hold interests in companies with a presence overseas. Finally, my investment portfolio does include financial interests in companies with a presence overseas. I am committed to ensuring that my official actions will not give rise to a conflict of interest. I will divest any investments the State Department Ethics Office deems necessary to avoid a conflict of interest. I intend to remain compliant with my ethics obligations.

#### *Syria*

*Question.* Do you believe an international criminal tribunal should take jurisdiction over alleged war crimes and other atrocities in Syria?

*Answer.* We should not wait for an international criminal tribunal to assert jurisdiction over alleged war crimes and other atrocities in Syria, but support the ongoing work of existing entities such as the U.N. International, Impartial, Independent, Mechanism, and Syrian documentation groups, which are gathering evidence of regime atrocities, and national jurisdictions that are already pursuing accountability efforts.

*Question.* What, in your opinion, is the likelihood that those who have perpetrated atrocities in Syria will be held accountable by the Syrian justice system?

*Answer.* It is highly unlikely that the current Syrian justice system will hold to account those who have perpetrated atrocities in Syria. It has not done so in eight years of conflict and hundreds of thousands of people dying at the hands of the Syrian regime. For that reason, it is important for the United States to support the work of the U.N. International, Impartial, Independent Mechanism (IIIM) and Syrian documentation groups gathering evidence of regime atrocities, and the work of national jurisdictions to hold the regime accountable.

#### *War Crimes*

*Question.* What is your opinion of the criminal prosecution of war crimes in European domestic courts? Should the United States undertake similar prosecutions under concepts of universal jurisdiction? Do you believe the United States should support efforts of European domestic courts to carry out these prosecutions?

*Answer.* I support the repatriation of foreign terrorist fighters to their home nations for prosecution, as has occurred in a number of European nations. I understand the United States has led by example, repatriating at least six foreign terrorist fighters and charging them with crimes in our domestic criminal justice system. I also believe the work of international mechanisms like the International, Impartial, and Independent Mechanism for Syria and the U.N. Investigative Team for Accountability of Da'esh are critical to gathering the necessary evidence to enable domestic courts to hold perpetrators accountable, and I concur with the United States' ongoing support of these valuable mechanisms.



### Cameroon

*Question.* Civil unrest that began as protests in the English speaking region of Cameroon has escalated into fighting between government forces and separatist groups. Separatists taken prisoner by the Cameroonian government have reportedly been imprisoned under inhumane and degrading conditions, and have been subjected to torture. In 2017, the U.N. Committee Against Torture demanded that the government of Cameroon institute investigations and ensure accountability for those who have perpetrated these crimes, but Cameroon has reportedly done little to hold anyone responsible. What should the United States be doing to ensure accountability for alleged war crimes and other violations of international human rights law committed by government personnel in Cameroon?

*Answer.* I share your concerns about the situation in Cameroon. If confirmed, I would support the U.S. government's efforts to promote a peaceful resolution in Cameroon, including providing technical support to our Embassy by drawing on GCJ's areas of expertise, such as transitional justice and accountability. I support the Department's efforts to strengthen civil society's capacity to organize, reconcile internal divides, and formulate clear grievances and objectives on behalf of impacted populations. I would intend to work with others in the Department to urge the government to end the violence and hold those responsible accountable.

*Question.* What steps should the international community as a whole be taking to prevent further occurrence of atrocity crimes and violations of human rights in Cameroon?

*Answer.* The U.S. government and partners are working to create space for inclusive, credible dialogue without pre-conditions, which are necessary factors for the dialogue to proceed. If confirmed, I would want to work with our international partners to raise concerns both with the government and with those in the Anglophone Cameroonian opposition. I would also seek to work with Department and inter-agency colleagues to engage with the government and the separatists to end violence and engage in pertinent dialogue without pre-conditions, based so far on current knowledge.

*Question.* What is your assessment of the Cameroonian government's actions toward the English-speaking minority in Cameroon? In your opinion, is there a danger of an escalation of atrocity crimes against the English-speaking minority?

*Answer.* The situation in Cameroon remains of concern and if confirmed, I would want to work with key stakeholders to try to rectify it. We are concerned that the recent national dialogue lacked inclusivity and if it is to eventually succeed, it will have to take into account the concerns of all those affected by the crisis in the Anglophone northwest and southwest regions of Cameroon. If confirmed, I would want to join the Department's efforts to promote peaceful resolution, monitor all atrocity risk, and engage the government and the armed separatists to end violence and address grievances.

### Rohingya

*Question.* The Burmese government has engaged in a systematic campaign of repression and displacement of the country's Rohingya population. The U.N. Independent International Fact-Finding Mission on Myanmar (UNFFM) in 2018 found that the Burmese military should be investigated for genocide, crimes against humanity, and war crimes. What do you believe must be done to hold those accountable for atrocity crimes against the Rohingya?

*Answer.* If confirmed, I will prioritize promoting accountability for those responsible for these atrocities, addressing victims' desire for justice, and seeking to deter further atrocities, including by supporting the collection, preservation, and analysis of evidence by groups like the U.N.'s Independent Investigative Mechanism for Myanmar, consulting with victims and civil society, and using the available diplomatic tools to promote behavior change by Burmese security forces. I would want to work with likeminded countries and international organizations to seek justice for victims and accountability for members of the Burmese security forces and others responsible for atrocities and other human rights violations and abuses.

*Question.* The Burmese government has engaged in a systematic campaign of repression and displacement of the country's Rohingya population. The U.N. Independent International Fact-Finding Mission on Myanmar (UNFFM) in 2018 found that the Burmese military should be investigated for genocide, crimes against humanity, and war crimes. Has the international community's response been sufficient or effective in ending Burmese military atrocities?

**Answer.** The United States has worked with likeminded countries and international organizations to promote justice for victims and promote accountability for members of the Burmese security forces and others responsible for atrocities. The United States supported the U.N. Fact Finding Mission and supports the ongoing Independent Investigative Mechanism for Myanmar, tasked with building a legal foundation for future accountability. Continued support for the mandates of the U.N. Special Rapporteur for Human Rights in Myanmar and the Secretary-General's Special Envoy for Myanmar is also important. If confirmed, I would want to support these efforts and the use of available diplomatic tools that promote justice, accountability and non-recurrence of atrocities.

**Question.** The Burmese government has engaged in a systematic campaign of repression and displacement of the country's Rohingya population. The U.N. Independent International Fact-Finding Mission on Myanmar (UNFFM) in 2018 found that the Burmese military should be investigated for genocide, crimes against humanity, and war crimes. Do you believe the U.N. Security Council should refer the situation in Burma to the International Criminal Court for investigation?

**Answer.** I support the United States' efforts to work with allies and partners to explore a broad range of options that will promote justice and accountability for those responsible for these atrocities, to address victims' desire for justice, and to deter further atrocities. If confirmed, I would support the collection, preservation, and analysis of evidence by groups like the U.N.'s Independent Investigative Mechanism for Myanmar, would want to continue to consult with victims and civil society, and seek to use available diplomatic and other tools to promote fundamental behavioral change on the part of Burmese security forces.

**Question.** The Burmese government has engaged in a systematic campaign of repression and displacement of the country's Rohingya population. The U.N. Independent International Fact-Finding Mission on Myanmar (UNFFM) in 2018 found that the Burmese military should be investigated for genocide, crimes against humanity, and war crimes. Has U.S. policy been effective in ensuring eventual accountability for Burmese military leaders? What about U.S. policy could be improved?

**Answer.** The State Department conducted an in depth investigation documenting abuses against Rohingya and released a report in September 2018. I know that the U.S. has supported multilateral and unilateral processes that promote justice and accountability, including the U.N. Fact Finding Mission for Myanmar, the Independent Investigative Mechanism for Myanmar, the issuance of Global Magnitsky sanctions, and the Section 7031(c) designations for senior Burmese military officers responsible for these atrocities. If confirmed, I will work with the administration, and in consultation with victims and members of Burmese civil society, to continue our efforts to use available diplomatic tools to achieve these goals.

**Question.** In 2018, the Prosecutor of the International Criminal Court (ICC) sought to investigate the forced deportation of Rohingya from Burma into Bangladesh, which the Prosecutor argues constitutes a crime against humanity. The ICC Pre-Trial Chamber found that because forced deportation of Rohingya occurred partially on the territory of Bangladesh (a state party to the Rome Statute, the convention that created the ICC), the Court may exercise jurisdiction over the alleged crimes. Burma is not party to the Rome Statute. In your opinion, was the decision of the ICC to exercise jurisdiction over the situation of the Rohingya in Bangladesh proper?

**Answer.** Like you, I am appalled by the horrific atrocities committed against Rohingya, and believe there must be meaningful justice for victims and accountability for the perpetrators, including through prosecutions by a legitimate and credible criminal justice mechanism. If confirmed, I will work with the administration and members of Congress to explore how U.S. leadership and policy can appropriately achieve these goals.

**Question.** Do you believe recourse to the ICC is the best avenue toward ensuring accountability for atrocity crimes committed by Burmese officials?

**Answer.** Like you, I am appalled by the Burmese military's human rights abuses. I know that the U.S. has supported multilateral and unilateral processes that promote justice and accountability, including the U.N. Fact Finding Mission for Myanmar, the Independent Investigative Mechanism for Myanmar, the issuance of Global Magnitsky sanctions, and the Section 7031(c) designations for senior Burmese military officers responsible for these atrocities. If confirmed, I would work with the administration, and in consultation with victims and members of Burmese

civil society, to continue our efforts to use available diplomatic tools to achieve these goals.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO MORSE TAN BY SENATOR EDWARD J. MARKEY

*Burma*

*Question.* In August 2017, the Burmese military forces increased their attacks against the Rohingya in Rakhine State in a coordinated and widespread campaign of indiscriminate killing, rape, and razing of villages. Following a series of investigations, including by the United Nations Fact Finding Mission and the State Department's contracting with PILPG, there have been credible reports documenting the egregious human rights violations that have occurred in Rakhine State. Do you believe that these crimes amount to crimes against humanity or genocide? What position and specific actions will you take to ensure accountability?

*Answer.* I am appalled by the ethnic cleansing of and other acts of violence against Rohingya in northern Rakhine State. Credible reports of massacres, gang rape, and village and mosque burnings shock the conscience, and I am committed to promoting accountability for those responsible. I understand that the process for deciding whether and when to make a determination that certain acts may amount to crimes against humanity, or genocide, has historically been reserved within the Executive Branch to the Secretary of State. If confirmed, I will consult with experts within the Department and examine all the information to provide the Secretary with my best advice. I have read the entirety of "The Rohingyas" (Hurst), by Azeem Ibrahim, the only academic work dedicated to the subject, among an array of materials I have already reviewed on this serious matter.

*Question.* In August 2017, the Burmese military forces increased their attacks against the Rohingya in Rakhine State in a coordinated and widespread campaign of indiscriminate killing, rape, and razing of villages. Following a series of investigations, including by the United Nations Fact Finding Mission and the State Department's contracting with PILPG, there have been credible reports documenting the egregious human rights violations that have occurred in Rakhine State. Do you think there are negative consequences from having the Secretary of State withhold a determination on whether these attacks amount to crimes against humanity or genocide?

*Answer.* I share your deep concern about the horrific attacks against Rohingya and the humanitarian crisis that has followed. I understand that the process for deciding whether and when to make a determination that certain acts may amount to crimes against humanity, or genocide, has historically been reserved within the Executive Branch to the Secretary of State. I would emphasize that there is no hierarchy of atrocities; they are all abhorrent and shocking. If confirmed, I would want to promote accountability for those responsible, address victims' needs and desires for justice, and try to deter further atrocities. The actions taken against atrocities are more important than the precise label.

*International Criminal Court*

*Question.* In August 2017, the Burmese military forces increased their attacks against the Rohingya in Rakhine State in a coordinated and widespread campaign of indiscriminate killing, rape, and razing of villages. Following a series of investigations, including by the United Nations Fact Finding Mission and the State Department's contracting with PILPG, there have been credible reports documenting the egregious human rights violations that have occurred in Rakhine State. What do you believe is the future of the U.S.-ICC relationship in meeting the mutual goals of holding perpetrators of atrocities accountable for their actions?

*Answer.* If confirmed, I will review the activities and mandate of the Office of Global Criminal Justice (J/GCJ) and take steps to maximize its effectiveness. Regarding the U.S. relationship with the International Criminal Court, I understand that current U.S. policy is not to cooperate with or provide assistance to the ICC, given the ICC's attempts to assert jurisdiction over U.S. personnel. Rather, the United States supports meaningful accountability and justice for victims of atrocities, including through legitimate and effective prosecutions by international, hybrid, mixed, and national tribunals.

*Question.* In August 2017, the Burmese military forces increased their attacks against the Rohingya in Rakhine State in a coordinated and widespread campaign

of indiscriminate killing, rape, and razing of villages. Following a series of investigations, including by the United Nations Fact Finding Mission and the State Department's contracting with PILPG, there have been credible reports documenting the egregious human rights violations that have occurred in Rakhine State. How do you see the decision to revoke the visas of ICC officials affecting the ability of your office to continue any beneficial relationship with the ICC?

Answer. I understand the administration's policy toward the ICC remains unchanged at this time, including the restriction on issuance of U.S. visas for ICC officials who are determined to be directly responsible for any effort to conduct a formal investigation of U.S. or allied personnel, without consent of the United States of the affected ally. If confirmed, I would consult with State Department colleagues and, as appropriate, interagency colleagues to determine the best approach to take as the situation unfolds, including the appeal inside the ICC.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO KELLEY ECKELS CURRIE BY SENATOR ROBERT MENENDEZ

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights?

Answer. I have spent my entire career working to promote human rights and democracy. During nearly five years as the Republican staff director for the Congressional Human Rights Caucus and as foreign operations appropriations associate for Congressman John Porter, I worked to curtail military assistance to countries over human rights abuses by their security forces; tighten restrictions on Burma; and expand financial support to democracy and human rights promotion efforts, including securing the first appropriation for Radio Free Asia. I also helped to develop an 'adopt a political prisoner' program that paired Members of Congress with Chinese and Tibetan political prisoners, and encouraged the Members to advocate for improved treatment and release of their 'adopted' prisoner. I vividly remember the day that I met Jigme Sangpo, the long-serving Tibetan political prisoner our office had adopted, after he was released and exiled to Switzerland on medical parole. It was one of the highlights of my life to see him free.

After leaving Capitol Hill to work for the International Republican Institute (IRI), I was fortunate to work on IRI's programs in Southeast Asia, including: helping to set up IRI's operations in Indonesia during its democratic transition and in Timor Leste during the establishment of its independence; managing IRI's support to the Burmese democracy movement at a critical juncture, when the military junta was engaged in one of its most severe crackdowns; and setting up a new program in Laos. In 2000, I helped a group of former Burmese political prisoners to launch an organization to provide humanitarian support to, and conduct documentation and advocacy on behalf of, Burma's thousands of political prisoners. Today, the Assistance Association for Political Prisoners (AAPP) remains one of the most important civil society organizations in the country and a key player in promoting legal and political reform as part of Burma's transition.

While working as the Director of government Relations for the International Campaign for Tibet, I carried out documentation, advocacy and legislative initiatives on human rights and refugee issues related to Tibet. I also supported Special Envoy Lodi Gyari while he was engaged in the negotiations with the Chinese government; secured critical funding for Tibetan refugee and cultural preservation programs; and managed several successful Washington DC visits by His Holiness the Dalai Lama. This experience was invaluable when I joined the Office of the Special Coordinator for Tibetan Issues under Ambassador Paula Dobriansky, and worked to institutionalize the Tibetan Policy Act in U.S. policy and implement U.S. efforts to preserve Tibetan culture inside Tibet.

While serving as a Senior Fellow at Project 2049 Institute, I conducted research and programming on human rights and political reform in the Asia-Pacific. I founded the Institute's Burma program, which included managing a multi-year grant from the Department of State's Bureau of Democracy, Human Rights and Labor. In addition to two large awards to key Burmese civil society groups, the program included a small grants program that identified and supported small Burmese organizations and catalytic individuals who were helping to push forward human rights and democracy in that country. My work with them was among the most consequential and personally fulfilling I have done.

Since rejoining the executive branch in August 2017, both my posting at the U.S. Mission to the United Nations and my current job managing the office of Global

Criminal Justice have featured a strong human rights orientation. In New York, I oversaw the passage of a new resolution on Freedom of Expression during the 2018-2019 General Assembly session, and fought to push back on Chinese efforts to undermine the normative human rights framework in the U.N. I also led the Mission's efforts to strengthen the role of U.N. Headquarters in New York in the U.N.'s human rights pillar as part of the Mission's Human Rights Council reform initiative. Since returning to Washington earlier this year, I have been deeply involved in the administration's advocacy on behalf of Uighurs and other Muslim minorities who are facing severe repression in Xinjiang, and accountability efforts regarding Burma, Syria, ISIS, Sudan and South Sudan.

*Question.* What has been the impact of your actions?

*Answer.* As previously noted, I have been involved in a number of legislative and policy initiatives that set the stage for the United States to lead on human rights. Nonetheless, after more than two decades of work in the field of human rights and democracy promotion, I have come to believe that the most effective way to advance human rights is to strengthen local capabilities to defend, promote and protect human rights. In that regard, my work to support training and funding for local civil society and political activists at both IRI and Project 2049 has probably had the most impact. By supporting local actors who advocate for accountability for abusers, justice for victims and changes to repressive laws and practices, we helping them to create the changes that their own societies need to move forward. I am especially proud of the work that I did to support Burmese civil society over the past twenty years, especially the efforts to promote women's political participation and leadership. When I was a program officer at the International Republican Institute in the late 1990's, I added a Women in Politics element to the Institute's Burma program. Today, some of the same women I worked with two decades ago as they were trying to organize and build capacity are among the most prominent and effective leaders in Burmese civil society and politics.

*Question.* What issues are the most pressing challenges to democracy or democratic development today across the globe. Please be as specific as possible.

*Answer.* I believe that the greatest threat to democracy and human rights today is the People's Republic of China's effort to undermine the fundamental pillars of the international human rights architecture and create a moral equivalence between its system of authoritarian state-led capitalism and our system, which is based on the concept that human rights attach at the individual level and are inherent to all human beings. If confirmed, I will continue to oppose China's efforts to undermine internationally accepted human rights standards and norms. I will stand for the freedoms of belief, association and expression, the right to fair trial guarantees, and government that is accountable to the people and operates subject to the consent of the governed. If confirmed, I will coordinate with offices and bureaus to elevate the issue and amplify the work being done across the USG and implementing partners to support women's political participation and democratic development across the globe.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs when you travel abroad?

*Answer.* Yes, absolutely. Civil society plays a vital role in the protection and promotion of human rights, and I have always made meeting with, supporting and listening to these organizations a priority.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people, no matter their sexual orientation or gender identity? In your position, what specifically will you commit to do to help LGBTQ persons globally?

*Answer.* Yes. Respect for the inherent dignity rights, freedoms of others is not only at the core of our nation, but also the foundation of an effective foreign and national security policy. If confirmed, I look forward to working with our colleagues and counterparts across the U.S. government and around the world to advance and protect the rights of all women and girls.

*Question.* The majority of refugees resettled through the USRAP program are vulnerable women and children. What do you see as the U.S. role in refugee resettlement?

*Answer.* Breakdowns in the rule of law and forced displacement from conflict and disaster expose refugees and internally displaced persons, particularly women and girls, to additional risks of violence and exploitation. As the U.S. Strategy on

Women, Peace, and Security states, women cannot fully participate in the prevention or resolution of conflict or participate in recovery efforts if they themselves are victims of violence or intimidation, and pervasive violence against women and girls undermines the recovery of entire communities and countries affected by violence or disaster. International humanitarian actors must design efforts to address the distinct needs of women and girls, including women's economic security, safety and dignity.

*Question.* In past years, the United States has sought to ensure that at least 50% of all refugees referred by UNHCR were considered for U.S. resettlement. Today, the Trump administration has gutted the U.S. refugee resettlement program and reduced the refugee ceiling for FY 20 to the historic low of 18,000 people. Do you think the United States should be a leading country for the resettlement of refugees, the majority whom are vulnerable women and children? Or, do you support the President's abdication of U.S. leadership in this area?

*Answer.* If confirmed, I am committed to coordinating efforts across the Department to address the underlying issues that expose refugees and internally displaced persons, particularly women and girls, to additional risks of violence and exploitation. As the U.S. Strategy on Women, Peace, and Security states, women cannot fully participate in the prevention or resolution of conflict or participate in recovery efforts if they themselves are victims of violence or intimidation, and pervasive violence against women and girls undermines the recovery of entire communities and countries affected by violence or disaster. International humanitarian actors must design efforts to address the distinct needs of women and girls, including women's economic security, safety and dignity.

*Question.* Many asylum seekers fleeing Central American are women and girls fleeing well-documented, and widespread sexual violence and extortion by gangs and drug cartels in Honduras, Guatemala, and El Salvador.

- Do you agree with President Trump's decision to practically-speaking shut the door on these women and children seeking U.S. asylum at our southern border?

*Answer.* If confirmed, I commit to working within the Department to address root causes of burgeoning immigration as they relate to women and girls—such as sexual violence and lack of economic opportunity for women—and work with others in the USG to address the broad security, governance, and economic drivers of immigration from Central America.

*Question.* According to remarks by Secretary Pompeo, he established a State Department Commission on Unalienable Rights to “make sure that we have a solid definition of human rights upon which to tell all our diplomats around the world.”

- Do you believe that women's human rights, including the right to be free from domestic violence and to access reproductive healthcare, are a part of a “solid definition of human rights?”

*Answer.* Secretary Pompeo has asked members of the Department of State's Commission on Unalienable Rights to assess rights that are by their nature intrinsic and inherent, i.e. enjoyed by everyone, at all times. Unalienable rights are the ultimate “universal” rights. The United States was founded on the principle that all human beings are born free and equal in rights, and therefore in dignity. This is the aspiration that is embodied in our Declaration of Independence, and reflected in the Universal Declaration of Human Rights. Since our founding, and to this day, we as a nation have struggled—often at great costs—to move towards the fulfillment of this aspiration, including for women. I am proud that today the United States plays a leading role in supporting the rights of women and girls around the world, working to strengthen democratic, transparent, representative, and responsive governance that includes the voices of women and marginalized communities. If confirmed, I will be honored to uphold this leadership and fully support this U.S. commitment.

*Question.* During the past year, there have been reports that U.S. officials have sought to remove language on sexual and reproductive health from U.N. documents addressing women's issues and the State Department's annual human rights reports. Most recently, administration officials reportedly requested that such language be removed from a draft U.N. Security Council Resolution on women, peace, and security that addressed sexual violence in conflict.

- To your knowledge, what are the administration's concerns about such language and do you share them?

*Answer.* The United States was responsible for the first-ever resolution in the Security Council on sexual violence in armed conflict, and has consistently fought to ensure that this issue remains on the Council's agenda—including over the objec-

tions of certain Council members. My understanding is that another delegation proposed a draft resolution that contained a number of problematic proposals, some of which were contrary to the hard-fought consensus that successive U.S. administrations had carefully built and preserved within the Council over a period of many years. After difficult negotiations, including the introduction of a poison pill text that would have set this agenda back more than a decade, Council members were able to achieve consensus on a resolution text that maintained the status quo and allowed for some additional scope for the work of the Special Representative of the Secretary General on Sexual Violence in Conflict. The administration remains a strong supporter of the SRSG's work, and I have personally met with her several times to discuss issues of shared concern. If confirmed, I pledge to continue to support her efforts to prevent conflict-related sexual violence and assist the victims of these heinous crimes.

*Question.* I have serious concerns around U.S. policies restricting access to sexual and reproductive health and rights globally, including during your tenure at USUN. On top of State Department policies such as the use of a false justification to defund UNFPA and the massive expansion of the Global Gag Rule, U.S. negotiators at the U.N. have been taking an unprecedented hardline position against sexual and reproductive health and rights, including long-standing agreed language on sexual and reproductive health access for communities worldwide.

*Question.* Given that access to sexual and reproductive health services, as well as the full protection of sexual and reproductive rights, is an essential component to any meaningful progress on women's economic empowerment, how will you work to ensure that the U.S. is not erecting additional barriers on sexual and reproductive health and rights globally?

*Answer.* The United States remains the largest provider of women's health assistance, including for family planning, in the world. It is the policy of this administration, consistent with the laws of the United States, that U.S. taxpayer dollars should not be used to promote or provide abortion as a method of family planning. The administration supports the 1994 ICPD Program of Action and the 1995 Beijing consensus, neither of which includes an international right to abortion. In supporting the highest attainable standard of health for women and girls, the administration will seek to ensure that programs and activities that receive U.S. taxpayer funding are carried out in a manner consistent with U.S. law. Recognizing that different countries have different approaches to these sensitive issues, if confirmed, I will seek to find consensus with a wide group of Member States on terminology that captures our common commitment to meeting the health needs of women and girls in conflict settings, while still respecting national political spaces and prerogatives.

*Question.* Do you commit to respond promptly to all requests for information by members of this committee?

*Answer.* Yes, with the understanding that any such response would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Do you commit to appear before this committee upon request?

*Answer.* Yes, with the understanding that any appearance would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

*Answer.* I commit to comply with all ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting?

*Answer.* I am not aware of any such incidents.

*Question.* If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

*Answer.* To my knowledge, no complaint or allegation has been brought forward against me.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority?

*Answer.* I am committed to providing a workplace that is free from sexual harassment. Sexual harassment in the workplace is against the law and will not be tolerated. The Department mandates annual harassment training for all employees. I agree that supervisors who observe, are informed of, or reasonably suspect incidents of possible sexual harassment should immediately report such incidents to the appropriate parties. I support the Department policies and my obligation to report and address allegations of sexual and/or discriminatory harassment. To my knowledge, neither I nor any employee I have directly supervised has been involved in any such incident, but if confirmed, I commit take effective measures to address any concerns or allegations within the Office of Global Women's Issues should such a need arise.

*Question.* If so, please describe the outcome and actions taken.

*Answer.* I have nothing to report.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government?

*Answer.* All federal government employees must comply with federal statutes, including personnel law and the Hatch Act, as well as ethics rules and Department policy that uphold merit principles and bar retaliation based on perceived political beliefs or long-term government service. If confirmed, I commit to comply with all relevant federal ethics laws, regulations and rules, and to raise concerns that I may have through appropriate channels.

*Question.* If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

*Answer.* All federal government employees must comply with federal statutes, including personnel law and the Hatch Act, as well as ethics rules and Department policy that uphold merit principles and bar retaliation based on perceived political beliefs or long-term government service. If confirmed, I commit to comply with all relevant federal ethics laws, regulations and rules, and to raise concerns that I may have through appropriate channels.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO  
KELLEY ECKELS CURRIE BY SENATOR BENJAMIN L. CARDIN

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

*Answer.* I have spent my entire career working to promote human rights and democracy. During nearly five years as the Republican staff director for the Congressional Human Rights Caucus and as foreign operations appropriations associate for Congressman John Porter, I worked to curtail military assistance to countries over human rights abuses by their security forces; tighten restrictions on Burma; and expand financial support to democracy and human rights promotion efforts, including securing the first appropriation for Radio Free Asia. I also helped to develop the Caucus' 'adopt a political prisoner' program that paired Members of Congress with Chinese and Tibetan political prisoners, and encouraged the Members to advocate for improved treatment and release of their 'adopted' prisoner. I vividly remember the day that I met Jigme Sangpo, the long-serving Tibetan political prisoner our office had adopted, after he was released and exiled to Switzerland on medical parole. It was one of the highlights of my life to see him free.

After leaving Capitol Hill to work for the International Republican Institute (IRI), I was fortunate to work on IRI's programs in Southeast Asia, including: helping to set up IRI's operations in Indonesia during its democratic transition and in Timor Leste during the establishment of its independence; managing IRI's support to the Burmese democracy movement at a critical juncture, when the military junta was engaged in one of its most severe crackdowns; and setting up a new program in Laos. In 2000, I helped a group of former Burmese political prisoners to launch an organization to provide humanitarian support to, and conduct documentation and advocacy on behalf of, Burma's thousands of political prisoners. Today, the Assistance Association for Political Prisoners (AAPP) remains one of the most important civil society organizations in the country and a key player in promoting legal and political reform as part of Burma's transition.



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Since rejoining the executive branch in August 2017, both my posting at the U.S. Mission to the United Nations and my current job managing the office of Global Criminal Justice have featured a strong human rights orientation. In New York, I oversaw the passage of a new resolution on Freedom of Expression during the 2018-2019 General Assembly session, and fought to push back on Chinese efforts to undermine the normative human rights framework in the U.N. I also led the Mission's efforts to strengthen the role of U.N. Headquarters in New York in the U.N.'s human rights pillar as part of the Mission's Human Rights Council reform initiative. Since returning to Washington earlier this year, I have been deeply involved in the administration's advocacy on behalf of Uighurs and other Muslim minorities who are facing severe repression in Xinjiang, and accountability efforts regarding Burma, Syria, ISIS, Sudan and South Sudan, among others.

*Question.* What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Bureau for Global Women's Issues?

*Answer.* Throughout my career, I have benefitted personally and professionally from working with colleagues with diverse backgrounds and experiences. My personal approach to staffing is to find the best person for the job regardless of race, gender, religious, or other background, but I seek to promote candidates from underrepresented groups and diverse backgrounds. I have also found it deeply rewarding to mentor young women in the field of foreign and security policy. As staffing positions become available, if confirmed, I will work with the Department's human resources officials to draw from the broadest and most diverse candidate pool to ensure that GWI's team continues to lead the way as a rewarding and exciting office that showcases the best of America's federal workforce.

*Question.* What steps will you take to ensure each of the supervisors in the Bureau for Global Women's Issues are fostering an environment that is diverse and inclusive?

*Answer.* I support the Department of State's policy of equal opportunity and fair and equitable treatment in employment to all people without discrimination. If confirmed, I will strive to ensure each supervisor promotes, mentors, and supports all members of the Office of Global Women's Issues.

*Question.* Do you commit to bring to the committee's attention (and the Inspector General of the State Department) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* I commit to comply with all ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in any country abroad?

Answer. No.

*Question.* Advancing the rights of women and girls globally should be central to U.S. foreign policy. The Office of Global Women's Issues leads the Department's efforts to include women and girls in U.S. diplomacy, partnerships, and programs, and to promote their rights and wellbeing around the world.

- Please describe your experience as a champion for the equality, rights, and empowerment of women and girls. How have you leveraged your role in the U.S. government to advance women's and girls' rights specifically?

Answer. As I mentioned in my testimony, I have had the tremendous honor throughout my career to work alongside and learn from so many amazing advocates, practitioners, political leaders, and survivors. I have also had the privilege of serving under the Under Secretary of State for Global Affairs Dobriansky, who led the Bush administration's global women's issues efforts. In every position I have held, whether in government or outside, I have always looked for opportunities to promote the rights of women and girls. Whether it was supporting women's political participation at the country level while working at IRI or working on sexual violence in armed conflict at the U.N. Security Council, these issues have always been of fundamental importance to my work. I ensured that my team at the U.S. Mission to the U.N. was comprised of strong women leaders who demonstrated every day our firm commitment to equality, fundamental freedoms and women's empowerment.

*Question.* What more can the U.S. government broadly, and GWI specifically, do to lead by example on women's empowerment?

Answer. Advancing the role of women and girls around the world, socially, politically, and economically, is central to achieving U.S. foreign policy goals, and it is something to which I am deeply committed. We have to focus our efforts, build new partnerships with the international community, effectively utilize the new tools Congress and the White House have built out, and be bold in our advocacy. But we cannot do this alone; we need strong partners here in the United States and abroad.

If confirmed, I look forward to working with our colleagues and counterparts across the U.S. government and around the world to advance and protect the rights of women and girls. I believe GWI should be the policy and diplomatic focal point for U.S. leadership on the Women, Peace and Security and Women's Global Development and Prosperity agendas, and look forward to working with Congress to ensure U.S. leadership on these key initiatives.

*Question.* What is your opinion on whether the Office of Global Women's Issues and the Ambassador-at-large position for Global Women's Issues be enacted into law?

Answer. I believe that decision resides with Congress. If confirmed, I look forward to leveraging the position of Ambassador-at-Large for Global Women's Issues to its fullest extent.

*Question.* The Ambassador-at-Large for Global Women's Issues must espouse a commitment to opposing all forms of discrimination and violence, and to empowering vulnerable populations, including religious, racial and ethnic minorities; indigenous peoples; people with disabilities; LGBTQI; people living with HIV or AIDS; migrants, refugees and internally displaced people; older persons, married or unmarried adolescents and youth; widows; or people who are economically disadvantaged.

- How have you demonstrated this commitment to opposing discrimination in your career so far?

Answer. Throughout my career, I have had the privilege to serve in various roles working to advance human rights protections for all, and defend the rights of women and girls from regimes that are threatened by the idea of freedom and equality. This included early efforts to raise awareness about the Taliban's treatment of women in Afghanistan and the Burmese military's systematic use of sexual violence against ethnic women. From refugee camps to interagency policy discussions, I have seen far too often how women's voices are marginalized, overlooked and ignored. As someone who has faced discrimination and difficulty in my own career, I try to be an effective and contentious mentor and supervisor. I believe it is vitally important for women who have achieved positions of leadership to ensure we are using our voices not only to highlight critical issues that are often overlooked in national security and foreign policy, but also to encourage the next generation of women leaders.

*Question.* How will you address attempts within the administration to limit the rights of these marginalized populations?

Answer. I believe respect for the rights and freedoms of others is not only at the core of our nation, but also the foundation of effective diplomacy and a stable foreign policy. If confirmed, I look forward to working with our colleagues and counterparts across the U.S. government and around the world to advance and protect the rights of all women and girls.

*Question.* The Office of Global Women's Issues plays a critical role in advancing several government-wide policies aimed at effectively promoting women's and girls' rights around the world, including the: (1) U.S. Global Strategy to Empower Adolescent Girls; (2) U.S. Strategy to Prevent and Respond to Gender-Based Violence Globally; and the (3) U.S. Strategy on Women, Peace, and Security, amongst others. The overarching purpose of these policies is to integrate advancing the rights of women and girls into the United States' foreign policy and assistance.

- How familiar are you with these strategies and the role the Ambassador, the GWI office, and the State Department play in implementing them?

Answer. I am familiar with these strategies. If confirmed, I commit to using these and other tools to strengthen the Department's capacity to promote women's empowerment and advance the status of women and girls worldwide. I will seek to ensure that issues impacting women and girls are fully integrated in the formulation and conduct of U.S. foreign policy, and support a whole-of-government approach to addressing these challenges.

*Question.* If confirmed as Ambassador, what immediate steps will you take to ensure effective and accountable implementation of these strategies in the State Department and across the U.S. government?

Answer. If confirmed, I will continue to leverage the expertise and reach of our Department bureaus, offices, and embassies, and the broader interagency available to advance these objectives. I see the Ambassador at Large for GWI as a critical element in the implementation of these strategies by the State Department and other relevant agencies, as well as key allies and multi-lateral partners. By leveraging the diplomatic reach and policy expertise of the Department, and the GWI office in particular, I look forward to leading U.S. government efforts to mainstream protection and promotion of the rights of women and girls into our national security and foreign policy apparatus at all levels.

*Question.* What is your assessment of the Trump administration's latest Women, Peace, and Security strategy?

Answer. I support the Trump administration's commitment to protecting the United States and promoting global peace and stability by enhancing women's leadership in efforts to prevent conflict, stem terrorism, and promote security around the world. I am proud that the United States was the first country to pass a legislative framework to implement UNSCR 1325, and that we continue to lead with our new WPS Strategy.

The WPS Strategy directs various departments and agencies with foreign policy and assistance missions to increase efforts to guarantee the meaningful participation of women in conflict resolution and disaster recovery; to increase women and girls' level of physical safety, access to assistance, and justice in areas experiencing conflict or disaster; and to ensure that the impact of our efforts are lasting. If confirmed, I commit to leveraging all available resources and Department tools to advance this goal.

*Question.* As Ranking Member of the Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues, I was proud to cosponsor the Women, Peace, and Security Act of 2017 that calls for the creation of a Women, Peace, and Security Strategy and seeks to promote women's meaningful participation in conflict prevention around the world. Studies have shown that when women have meaningful involvement in peace processes, the outcomes are more successful and peace lasts longer. Women are more likely to build coalitions, speak up for marginalized groups, and promote human rights and national reconciliation.

- If confirmed, what will you do to encourage countries to include women in decision making and peace processes?

Answer. I am committed to advancing women's meaningful participation in decision making and peace processes. Women's leadership in peace processes positively correlates with the reduction of armed conflict, the sustainability of peace agree-

ments and post-conflict political frameworks, the evolution of democratic systems of governance, and the long-term security and recovery of communities and nations.

If confirmed, I commit to leveraging all available resources and Department tools to advance this goal, including the WPS Strategy.

*Question.* What challenges would you face in trying to increase women's participation in countries that historically do not include women in decision making roles? How do you plan to overcome these challenges?

*Answer.* Supporting women's participation, voice, and empowerment in decision-making about security issues is key to achieving U.S. foreign policy goals, to which I am committed. Although they have led peace movements and driven community-led recovery efforts, women have historically been absent from places where decisions are made about their countries' and communities' future, such as relief and recovery programs, peace negotiations, political office, and security institutions.

If confirmed, I commit to encouraging countries to promote political and social equality, and addressing legal, cultural, and historical barriers, including violence against women that preclude women's participation in decision making roles.

*Question.* As you know, in the 115th Congress, Senator Boozman and I sponsored the Women's Entrepreneurship and Economic Empowerment Act (WEEE Act), which was signed into law at the end of 2018. Among other things, the WEEE Act requires that 50 percent of USAID's small and medium sized enterprise resources be targeted to reach those controlled by women, and makes it USAID policy to reduce gender disparity related to economic opportunity.

- How can the U.S. government better lead by example on women's empowerment?

*Answer.* The whole of government approach to the Women's Global Development and Prosperity Initiative and the Women, Peace, and Security Act boldly showcases to the world how ensuring women's empowerment both requires a holistic approach and directly impacts national security and prosperity. I am proud of the administration's leadership in developing these innovative tools to promote women's economic and political empowerment, and am committed to advancing these and other initiatives, if confirmed.

*Question.* If confirmed, how do you plan to work with the White House to advance the mission of the GWI office?

*Answer.* I look forward to working with the National Security Council, National Economic Council, the Office of Economic Initiatives and other relevant partners across the executive branch to advance women's empowerment. The GWI office will have a critical leadership role in coordinating the whole-of-government efforts to advance the Women's Global Development and Prosperity Initiative and the U.S. Strategy on Women, Peace, and Security and, if confirmed, I look forward to working closely and collaboratively to ensure we are using all the tools at our disposal to move these agendas forward.

*Question.* As Ambassador at-large for Global Women's Issues, how will you ensure that the health and protection needs of women and girls in crises around the world are being met when the State Department has decided to defund one of the largest providers of lifesaving care in these settings?

*Answer.* I am committed to advancing the health and protection needs of women and girls globally. The United States remains the largest provider of health assistance for women and girls in the world, and we will continue to be a leading funder of family planning, child and maternal health, HIV/AIDS, cancer research and treatment, and other programs that address the life-long health needs of women and girls. These efforts are critical, as the good health of women and girls positively impacts the health, stability, and development of their families and communities. If confirmed, I look forward to working with Congress and my colleagues within the Department on this important issue.

*Question.* During the past year, there have been reports that U.S. officials have sought to remove language on sexual and reproductive health from U.N. documents addressing women's issues and the State Department's annual human rights reports. Most recently, administration officials reportedly requested that such language be removed from a draft U.N. Security Council Resolution on women, peace, and security that addressed sexual violence in conflict.

- To your knowledge, what are the administration's concerns about such language?

*Answer.* The United States was responsible for the first-ever resolution in the Security Council on sexual violence in armed conflict, and has consistently fought to

ensure that this issue remains on the Council's agenda—including over the objections of certain Council members. My understanding is that another delegation proposed a draft resolution that contained a number of problematic proposals, some of which were contrary to the hard-fought consensus that successive U.S. administrations had carefully built and preserved within the Council over a period of many years. After difficult negotiations, including the introduction of a poison pill text that would have set this agenda back more than a decade, Council members were able to achieve consensus on a resolution text that maintained the status quo and allowed for some additional scope for the work of the Special Representative of the Secretary General on Sexual Violence in Conflict. The administration remains a strong supporter of the SRSG's work, and I have personally met with her several times to discuss issues of shared concern. If confirmed, I pledge to continue to support her efforts to prevent conflict-related sexual violence and assist the victims of these heinous crimes.

*Question.* Do you share those concerns? If not, how do you plan to address this issue as Ambassador-at-Large for Global Women's Issues?

*Answer.* It is the policy of this administration, consistent with the laws of the United States, that U.S. taxpayer dollars should not be used to promote or provide abortion as a method of family planning. The administration supports the 1995 Beijing consensus and the ICPD, neither of which includes an international right to abortion. In supporting the highest attainable standard of health for women and girls, the administration will seek to ensure that programs and activities that receive U.S. taxpayer funding are carried out in a manner consistent with U.S. law. Recognizing that different countries have different approaches to these sensitive issues, if confirmed, I will seek to find consensus with a wide group of Member States on terminology that captures our common commitment to meeting the health needs of women and girls in conflict settings, while still respecting national political spaces and prerogatives.

*Question.* I strongly believe that women's access to health care, including sexual and reproductive health care like modern contraceptives, plays a significant role in their ability to advance their education, participate in the economy, and support their families and communities.

- Do you believe women's ability to control their own sexual and reproductive health is essential for them to have agency over other aspects of their lives?

*Answer.* I am committed to advancing the health and well-being of women and girls globally. These efforts are critical, as the good health of women and girls positively affects the health, stability and development of their families and communities. If confirmed, I look forward to working with Congress and my colleagues within the Department on this important issue.

*Question.* If confirmed, how do you plan to ensure the U.S. is not imposing additional barriers on women's critical right to fully participate in their education, economy, and community?

*Answer.* If confirmed, I look forward to working with Congress and my colleagues within the Department on this important issue. I support ongoing U.S. efforts to ensure that women and girls achieve the highest attainable standard of health and well-being. I commit to addressing the many legal, cultural, and historical barriers, including violence against women that preclude girls' access to health care, quality education and women's participation in the workforce.

*Question.* In February 2019, the Trump administration launched the Women's Global Development and Prosperity (W-GDP) Initiative, which aims to bring economic empowerment to the forefront of the U.S. development agenda by focusing on workforce development (ensuring women have the necessary skills to achieve economic empowerment); women entrepreneurs (ensuring women have equal access to capital networks they need to succeed in business); and enabling environments (changing laws, policies and norms that have limited women's economic potential).

- What is your assessment of this initiative and what role should GWI play in its implementation?

*Answer.* I am proud of the administration's commitment to women's economic empowerment through the Women's Global Development and Prosperity Initiative and am committed to advancing this ambitious initiative, if confirmed. I will work across the Department of State to carry out the diplomatic and policy tasks required to deliver on this agenda. In particular, identifying and reducing the policy, legal, political and regulatory barriers faced by women is critical to building a strong and

durable foundation for women's economic empowerment. I look forward to leading U.S. efforts on this front.

*Question.* How does it differ from previous U.S. efforts to address women's economic empowerment?

*Answer.* The Women's Global Development and Prosperity Initiative is the Federal government's first integrated approach to global women's economic empowerment across multiple departments and agencies. The National Security Presidential Memorandum that the President signed on this initiative specifically focuses on women's economic empowerment and highlights women's economic empowerment as a national security issue.

*Question.* What challenges do you think are likely in its implementation and how can they most effectively be addressed?

*Answer.* The target of 50 million women reached is ambitious and intended to focus our efforts beyond the length of the administration. I believe making real progress on this issue will require sustained work over multiple years under strong leadership. By looking ahead to 2025, we must align our programs, partnerships, and resources over the long term to ensure our impact is lasting. If confirmed, I will strive to align and advance all existing efforts to help achieve this target.

*Question.* Research has found that access to quality education for girls can lead to increased economic empowerment and independence for women. Yet significant barriers to girls' education remain, including gender-based violence and other safety concerns, lack of nearby schools, family or societal pressure not to enroll in school or to drop out, and limited financial resources for textbooks or other supplies.

- How, if at all, should GWI work to address these issues and what challenges do you anticipate?

*Answer.* It is important to harness bilateral and regional diplomacy, multilateral diplomacy, public diplomacy, and programming to encourage counterparts in other countries to support progress toward the advancement of the status of women and girls, and address harmful traditional practices that serves as barriers to participation. If confirmed, I will strongly advocate for the girls of today to be the leaders of tomorrow in every nation and every sector of the economy.

*Question.* Many experts contend that efforts to address international violence against women should focus not only on treatment and services for victims of violence, but also on eliminating certain traditional practices that are harmful to women and present significant health risks. Because these practices are often a part of a community's culture, however, programs that introduce treatment and services may meet resistance.

- Does the U.S. government support programs that address such traditional practices? Have these programs been successful? How, if at all, can they be improved?

*Answer.* The prevention of violence against women and girls, including the harmful traditional practices of female genital mutilation and cutting and early and forced marriage, is critical to achieving the equality and empowerment of women and girls. I understand that various offices and agencies in the U.S. government manage programmatic efforts that seek to address these harmful traditional practices and, if confirmed, I will continue to support such efforts.

*Question.* Sexual and gender based violence (SGBV) is a violation of human rights. It denies the human dignity of the individual and hurts human development. The United States has sought to elevate the issue of SGBV in conflict-affected settings. Despite these efforts, protection in humanitarian and conflict settings remains an ongoing challenge.

*Question.* What are the Trump administration's priorities in addressing SGBV?

*Answer.* I am committed to preventing and responding to sexual and gender-based violence, especially violence against women and girls. Per the Women's Global Development and Prosperity Initiative and the Women, Peace and Security strategy, efforts to address violence against women and girls are critical to addressing barriers to economic empowerment, peace and security, and political participation. If confirmed, I pledge to focus on using these tools to combat violence against women and girls across U.S. foreign and national security policy efforts.

*Question.* To your knowledge, to what extent is the current administration continuing to implement the strategy initiated by President Obama?

*Answer.* I firmly see the Women's Global Development and Prosperity Initiative and the U.S. Strategy on Women, Peace, and Security as foundational priorities for

this administration. The Office of Global Women's Issues serves to strengthen the Department's capacity to promote women's equality and advance the status of women and girls worldwide, and seeks to ensure that issues impacting women are fully integrated in the formulation and conduct of U.S. foreign policy. If confirmed, I will continue to leverage all available resources and tools to advance this goal.

*Question.* What, if any, are the areas of divergence?

Answer. I am not aware of the specific areas of divergence in which you are referring.

*Question.* If confirmed, will you commit to work with Congress on GBV-related issues?

Answer. If confirmed, I will continue to work with Congress on issues related to violence against women and girls.

*Question.* To what extent, if any, will GWI coordinate its efforts with other State Department and USAID offices on this issue, particularly through PRM and the Office of U.S. Foreign Disaster Assistance (OFDA)?

Answer. If confirmed, I commit to working with other State Department and USAID offices on efforts to prevent and respond to violence against women and girls.

*Question.* What are the SGBV risks and challenges that displaced women and girls face, and how can international humanitarian actors mitigate them?

Answer. Breakdowns in the rule of law and forced displacement from conflict and disaster expose refugees and internally displaced persons, particularly women and girls, to additional risks of violence and exploitation. As the U.S. Strategy on Women, Peace, and Security states, women cannot fully participate in the prevention or resolution of conflict or participate in recovery efforts if they themselves are victims of violence or intimidation, and pervasive violence against women and girls undermines the recovery of entire communities and countries affected by violence or disaster. International humanitarian actors must design efforts to address the distinct needs of women and girls, including women's economic security, safety and dignity.

*Question.* How, if at all, would you incorporate SGBV in the work of GWI?

Answer. If confirmed, I would ensure that efforts to prevent and respond to violence against women and girls continue to be a priority for the Office of Global Women's Issues. The administration's priorities on women's economic empowerment and women, peace, and security, cannot be fully achieved if women and girls face violence in their homes, communities, and places of work.

*Question.* This administration radically expanded the global gag rule to apply to all global health assistance, and earlier this year Secretary Pompeo announced in a press conference recently that the State Department would be taking action to "implement this policy to the broadest extent possible."

- What actions will you take as the leader of Global Women's Issues to address gaps in services that disproportionately impact women and girls?

Answer. Global health programs are primarily the responsibility of other agencies and offices in the U.S. government, including USAID and the Department of Health and Human Services, but if confirmed, I will work with my colleagues across the administration to help support our global health objectives while safeguarding U.S. taxpayer dollars and protecting the sanctity of life for people all around the globe.

*Question.* UNFPA, the U.N. agency mandated to provide reproductive health care and coordinate GBV prevention and response in humanitarian emergencies, has been deemed ineligible to receive U.S. funding due to the administration's politically motivated negative Kemp-Kasten determination.

- How will you ensure that the health and protection needs of women and girls in crises around the world are being met when the State Department has decided to defund one of the largest providers of lifesaving care in these settings?

Answer. The United States remains the largest funder of women's health and family planning assistance in the world, providing more than \$400 million a year to programs in this area, including for health services for refugee and IDP women and girls. The Department also supports concrete steps to reduce child, early, and forced marriage; prevent violence, human trafficking, and HIV in adolescent girls and young women; and encourage governments to take steps to deliver quality edu-

cation. If confirmed, I look forward to working with Congress and my colleagues within the Department on this important issue.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO KELLEY ECKELS CURRIE BY SENATOR EDWARD J. MARKEY

*Question.* The State Department Commission on Unalienable Rights was established to “make sure that we have a solid definition of human rights upon which to tell all our diplomats around the world,” according to Secretary Pompeo.

- Do you believe a “solid definition of human rights” includes women’s human rights to be free from domestic violence and to access reproductive healthcare?

*Answer.* Secretary Pompeo has asked members of the Department of State’s Commission on Unalienable Rights to assess rights that are by their nature intrinsic and inherent, i.e. enjoyed by everyone, at all times. Unalienable rights are the ultimate “universal” rights. The United States was founded on the principle that all human beings are born free and equal in rights, and therefore in dignity. This is the aspiration that is embodied in our Declaration of Independence, and reflected in the Universal Declaration of Human Rights. Since our founding, and to this day, we as a nation have struggled—often at great costs—to move towards the fulfillment of this aspiration, including for women. I am proud that today the United States plays a leading role in supporting the rights of women and girls around the world, working to strengthen democratic, transparent, representative, and responsive governance that includes the voices of women and marginalized communities. If confirmed, I will be honored to uphold this leadership and fully support this U.S. commitment.

*Question.* During the past year, press reports indicate that U.S. officials sought to remove language on sexual and reproductive health services from U.N. resolutions, reports, and documents as well as from the State Department’s annual human rights reports. Recently, administration officials reportedly requested that such language be removed from a draft U.N. Security Council Resolution on women, peace, and security that addressed sexual violence in conflict.

- To your knowledge, what are the administration’s concerns about such language and do you share them?

*Answer.* The United States was responsible for the first-ever resolution in the Security Council on sexual violence in armed conflict, and has consistently fought to ensure that this issue remains on the Council’s agenda—including over the objections of certain Council members. My understanding is that another delegation proposed a draft resolution that contained a number of problematic proposals, some of which were contrary to the hard-fought consensus that successive U.S. administrations had carefully built and preserved within the Council over a period of many years. After difficult negotiations, including the introduction of a poison pill text that would have set this agenda back more than a decade, Council members were able to achieve consensus on a resolution text that maintained the status quo and allowed for some additional scope for the work of the Special Representative of the Secretary General on Sexual Violence in Conflict. The administration remains a strong supporter of the SRSG’s work, and I have personally met with her several times to discuss issues of shared concern. If confirmed, I pledge to continue to support her efforts to prevent conflict-related sexual violence and assist the victims of these heinous crimes

*Question.* During the past year, press reports indicate that U.S. officials sought to remove language on sexual and reproductive health services from U.N. resolutions, reports, and documents as well as from the State Department’s annual human rights reports. Recently, administration officials reportedly requested that such language be removed from a draft U.N. Security Council Resolution on women, peace, and security that addressed sexual violence in conflict.

- If confirmed, how would you work to ensure that the United States is not erecting barriers on sexual and reproductive health and rights globally?

*Answer.* The United States remains the largest provider of women’s health assistance, including for family planning, in the world. It is the policy of this administration, consistent with the laws of the United States, that U.S. taxpayer dollars should not be used to promote or provide abortion as a method of family planning. The administration supports the 1994 ICPD Program of Action and the 1995 Beijing Consensus, neither of which includes an international right to abortion. In supporting the highest attainable standard of health for women and girls, the adminis-



tration will seek to ensure that programs and activities that receive U.S. taxpayer funding are carried out in a manner consistent with U.S. law. Recognizing that different countries have different approaches to these sensitive issues, if confirmed, I will seek to find consensus with a wide group of Member States on terminology that captures our common commitment to meeting the health needs of women and girls in conflict settings, while still respecting national political spaces and prerogatives.

*Question.* In June 2019, the Trump administration released the U.S. Strategy on Women, Peace, and Security. This strategy seemed to suggest a long-overdue understanding that women were a core tenet of U.S. foreign policy—that women deserved a seat at the table. However, the administration recently abandoned Kurdish allies, including Kurdish women who dedicated themselves to our cause, fought violent extremism on our behalf and for freedom and peace in their communities. In Rojava, in northeast Syria, Kurdish women have earned representation in every aspect of society. They have taken up arms, and now fight in all female militias. Local communal assemblies are reportedly always co-chaired by a woman. Even female politicians hold sway, giving voice to those where it is most needed.

- If confirmed, what would you do to empower Kurdish women and help them maintain the rights they had before Turkey's military operations in Syria, considering most experienced NGOs are finding it difficult to impossible to operate there at this time?

*Answer.* The State Department has a storied history in working with the ethnic and religious minorities in Syria to maintain their safety and rights, and I am extremely concerned by the reports of hundreds of thousands of displaced people, including Kurdish women, in the northeast Syria. I know that it is women and children who often bear the brunt of violence and suffering in war and conflict. President Trump has called on Turkey to ensure access for international humanitarian organizations and facilitate the urgent delivery of humanitarian assistance to those in need and displaced by the violence, and to ensure that those operating under its authority conduct their actions according to international humanitarian and human rights law. The administration is currently working to implement the President's announcement that the United States intends to obligate \$50M in stabilization assistance to protect members of persecuted ethnic and religious minority groups, including Kurdish women, and advance human rights and accountability in Syria. If confirmed, I will work with the relevant bureaus and offices at the State Department and across the U.S. government to ensure that our policies and programs in Syria are sensitive to the protection of women and girls.

*Question.* What do you see as the U.S. role in refugee resettlement?

*Answer.* If confirmed, I am committed to coordinating efforts across the Department to address the underlying issues that expose refugees and internally displaced persons, particularly women and girls, to additional risks of violence and exploitation. As the U.S. Strategy on Women, Peace, and Security states, women cannot fully participate in the prevention or resolution of conflict or participate in recovery efforts if they themselves are victims of violence or intimidation, and pervasive violence against women and girls undermines the recovery of entire communities and countries affected by violence or disaster. International humanitarian actors must design efforts to address the distinct needs of women and girls, including women's economic security, safety and dignity.

*Question.* Do you think the United States should be a leading country for the resettlement of refugees, the majority whom are vulnerable women and children?

*Answer.* Breakdowns in the rule of law and forced displacement from conflict and disaster expose refugees and internally displaced persons, particularly women and girls, to additional risks of violence and exploitation. As the U.S. Strategy on Women, Peace, and Security states, women cannot fully participate in the prevention or resolution of conflict or participate in recovery efforts if they themselves are victims of violence or intimidation, and pervasive violence against women and girls undermines the recovery of entire communities and countries affected by violence or disaster. International humanitarian actors must design efforts to address the distinct needs of women and girls, including women's economic security, safety and dignity.

*Question.* Many asylum seekers currently at our border who flee Central America are women and girls fleeing well-documented and widespread sexual violence and extortion by gangs and drug cartels in Honduras, Guatemala, and El Salvador.

- Do you think the United States should be a leading country for the resettlement of refugees, the majority whom are vulnerable women and children?

Answer. If confirmed, I commit to working within the Department to address root causes of burgeoning immigration as they relate to women and girls—such as sexual violence and lack of economic opportunity for women—and work with others in the USG to address the broad security, governance, and economic drivers of immigration from Central America.

*Question.* How will you ensure the United States continues to be a leader in addressing sexual and gender-based violence, and holding perpetrators of such violence accountable?

Answer. I am committed to preventing and responding to sexual and gender-based violence (SGBV), especially violence against women and girls. Per the Women's Global Development and Prosperity Initiative and the U.S. Strategy on Women, Peace and Security, efforts to address violence against women and girls are critical to addressing barriers to economic empowerment, peace and security, and political participation. Accountability for SGBV crimes is essential to punishing perpetrators and deterring such crimes. If confirmed, I pledge to use various diplomatic tools to combat violence against women and girls across U.S. foreign and national security policy efforts.

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## NOMINATIONS

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TUESDAY, OCTOBER 29, 2019

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

The committee met, pursuant to notice, at 2:30 p.m., in Room SD-419, Dirksen Senate Office Building, Hon. Ron Johnson, presiding.

Present: Senators Johnson [presiding], Risch, Gardner, Romney, Young, Shaheen, and Kaine.

### **OPENING STATEMENT OF HON. RON JOHNSON, U.S. SENATOR FROM WISCONSIN**

Senator JOHNSON. Good afternoon. This hearing will come to order.

We are holding this hearing to consider the nominations of four individuals to be Ambassadors: one to the Marshall Islands, one to Georgia, one to Lithuania, and one to Albania.

I want to, first, welcome our nominees. I want to thank you for your past service.

I am pleased to note that all four of these nominees are career members of the Senior Foreign Service. In my discussion, as well as taking a look at the background, not only are they highly qualified in their past service, but also for these ambassadorships for which they have been nominated.

So, again, really appreciate your past service and your willingness to continue serving this nation as Ambassadors.

I do welcome their families and their friends. I want to encourage you, in your opening statements, to point them out and introduce the people that are here supporting you, because I think we both recognize—these positions are full-time positions. This takes a lot of effort, and there is a lot of sacrifice of, you know, members of the Senior Foreign Service, so they oftentimes—you know, work long hours, even when family members are in-country, but oftentimes, you know, worlds away, as well. So, again, we really appreciate that level of service and sacrifice. So, please point out your family members.

### **STATEMENT OF HON. JEANNE SHAHEEN, U.S. SENATOR FROM NEW HAMPSHIRE**

Senator SHAHEEN. Well, thank you, Mr. Chairman.

And I want to echo your congratulations to all of our nominees today and thank both you and your families for your service.

I think, these days, that career officers in our Foreign Service are under some stress, and that you feel the weight of great responsibility on your shoulders. And I want you to know how much all of—I and all of my colleagues appreciate the work that you do for the United States to uphold the values of this country. And I—I am sure that, as you take on these new positions, that you will also continue to uphold the country's values.

Senator JOHNSON. Thank you, Senator Shaheen.

So, we will go from my right to my left. Our first nominee is Ms. Roxanne Cabral, is—Ms. Cabral is the President's nominee to be Ambassador to the Marshall Islands. Ms. Cabral is a career member of the Senior Foreign Service and until recently served as Deputy Chief of Mission and Chargé d'Affaires at the U.S. Embassy in Panama. Her previous posts include Director of the Office of Policy, Planning, and Resources in the Office of the Under Secretary for Public Diplomacy and Public Affairs, and Public Affairs Officer at the U.S. Consulate General in Guangzhou, China; and at the U.S. Embassy in Tirana, Albania. She also served in the Office of South Central Europe in the Bureau of European and Eurasian Affairs.

Ms. Cabral.

**STATEMENT OF ROXANNE CABRAL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, NOMINEE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS**

Ms. CABRAL. Thank you. Mr. Chairman and members of the committee, I am honored to appear to—I am honored to appear before you today as the President's nominee for U.S. Ambassador to the Republic of Marshall Islands. I am grateful to President Trump and Secretary Pompeo for their confidence in nominating me for this position, and am equally grateful to receive your consideration.

With the Chairman's permission, I would like to present my family. My husband, David Schroeder, and twin sons, Roman and Evan, are watching via video from Panama, but I am thrilled that my oldest son, Quinn, my mother and father-in-law, Nancy and Tom Schroeder, my niece, Grace, my sister-in-law, Sue Charlton, and her mother, Deborah, are present here, as well as my mother, Nancy, and my sister, Lisa, who inspired me to public service. I am grateful for their love and support.

Over my 22-year career as a Foreign Service Officer, I have worked in Washington and around the world to promote U.S. interests and build strong partnerships. If confirmed, I will draw on my leadership experience in regional policy, public diplomacy, and managing government institutions and programs to advance the United States' enduring strategic interests in the Indo-Pacific.

The Marshall Islands is a reliable partner that supports U.S. engagement in the region and our priorities globally. The Marshall Islands shares our positions on many important issues at the United Nations and is also one of Taiwan's remaining diplomatic partners, playing an important role in maintaining stability in cross-strait relations. If confirmed, I will work to maintain our strong partnership and leverage the goodwill fostered in May of this year, when

President Trump met jointly with the Presidents of the Freely Associated States.

If confirmed, I will focus on three priorities; first, maintaining a strong security relationship; second, fostering economic prosperity and stability as our countries approach a critical juncture under the Compact of Free Association; and, third, strengthening democratic institutions.

Mutual security of our nations is a core feature of our special relationship. The Marshall Islands host an important military installation, which provides critical testing and support for our missile systems, and also will serve as a location for our space fence.

More broadly, I will work to strengthen our ongoing partnership to keep the Indo-Pacific region free and open, implement U.N. Security Council sanctions, promote maritime security, combat illegal, unreported, and unregulated fishing, and tackle transnational crime.

If confirmed, I will work with the Marshall Islands government to advance sustainable economic development. The United States is the Marshall Islands' largest donor partner, a key trading partner, and a contributor, along with Taiwan, to a jointly managed trust fund. I will advocate for the most effective use of U.S. assistance, look for ways to attract more private-sector interests, and work with the Marshall Islands as they build a prosperous, healthy, and more self-sustaining future.

I recognize that the Marshall Islands, as a country with a maximum elevation of six feet above sea level, has profound concerns about the impact of rising sea levels. If confirmed, I will support ongoing and future efforts to enhance resilience and mitigation, and to engage with the Marshall Islands on these issues.

If confirmed, my third goal would be to strengthen governance, rule of law, democratic institutions, and civil society through partnerships, technical assistance, and education exchange programs, especially for future leaders and women and girls. I also recognize the already rich people-to-people ties that include service by Marshall Islands citizens in the U.S. Armed Forces.

Shared history and common values make our friendship with the Marshall Islands one of the strongest in the world. If confirmed, I will continue our work with the Marshall Islands on issues of mutual concerns to both our country. The history of the Nuclear Testing Program and settlement of claims arising from that program are but one facet of our unique and longstanding relationship.

I will seek constructive, realistic approaches that will be grounded in areas of mutual agreement while respecting the differences we may have in the evaluation of such issues.

Mr. Chairman, in closing, I pledge to protect American interests, ensure fair treatment for U.S. citizens and their businesses, and to promote our values.

I appreciate the opportunity to appear before you today, and I am pleased to answer your questions.

Thank you.

[The prepared statement of Ms. Cabral follows:]

## PREPARED STATEMENT OF ROXANNE CABRAL

Mr. Chairman and members of the committee, I am honored to appear before you today as the President's nominee for U.S. Ambassador to the Republic of the Marshall Islands. I am grateful to President Trump and Secretary Pompeo for their confidence in nominating me for this position, and I am equally grateful to receive your consideration.

With the Chairman's permission, I would like to present my family. My husband, David Schroeder, and sons, Roman and Evan, are watching via video from Panama. My eldest son Quinn, my brother Neal, my sister-in-law Sue Charlton and my niece Grace, and my mother and father-in-law, Nancy and Tom Schroeder, are present here. I would also like to thank all my family for their support during my career, especially my mother Nancy and sister Lisa, who inspired me to public service.

Over my 22-year career as a Foreign Service Officer, I have worked in Washington and around the world to promote U.S. interests and build strong partnerships. If confirmed, I will continue to draw on my leadership experience in regional policy, public diplomacy, and managing government institutions and programs to advance the United States' enduring strategic interests in the Indo-Pacific.

The Marshall Islands is a reliable partner that supports U.S. engagement in the region and U.S. strategic priorities globally. The Marshall Islands shares our positions on many important issues at the United Nations. The Marshall Islands is also one of Taiwan's 15 diplomatic partners and plays an important role in maintaining stability in cross-Strait relations. If confirmed, I will work to maintain our strong partnership and leverage the goodwill fostered in May of this year when President Trump met jointly with the Presidents of the Republic of the Marshall Islands, Federated States of Micronesia, and Palau.

If confirmed, I will focus on three priorities: maintaining a strong security relationship; fostering economic prosperity and stability as our countries approach a critical juncture under the Compact of Free Association; and strengthening democratic institutions.

Mutual security of our nations is a core feature of our special relationship. The Marshall Islands hosts the U.S. Army's Ronald Reagan Ballistic Missile Defense Test Site, which provides critical testing support for our missile systems and also will serve as the location for our Space Fence, enabling the U.S. Air Force to locate and track the many objects orbiting Earth with more precision.

More broadly I will work to strengthen our ongoing partnership with the Marshall Islands to keep the Indo-Pacific region free and open, implement U.N. Security Council sanctions, promote maritime security, combat illegal, unreported and unregulated fishing, and tackle transnational crime.

If confirmed, I will work with the Marshall Islands government to advance sustainable economic development. The United States is the Marshall Islands' largest donor partner, is a key trading partner, and a contributor, along with Taiwan, to a jointly-managed Trust Fund established by the United States and the Marshall Islands, that will provide a source of revenue for the Marshall Islands in the coming decades. I will focus my efforts to be a responsible steward of taxpayer funds, advocating for the most effective use of U.S. assistance, while working to improve the investment climate to attract more private sector interest, and otherwise working with the Marshall Islands as they build a prosperous, healthy, and more self-sustaining future.

I recognize that the Marshall Islands, as a country with a maximum elevation of six feet above sea level, has profound concerns about the impacts of rising sea levels. If confirmed, I look forward to continuing to support ongoing efforts to enhance resilience, and to engaging with the Marshall Islands on these issues.

If confirmed, my third goal would be to strengthen governance, rule of law, democratic institutions, and civil society through partnerships, technical assistance, and education and exchange programs. I look forward to working with the government and people of the Marshall Islands to expand opportunities, especially for future leaders, for exchanges between our two countries. I also recognize the already rich people-to-people ties that include service by Marshall Islands citizens in the U.S. Armed Forces.

Shared history and common values make our friendship with the Marshall Islands one of the strongest in the world, and if confirmed I look forward to continuing to work with the RMI on a host of issues of mutual concern to both our countries. The history of the nuclear testing program and the settlement of claims arising from that program are but one facet of the unique and longstanding relationship our two nations enjoy.

If confirmed, I will seek constructive, realistic approaches that will be grounded in areas of mutual agreement while respecting the differences we may have in the evaluation of such issues.

Mr. Chairman, in closing, I want to make a pledge to the committee to protect American interests, ensure fair treatment for U.S. citizens and their businesses, and to promote our values in every engagement I have.

I appreciate the opportunity to appear before you today and am pleased to answer your questions.

Senator JOHNSON. Thank you, Ms. Cabral.

Our next nominee is Ms. Kelly Degnan. Ms. Degnan is the President's nominee to be the Ambassador to Georgia. Ms. Degnan is a career member of the Senior Foreign Service and currently serves as the Political Advisor to the Commander of U.S. Naval Forces in Europe and Africa. Her previous posts include Deputy Chief of Mission of the U.S. Mission to Italy; Deputy Executive Secretary of the Department of State; and Deputy Chief of Mission of the U.S. Embassy in Pristina, Kosovo. Ms. Degnan has been awarded the Secretary of State's Expeditionary Service Award. She speaks Italian, French, Turkish, and Urdu. Urdu. I cannot even pronounce it.

[Laughter.]

Senator JOHNSON. Ms. Degnan.

**STATEMENT OF KELLY C. DEGNAN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, NOMINEE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GEORGIA**

Ms. DEGNAN. Thank you, Mr. Chairman, Ranking Member Shaheen. I am deeply honored to appear before you today as President Trump's nominee to serve as the United States Ambassador to Georgia. If confirmed, I pledge to work closely with this committee to advance U.S. interests and values in Georgia, and to build on the productive partnership between our two countries.

I am very grateful to my family and friends for their unending support during my 26 years of government service, especially my sisters, Kate and Kim, and my partner, Doug Morris. They are watching from San Francisco and Italy. But, I have a nice contingent of friends—local friends who have come to support me today.

I so wish my parents could be here today, as well. They were originally from small towns in Upstate New York and Colorado, and the core values that they lived by—hard work, respect, integrity, personal accountability—continue to guide me.

While I have not yet had the chance to visit Georgia, the issues facing Georgia are not new to me. I was serving in neighboring Turkey when Russia invaded Georgia in 2008. A year later, I served at NATO headquarters, where Georgia was, and is, a valued partner. Allies reaffirmed their 2008 pledge that Georgia will become a member of NATO just last year at their summit. And during my 3 years at NATO, I was always impressed by Georgia's commitment to making the reforms that were necessary and strengthening its military. We saw that commitment in Afghanistan, where Georgia has deployed one of the largest contingents of forces, fighting with no caveats and at the cost of 32 Georgian lives and 290 wounded. Georgia is still there with us with almost 900 soldiers deployed to NATO's Resolute Support mission.

Now, as the Foreign Policy Advisor to U.S. Naval Forces Europe, I have seen Georgia's value as a capable, dedicated partner supporting U.S. and NATO presence in the Black Sea. Our outstanding security cooperation underscores the fact that Georgia is a key partner in a geostrategic region of vital importance to the United States. We will continue our steadfast support of Georgia as it makes the reforms necessary for NATO membership and economic integration into the European Union and the West. Our work together is aimed at strengthening Georgia's capacity to defend its borders while it builds a prosperous, integrated, democratic society. If confirmed, I look forward to working with the Georgian government on these and other priorities.

The progress that Georgia has made has not been easy, and there is still much work to do to hold and build on those achievements, especially in promoting a pluralistic legislature, an independent judiciary, a diverse media, and a vibrant civil society. A continued commitment to the principles of democracy and rule of law is absolutely fundamental to Georgia's Euro-Atlantic integration. If confirmed, I will make it a priority to work with all stakeholders in Georgia to ensure that next year's elections are free and fair.

Perhaps because of its successes, Georgia still finds itself the target of destabilizing and destructive Russian actions. The United States will continue to be a vocal advocate of Georgia's sovereignty and territorial integrity within its internationally recognized borders. We strongly condemn the ongoing occupation of Georgia's Abkhazia and South Ossetia regions by Russian forces and Russia's attempts at borderization of the administrative boundary line.

The solution to this conflict, which is a result of Russian aggression, is for Russia to fulfill its obligations under the 2008 cease-fire agreement, including withdrawing its forces to preconflict positions, allowing humanitarian access, and reversing its recognition of Abkhazia and South Ossetia.

If confirmed, I commit to sustaining our efforts to help the Georgian government and people build a resilient, prosperous society that values its rich and diverse heritage, and that can withstand the pressures of Russian malign activities and growing Chinese influence.

Thank you again for considering my nomination. If confirmed, I will be a strong representative of our country and all that it stands for. I look forward to your questions. Thank you.

[The prepared statement of Ms. Degnan follows:]

PREPARED STATEMENT OF KELLY C. DEGNAN

Mr. Chairman, Ranking Member, distinguished members of the committee, I am deeply honored to appear before you as President Trump's nominee to serve as the United States Ambassador to Georgia. I am grateful to the President, and Secretary Pompeo, for the confidence they have placed in me. If confirmed, I pledge to work closely with this committee to advance U.S. values and interests in Georgia, and build on the productive partnership our two countries have developed.

I am also very grateful to my family and friends for their unending support during my 26 years of government service, especially my two sisters, Kim and Kate, and my partner, Doug Morris.

I deeply regret that my parents are not here with me today. They were both originally from small towns—in upstate NY and Colorado—and the core values they lived by—hard work, integrity, respect—continue to guide me.



While I have not yet had a chance to visit the Republic of Georgia, the issues Georgia faces are not new to me. I was serving in Turkey when Russia invaded Georgia in August 2008. A year later, I served at NATO, where Georgia was, and is, a valued partner. Allies reaffirmed just last year NATO's 2008 pledge that Georgia will become a member of NATO. During my three years at NATO, I was very impressed by Georgia's commitment to reforming and strengthening its institutions and military.

I saw that same commitment serving in Afghanistan, where Georgia has deployed one of the largest contingents of forces, fighting with no caveats, and at the cost of 32 Georgian lives, and 290 wounded. Georgia is still with us there, with almost 900 soldiers deployed to NATO's Resolute Support Mission.

Now, as Foreign Policy Advisor to U.S. Naval Forces Europe, I have seen Georgia's value as a capable, dedicated partner supporting U.S. and NATO efforts in the Black Sea. Just this summer, Georgia conducted a major, multilateral exercise in the Black Sea, involving 14 countries, including the U.S.

Our outstanding security cooperation underscores the fact that Georgia is a key partner, in a geostrategic region of vital importance to the United States. We will continue our steadfast support of Georgia as it seeks NATO membership and economic integration with the EU and the West. Our work together is aimed at strengthening Georgia's capacity to defend its borders, while it builds a prosperous, integrated, democratic society. If confirmed, I look forward to working with the Georgian government on these and other priorities.

The progress Georgia has made hasn't been easy, and in many cases, it has come through U.S. engagement and foreign assistance. Georgia has repaid that investment by taking concrete action, such as increasing parliamentary oversight, and making significant judicial reforms.

There is still much work to be done to hold and build on those achievements, especially in promoting a pluralistic legislature, an independent judiciary, a diverse media, and a vibrant civil society. A continued commitment to the principles of democracy and the rule of law is fundamental to Georgia's continued Euro-Atlantic integration. If confirmed, I look forward to working with all parties in Georgia to ensure free and fair elections next year.

Despite its successes, Georgia still finds itself the target of destabilizing and destructive Russian actions. The United States will continue to be a vocal advocate of Georgia's sovereignty and territorial integrity within its internationally recognized borders. We strongly condemn the ongoing occupation of Georgia's Abkhazia and South Ossetia regions by Russian forces, and Russia's attempts at "borderization" of the Administrative Boundary Line.

The solution to this conflict, which was created by Russian aggression, is for Russia to fulfill all of its obligations under the 2008 ceasefire agreement, including withdrawing its forces to pre-conflict positions, allowing humanitarian access, and reversing its recognition of Abkhazia and South Ossetia.

Georgia's tenacity in the face of Russian malign activities is clear from its efforts to create a transparent business environment and spur much-needed economic growth. As Ambassador, I would make it a priority to promote a level playing field, to foster economic development, and create more opportunities for U.S. companies.

If confirmed, I commit to sustaining our efforts to help the Georgian government and people build a resilient society, that values its diverse heritage, and that can withstand the pressures of Russian malign activities and growing Chinese influence.

Thank you again for considering my nomination. If confirmed, I will be a strong representative of our country, and all that it stands for. I look forward to answering your questions.

Senator JOHNSON. Thank you, Ms. Degnan.

Our next nominee is Mr. Robert Gilchrist. Mr. Gilchrist is the President's nominee to be the Ambassador to Lithuania. Mr. Gilchrist is a career member of the Senior Foreign Service and currently serves as the Director of the State Department's Operations Center. Previously, he served as Deputy Chief of Mission of the U.S. Embassies in Sweden and Estonia, Director of Nordic and Baltic Affairs in the Bureau of European and Eurasian Affairs, and Chief of the Political Section of the U.S. Embassy in Romania. He speaks Spanish, French, Estonian, and Romanian.

Mr. Gilchrist.

**STATEMENT OF ROBERT S. GILCHRIST, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER- COUNSELOR, NOMINEE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LITHUANIA**

Mr. GILCHRIST. Mr. Chairman, Ranking Member, distinguished members of the committee, it is a privilege to appear before you today as the President's nominee to serve as the United States Ambassador to the Republic of Lithuania. I am grateful to President Trump and Secretary of State Pompeo for the confidence they have placed in me. If confirmed, I look forward to working with the committee, your staffs, and your congressional colleagues to build on the strong and vibrant relationship between the United States and Lithuania.

Mr. Chairman, with your permission, I would like to acknowledge some of my family members who are here today. I am deeply grateful to my two big brothers here, David and Donald, for their continued support and consistently honored—honest opinions, as you can get from brothers. They are here with my sister-in-law, Lynn, niece, Amelia, and nephews, Duncan and Liam. My parents are no longer with us, but I would like to think that, somewhere, they are watching, as none were prouder of my Foreign Service career. They gave me a sense of adventure and curiosity about the world that I have carried with me everywhere I have gone.

For 29 years, I have cherished the privilege of serving my country as a career diplomat in Europe, the Middle East, and South America. I served in Romania as that country acceded to NATO and the EU. I served in Iraq during one of its most violent periods as we worked to lay the foundation of eventual stability. And I served for 9 years in leadership positions focused on the Nordic and Baltic region.

The relationship between the United States and Lithuania runs long and deep. It is a relationship built on more than 100 years of unbroken diplomatic engagement between two republics, including during Lithuania's half-century of forced incorporation into the Soviet Union. It is a relationship nurtured by the transatlantic ties with the many American citizens of Lithuanian ancestry, and it is strengthened through the partnership of the United States with Lithuania in addressing today's threats to freedom and security worldwide.

Since Lithuania proclaimed the restoration of its independence in 1990, it has energetically embraced democracy and free-market principles. It joined NATO and the EU in 2004. And, with the United States, it has partnered with us in numerous fora in support of democracy and human rights.

Lithuania has also been a particularly staunch supporter of the Euro-Atlantic integration of Ukraine, Georgia, and Moldova, providing generous assistance. Since the Russian invasion of Ukraine in 2014, the Lithuanian government has worked with us to maintain strong sanctions and press for full implementation of the Minsk Agreements.

Increased Russian aggression over the past decade has elevated security concerns along NATO's eastern flank. A proponent of burden-sharing, Lithuania has met the NATO target of dedicating 2

percent of GDP to defense spending since 2018. The funds, supplemented by U.S. military assistance, are used to modernize Lithuania's armed forces and training facilities while enhancing NATO interoperability. Next summer, Defender 2020, a joint multinational U.S. Army-led exercise, will test the effectiveness of this investment. The United States also works with the Lithuanian government to counter Russian-sponsored disinformation campaigns and cyberhacking.

Beyond Europe, Lithuania is a committed ally, as well. It is a partner in the Global Coalition to Defeat ISIS, and actively contributes to counterterrorism operations. This includes deploying trainers to U.S.-led Operation Inherent Resolve in Iraq, redeploying its special operation forces to Afghanistan as part of the Resolute Support mission, and providing financial support for the Afghan National Defense and Security Forces. If confirmed, I will work to continue our close operation in addressing global challenges to the security of the United States and our allies.

Lithuania further enhances its security by building the resilience of its economy. After a 17-percent drop in GDP in 2009, Lithuania's economy rebounded to become one of the most vibrant in the EU. To reverse an immigration trend, the government has created a financial and regulatory environment favorable to innovation, startups, and foreign direct investment. The United States is Lithuania's 15th-largest investor, with 13,000 Lithuanian residents employed by U.S. companies.

Lithuania has also moved expeditiously to diversify its energy sources and roots, substantially increase its energy security. In 2014, Lithuania completed the unbundling of its gas and electricity sectors, and opened an LNG import terminal in 2015, providing the first means for non-Russian natural gas to enter the Baltic region.

Through the U.S.-EU Energy Council and bilateral engagement with the Departments of State and Energy, we have helped advance projects creating new gas and electricity links between Lithuania as well as Estonia and Latvia and their EU neighbors. If confirmed, I will continue the strategy to further enhance Lithuania's energy security as well as that of the entire Baltic region.

Lithuania is a partner and ally on whom we can rely, and that partnership is due, in part, to the ties of friendship between Lithuanians and Americans. If confirmed, I will prioritize public engagement throughout the country and across the Atlantic to multiply those ties, and to increase business, educational, professional and cultural exchanges.

In sum, if confirmed, I'll seek to advance U.S. interests and enhance the resilience of our Lithuanian ally by strengthening bilateral defense and economic ties and promoting the democratic values we share.

Mr. Chairman, thank you again for this opportunity to appear before you today. I look forward to answering your questions.

[The prepared statement of Mr. Gilchrist follows:]

PREPARED STATEMENT OF ROBERT S. GILCHRIST

Mr. Chairman, Ranking Member, distinguished members of the committee: It is a privilege to appear before you today as the President's nominee to serve as the United States Ambassador to the Republic of Lithuania.

I am grateful to President Trump and Secretary of State Pompeo for the confidence they have placed in me. If confirmed, I look forward to working with the committee, your staffs, and your Congressional colleagues to build on the strong and vibrant partnership between the United States and Lithuania.

Mr. Chairman, with your permission, I would like to acknowledge some family members who are here today. I am deeply grateful to my two brothers, David and Donald, for their continued support and consistently honest opinions. They are here with my sister-in-law Lynne, niece Amelia, and nephews Duncan and Liam. My parents are no longer with us, but I like to think they are somewhere watching, as none were prouder of my foreign service career. They gave me a sense of adventure and curiosity about the world that I have carried with me wherever I have served.

For 29 years I have cherished the privilege of serving my country as a career diplomat in Europe, the Middle East, and South America. I served in Romania as that country acceded to NATO and the EU. I served in Iraq during one of its most violent periods, as we worked to lay the foundation for eventual stability. And I served for nine years in leadership positions focused on the Nordic and Baltic region, while Russia increased its aggressive activities and the region's economies recovered from the 2008 financial crisis.

The relationship between the United States and Lithuania runs long and deep. It is a relationship built on more than 100 years of unbroken diplomatic engagement between two republics, including during Lithuania's half-century of forced incorporation into the Soviet Union. It is a relationship nurtured by the transatlantic ties of the many American citizens of Lithuanian ancestry, and it is strengthened through the partnership of the United States with Lithuania in addressing today's threats to freedom and security worldwide.

Since Lithuania proclaimed the restoration of its independence in 1990, it has energetically embraced democracy and free market principles. It joined NATO and the EU in 2004, and chaired the Community of Democracies and the Organization for Security and Cooperation in Europe in 2010-2011. In 2013, Lithuania held the Presidency of the European Union and used its position to champion democratic principles in countries of the former Soviet Union. During Lithuania's 2014-2015 tenure on the U.N. Security Council, it actively partnered with the United States to combat terrorism and advance human rights. During the past five years Lithuania has emerged as a leader in advancing energy security in the Baltic region, including through the establishment of the U.S.-Baltic Energy Dialogue in 2019.

Lithuania has been a particularly staunch supporter of the Euro-Atlantic integration of Ukraine, Georgia, and Moldova, providing generous assistance, including in the form of advisors and development aid. Since the Russian invasion of Ukraine in 2014, the Lithuanian government has worked with us to maintain a strong sanctions regime on Russia and press for full implementation of the Minsk Agreements.

Increased Russian aggression over the past decade has elevated security concerns along NATO's eastern flank. A proponent of burden sharing, Lithuania's budget has met the NATO target of dedicating two percent of GDP to defense spending since 2018. The funds, supplemented by U.S. military assistance, are used to modernize Lithuania's armed forces and training facilities while enhancing NATO interoperability. Next summer Defender 2020, a joint multi-national U.S. Army-led exercise, will test the effectiveness of this investment. The United States also works with the Lithuanian government to counter Russian-sponsored disinformation campaigns and cyber hacking.

Beyond Europe, Lithuania is a committed ally as well. It is a partner in the Global Coalition to Defeat ISIS and actively contributes to counterterrorism operations. This includes deploying trainers to U.S.-led Operation Inherent Resolve in Iraq, re-deploying its special operation forces to Afghanistan as part of the Resolute Support Mission, and providing financial support for the Afghan National Defense and Security Forces. If confirmed, I will work to continue our close cooperation in addressing global challenges to the security of the United States and our allies.

Lithuania further enhances its security by building the resilience of its economy. After a nearly 17 percent drop in GDP in 2009, Lithuania's economy rebounded to become one of the fastest growing in the EU. Since 2017, the growth of its GDP has averaged between 3.5 and 3.9 percent. Lithuania joined the Eurozone in 2015 and the Organization for Economic Cooperation and Development in 2018. To reverse an emigration trend, the government has created a financial and regulatory environment favorable to innovation, start-ups, and foreign direct investment. The United States is Lithuania's 15th largest investor, with 13,000 Lithuanian residents employed by U.S. companies. In support of government efforts to bring economic growth to less developed regions in Lithuania, our embassy has developed programs that encourage entrepreneurship and public-private partnerships at the local level.

Lithuania has also moved expeditiously to diversify its energy sources and routes, substantially increasing its energy security. In 2014, Lithuania completed the unbundling of its gas and electricity sectors. The break-up of Gazprom's monopoly paved the way for Lithuania to open an LNG (liquefied natural gas) import terminal in 2015, providing the first means for a non-Russian supply of natural gas to the Baltic states. Lithuania can now purchase gas at competitive market rates, and in 2017, Lithuania received its first two shipments of U.S. LNG. Through the U.S.-EU Energy Council and bilateral engagement with the Departments of State and Energy, we have helped advance projects creating new gas and electricity links between Lithuania, as well as Estonia and Latvia, and their EU neighbors. If confirmed, I will continue to support this strategy to further enhance Lithuania's energy security as well as that of the entire Baltic region.

Lithuania is a partner and ally on whom we can rely. And that partnership is due in large part to the ties of friendship between Lithuanians and Americans. If confirmed, I will prioritize public engagement throughout the country and across the Atlantic, to multiply those ties through increased business, educational, professional, and cultural exchanges.

In sum, if confirmed, I will seek to advance U.S. interests and enhance the resiliency of our Lithuanian ally by strengthening bilateral defense and economic ties, and promoting the democratic values we share.

Mr. Chairman, thank you again for this opportunity to appear before you today. I look forward to answering your questions.

Senator JOHNSON. Thank you, Mr. Gilchrist.

Our final nominee is Ms. Yuri Kim. Ms. Kim is the President's nominee to be the Ambassador to Albania. Ms. Kim is a career member of the Senior Foreign Service, and most recently served as the Director of the Office of Southern European Affairs. Her previous posts include Director of the State Department's Center for the Study of Diplomacy, Chief of Staff to the Deputy Secretary of State, and Director of the Office of European Security and Political-Military Affairs. She speaks Korean, Mandarin, Japanese, and Turkish.

Ms. Kim.

**STATEMENT OF YURI KIM, OF GUAM, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, NOMINEE TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA**

Ms. KIM. Thank you, Mr. Chairman, Ranking Member Shaheen, and distinguished members of the committee. It is a distinct honor for me to appear today as President Trump's nominee to be our next Ambassador to the Republic of Albania. I am grateful to the President and to Secretary Pompeo for the confidence they have placed in me.

If confirmed, I would be the first Korean-American woman to represent our great Nation as an Ambassador. I would also be our first Ambassador from the great U.S. Territory of Guam.

Mr. Chairman, you had said earlier that you would encourage us to introduce our friends and family. And I am really afraid that they are going to all-too-enthusiastically introduce themselves back here, so—

[Laughter and applause.]

Ms. KIM. I am particularly pleased to have with me two of my four siblings, Yeong-Sae and Air Force Lieutenant Minwoo Kim. One is fostering innovation and entrepreneurship in Silicon Valley, and the other proudly keeps our Nation safe as a munitions officer at Minot Air Base. My parents and other family members are also,

no doubt, watching from Guam and wherever else they might be, and I thank them for their support.

For more than two decades, I have had the privilege of serving our country as a Foreign Service Officer. From Beijing to Baghdad and points in between, I have sought to ensure that the United States remains strong, safe, and secure, that our people and our businesses thrive, and that we continue to shape the rules and lead the institutions that have undergirded America's peace and prosperity over the last century. If confirmed, I look forward to continuing those efforts by further strengthening our already robust and productive relationship with Albania.

Few friends have embraced America more warmly. Poll after poll shows Albanian support for the United States remains among the highest in the world. Few allies have been more loyal. Albanian troops have been at our side in Afghanistan, Kosovo, Bosnia, and on NATO's eastern flank. Few partners are more ready and willing to do more with the United States. We have a strong and loyal friend in Albania, and it is imperative that we hold friends like Albania close to us, especially in the face of strategic challenges to our shared interests, values, and institutions.

If confirmed, I would advance three priorities:

First, I would encourage Albania to maintain its steady course to reach the 2-percent Wales Defense Investment Pledge by 2024 so that Albania is an even stronger and more capable ally. Since Albania joined NATO in 2009, Albanian soldiers have fought side by side with American troops. In Afghanistan, the Albanians have been with us, advising and training Afghan's forces. Albania has also been a reliable partner in the Global Coalition to Defeat ISIS. Albania's actions demonstrate that it not only appreciates the benefits of NATO membership, but that it embraces the responsibilities of NATO membership.

Second, I would continue to promote Albania's development as a democratic nation. In the immediate term, I would press Albania's leaders to resolve the current political impasse in a way that reinforces Albania's EU accession bid and best positions it to succeed during its term as OSCE chair-in-office in 2020. Albania's EU aspirations and the reforms that they entail will lead to more prosperity and stability for the country and for the region. It will also make Albania a stronger and more capable ally of the United States. More fundamentally, I would reinforce U.S. diplomatic and foreign assistance support for strengthening the rule of law, combating corruption, and combating organized crime. The United States should continue to encourage Albania to fully implement judicial reforms, continue the vetting of judges and prosecutors, and establish an independent Special Structure against Corruption and a National Bureau of Investigation. I would also redouble U.S. engagement and technical assistance in the investigation, prosecution, and punishment of corruption and transnational organized crime.

Third, if I were confirmed, I would work to promote U.S. exports and U.S. investment in Albania so as to provide opportunities for both U.S. and Albanian citizens and to generate jobs in both countries. U.S. investment requires a welcoming business environment and a level playing field for our companies and investors. In this

respect, I would underscore that confidence in the rule of law and transparency are essential.

As we pursue our priorities, I would do my utmost to manage and safeguard our resources abroad, especially our most important resource, the dedicated employees of our Embassy. Their hard work and dedication are essential to achieving the goals of the United States and the American people. We owe it to ourselves to take care of our people, to make sure that they are safe, and to provide the support and the resources they need to succeed on behalf of our Nation.

If confirmed, I look forward to advancing the interests of the United States by working together with Congress and this committee to continue strengthening our strong bonds with the government and people of Albania.

Thank you for considering my nomination, and I look forward to taking your questions.

[The prepared statement of Ms. Kim follows:]

PREPARED STATEMENT OF YURI KIM

Mr. Chairman, Ranking Member, and distinguished members of the committee, it is a distinct honor to appear before you today as President Trump's nominee to be our next ambassador to Albania. I am grateful to the President and Secretary Pompeo for the confidence they have placed in me. If confirmed, I would be the first Korean-American woman to represent our great nation as an ambassador. I would also be our first ambassador from the U.S. Territory of Guam. In fact, I am joined today by a small cheering section from home, including my brothers Yeong-Sae and Air Force Lt. Minwoo Kim—one fostering innovation and entrepreneurship in Silicon Valley, the other keeping our nation safe as a munitions officer at Minot Air Force Base. My parents and other family members are also no doubt watching from Guam or wherever else they might be.

For more than two decades, I have had the privilege of serving our country as a Foreign Service Officer. From Beijing to Baghdad, and points in between, I have sought to ensure that the United States remains strong, safe, and secure; that our people and our businesses thrive; and that we continue to shape the rules and lead the institutions that have undergirded America's peace and prosperity over the last century.

If confirmed, I look forward to continuing those efforts by further strengthening our already robust and productive relationship with Albania. Few friends have embraced America more warmly—poll after poll shows Albanian support for the United States remains among the highest in the world. Few Allies have been more loyal—Albanian troops have been at our side in Afghanistan, Kosovo, Bosnia, and NATO's Eastern Flank. And few partners are as ready and willing to do more with the United States. We have a strong and loyal friend in Albania, and it is imperative that we hold friends like Albania close to us, especially in the face of strategic challenges to our shared interests, values, and institutions.

If confirmed, I would advance three priorities:

- First, I would encourage Albania to maintain its steady course to reach the two percent Wales defense investment pledge by 2024 so that Albania is an even stronger and more capable Ally. Since Albania joined NATO in 2009, Albanian soldiers have fought side by side with American troops. In Afghanistan, the Albanians have been with us advising and training Afghan forces. Albania has also been a reliable partner in the Global Coalition to Defeat ISIS. Albania's actions demonstrate that it not only appreciates the benefits of NATO, but embraces the responsibilities of membership.
- Second, I would continue to promote Albania's democratic development. In the immediate term, I would press Albania's leaders to resolve the current political impasse in a way that reinforces Albania's EU accession bid and best positions Albania to succeed during its term as OSCE Chair-in-Office in 2020. Albania's EU aspirations—and the reforms they entail—will lead to more prosperity and stability for the country and for the region. It will also make Albania a stronger, more capable Ally of the United States. More fundamentally, I would reinforce U.S. diplomatic and foreign assistance support for strengthening the rule of law

and combatting corruption and organized crime. The United States should continue to encourage Albania to fully implement judicial reforms, continue the vetting of judges and prosecutors, and establish an independent Special Structure Against Corruption and a National Bureau of Investigation. I would also redouble U.S. engagement and technical assistance in the investigation, prosecution, and punishment of corruption and transnational organized crime.

- Third, I would work to promote U.S. exports and U.S. investment in Albania so as to provide opportunities for both U.S. and Albanian citizens and generate jobs in both countries. U.S. investment requires a welcoming business climate and a level playing field for our companies and investors. In this respect, I would underscore that confidence in the rule of law and transparency are essential.

As we pursue our priorities, I would do my utmost to manage and safeguard our resources abroad, especially our most important resource: the dedicated employees of our Embassy. Their hard work and dedication are essential to achieving the goals of the United States and the American people. We owe it to ourselves to take care of our people, to make sure they're safe, and to provide the support and the resources they need to succeed on behalf of our nation.

If confirmed, I look forward to advancing the interests of the United States by working together with Congress and this committee to continue strengthening our strong bonds with the government and people of Albania.

Thank you for considering my nomination. I would be pleased to take your questions.

Senator JOHNSON. Thank you, Ms. Kim.

I really appreciate the attendance of my colleagues here. And, out of respect for their time, I will defer to Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

I would like to begin with you, Ms. Kim—no, I am sorry—Mr. Gilchrist. last week, when we withdrew our troops from Syria, we deployed a battalion to Lithuania for an unprecedented 6-month rotation, clearly a move intended to deter Russian aggression in the Baltics and Lithuania. So, can you—as you assess the challenge—challenges facing Lithuania, do you see Russia as a threat? And what kinds of actions do you see Russia engaging in in Lithuania that would be of concern to the country?

Mr. GILCHRIST. Thank you for the question, Senator.

No, indeed, I think Lithuania is certainly a valuable ally, and one of our staunchest allies along the eastern frontier of the alliance. Lithuania, over the past decade, has seen a number of challenges from Russia as the Russian government has increased military spending and as they have increased their attention towards the Baltic states. I think one of the biggest challenges has been Russian disinformation. The Lithuanians have been at the forefront, in terms of countering that disinformation, including through public-private partnerships, but also working closely with us.

We are happy that the Lithuanians have increased their defense budget. They have increased it to 2 percent of GDP, with a commitment to actually increase it to 2.5 percent by 2030. And certainly, we are working closely with them to ensure that that additional funding is spent wisely, in terms of increasing interoperability and in terms of increasing their preparedness.

They are certainly happy to have American troops on the ground in such substantial numbers. We have supported the presence of the NATO-enhanced forward presence, led by the Germans for the past few years, which has been 1,000—roughly 1,000 NATO troops in a very forward manner in Lithuania. We have also staunchly supported NATO air policing, which has gone on for several years, and participated in that actively.



The Lithuanians continue to seek greater engagement, I think. The larger our footprint is in the Baltic region, I think, the happier the Baltic countries are, themselves. And certainly, if confirmed, I would work to strengthen that relationship in every way I possibly can.

Senator SHAHEEN. So, it has been several years since I was in the Baltics, but one of the concerns that I heard when I was there was the disinformation campaigns that you referenced. So, what kinds of engagement can we participate in with Lithuania to address that disinformation?

Mr. GILCHRIST. Well, we have—the Embassy is already engaged in training journalists and in working ways to support the traditional media that is already in Lithuania. We have worked with the Lithuanian government on—and with Lithuanian security services—on programs that allow them, very early on, to detect Russian misinformation. And, I think, if you look through some of the recent press, you will see how the Lithuanians, really in a masterful way, have gotten out ahead of an issue before it became an issue domestically. And so, they have—they are, indeed, at the forefront, in many ways. I think there are some things that we could possibly learn from them, as well.

Senator SHAHEEN. Do you have any—do you want to be more definitive about what you think we could learn from them?

Mr. GILCHRIST. Well, I have—they have this very active public-private partnership, I think, across the Baltic region, where private citizens are actively looking at what is showing up in the media, and then working with the government on that. And I think it is something that is interesting, but also it has been very productive in Lithuania.

Senator SHAHEEN. Well, certainly I would agree that there—we need to take a look at disinformation here in the United States, as well.

Let me now go to Ms. Kim. Albania and Kosovo have had an ongoing dispute, as I know you are aware, and there has been some concern that ethnic Albanian Albin Kurti, who is poised to become Kosovo's next Prime Minister, has advocated for Kosovo's strong integration with Albania. So, the Serbian government believes this view to be provocative and not helpful to Serbia-Kosovo normalization. Is there a role for you, as Ambassador, to work with the governments of all three of those countries to help reduce tensions and to try and encourage normalization of relations?

Ms. KIM. Thank you, Senator, for that extremely timely and important question.

There is no doubt that the United States can play a major role in helping to resolve a very prickly, potentially explosive issue. As Ambassador to Albania, if I were confirmed, I would work with leaders there to emphasize a few points. Number one, the United States has made a tremendous investment in the region, in bringing peace and in working with countries in the region to develop their capacity to stand independently, to stand peacefully, and to stand as, in a word, a team. Secondly, I would emphasize that reverting to calls that appeal to ethnicity, as opposed to values and to respecting existing borders, is not helpful. Third, I think you are aware, Senator, that we have not just one Special Representative,

but two Special Envoys, actually, to deal with exactly this issue. So, I think there is no doubt that the administration is strongly committed to doing what we can to help resolve the issue.

Senator SHAHEEN. Well, with respect to your second point, about the ethnic tensions within Albania, can you talk a little bit about what are some of the things that Albania is doing to reduce those tensions?

Ms. KIM. My understanding, Senator, is that Albania—I do not know that ethnic tensions are a specific problem in Albania. They are a problem in the region, and have been for a long time, as we all know. Within Albania, they tend to be secular, and I think that we would want to encourage them to look towards building institutions that cut across identity politics.

Senator SHAHEEN. On another note, one of the things that I and others on this committee were very pleased to see was when Albania agreed to take the residents of Camp Ashraf, who had been stuck—the Iranians who had been stuck in Iraq. And can you give us any update on how they are doing and whether the government continues to welcome them to the country?

Ms. KIM. We have been working closely with the Albanian government for the last few years. We have close to 3,000 MEK residents living just outside the capital. We continue to work closely with the Albanians to ensure that—number one, that they are safe; number two, that they have the means to integrate into Albania and to become productive citizens for the duration that they are there.

Senator SHAHEEN. Thank you very much.

Thank you, Mr. Chairman.

Senator JOHNSON. Senator Young.

Senator YOUNG. Thank you, Mr. Chairman.

Before we get started, I have just seven questions that, my hope is, all of you can go ahead and answer at the same time. They should be very easy.

Have you adhered to applicable laws in governing conflicts of interest?

[The witnesses all replied in the affirmative.]

Senator YOUNG. Okay. And you can all answer at the same time to number two.

Have you assumed any duties or any actions that would appear to presume the outcome of this confirmation process?

[The witnesses all replied in the negative.]

Senator YOUNG. Okay, thank you.

Exercising this committee's legislative and oversight responsibility makes it important we receive testimony, briefings, reports, and recordings, records, and other information the executive—from the executive branch on a timely basis. Do you agree, if confirmed, to appear and testify before this committee, when requested by the Chairman and Ranking Member?

[The witnesses all replied in the affirmative.]

Senator YOUNG. All right. So, much of this is about the prerogatives of the committee, which I think is very important.

Do you agree to provide documents and electronic communications in a timely manner, when requested by this committee, its

subcommittees, or other appropriate committees of Congress, and to the requestor?

[The witnesses all replied in the affirmative.]

Senator YOUNG. All right, thank you.

Will you ensure that you and your staff comply with deadlines established by this committee for the production of reports, records, and other documents, including responding timely to hearing questions for the record?

[The witnesses all replied in the affirmative.]

Senator YOUNG. Will you cooperate in providing witnesses and briefers in response to congressional requests?

[The witnesses all replied in the affirmative.]

Senator YOUNG. And finally, will those briefers be protected from reprisal from their briefings?

[The witnesses all replied in the affirmative.]

Senator YOUNG. The word was "reprisal." All right.

Well, thank you.

And congratulations, to all of you, for your nomination. And I would expect confirmation here today.

I have a question for Ms. Cabral. We certainly appreciate the hospitality of the Marshall Islands to be a strong ally in the region and a host of our military. The history of our missile testing done in that area was essential to the military might that we still exhibit today. How do the Marshall Island leaders and citizens feel about our ongoing military presence there?

Ms. CABRAL. Thank you for the question, Senator.

As you mentioned, we have a longstanding and historic relationship with the Marshall Islands. We share the same values, we share same common objectives, to maintain support for a free and open Indo-Pacific with freedom of navigation. And so, as I understand it, we still have that strong support of the Marshall Islands, in this respect.

Thank you.

Senator YOUNG. That is good to know.

So, following some news of the neighboring Solomon Islands and Kiribati ending their diplomatic relations with Taiwan, complying with the Chinese influence in the area, the Marshall Islands went the other direction and adopted a resolution to show its profound appreciation to the people and government of Taiwan. The Marshall Islands President said, "We have all seen China's attempts to expand its territory and footprint, and this should be of great concern to democratic countries." I find this welcome news. What actions will you take, as Ambassador, Ms.—to ensure that we remain a close ally of the Marshall Islands?

Ms. CABRAL. Thank you for that question.

It was good news to see that affirmation from the Parliament. And the President of the Marshall Islands was just in Taiwan last week to sign some bilateral cooperation agreements in the areas of economic and education exchange. So, if confirmed, I would try to strengthen this relationship, encourage a stronger relationship, and help the Marshall Islands create an environment that can push back on predatory economic practices of China that we have been seeing around the world.

Thank you.

Senator YOUNG. I loved how you ended that. I have held a couple of subcommittee hearings on China's predatory economic practices. So that is, I think, the right direction, especially in light of China's effort to expand its reach through the Belt and Road Initiative. Our work to demonstrate our commitment to the region is being challenged every day. You know that so well. If confirmed, Ms. Cabral, how will you express our commitment, support, not only to the Marshall Islands, but to the broader region?

Ms. CABRAL. I think there are three ways that we can express our support for Taiwan and also against the predatory economic practices that I mentioned. And one is to increase transparency and expose bad deals. And another one is to provide alternatives. We provide a better model. I strongly believe this. And there are tools that this committee has created, such as ARIA and the BUILD Act, that can help us do that. And the third one is, just be present and work with our allies on this. China has no allies. And I think this is something important to remember. We have a long-standing relationship with many of the countries in this region, an historic relationship. We share the same values and the same common objectives.

Thank you.

Senator YOUNG. Yeah. Arguably—I do not think you disagree—from a geopolitical standpoint, that is our greatest natural resource, our alliance system, right?

All right. Thank you so much.

I yield back, Mr. Chairman.

Senator JOHNSON. Senator Kaine.

Senator KAINE. Thank you, Mr. Chair.

And congratulations, to each of you. I have both a Virginia resident, in Ms. Cabral, and a UVA graduate, in Mr. Gilchrist. And so, it is particularly good to congratulate you on your nominations and on your long careers of service.

I want to ask a question to Ms. Kim, Mr. Gilchrist, and Ms. Degnan about Russia and NATO in the countries that you are involved in.

So, Albania and Lithuania are NATO members, and Georgia is not. Georgia, there has often been a discussion about NATO in the future of Georgia. So, I think all of you are able to kind of grapple with this one. And it really is to get advice.

There was a NATO–Russia Founding Act that was signed in 1997. And the reality at that time was the transition away from the Soviet Union, and the breakup of the Soviet Union, and new countries emerging. And so, the Act basically established that NATO would not—in a whole series of ways, would not, sort of, present itself as a hostile face to Russia. But, the phrase that was used in the Act was also—also put some burdens on Russia. Let us see. Russia was obligated, quote, “to exercise similar restraint in its conventional-force deployments in Europe.” The invasion of the regions of Georgia, the seizure of Crimea, Russian-supported separatists in the Donbas area of eastern Ukraine—Russia really has not abided by its portion of this agreement.

One of my proud possessions as a dad is a photo of my son being sworn in as a captain, being elevated from first lieutenant in the

United States Marine Corps in a snowy field in the middle of Lithuania in December of 2016. He was deployed there as part of the European Defense Initiative. And I know, in Lithuania, there has been a desire for more presence, possibly permanent NATO presence. Thus far, we have decided to have large exercises. There is one coming up next year, Defender 2020, where we will be doing significant exercises.

I just, sort of, for purposes of the committee—and I am on the Armed Services Committee, as well, but NATO is one of these things that is both Armed Services and Foreign Relations. As professionals, what do you think about the NATO–Russia Founding Act? There have been some who suggest we should scrap it. There are some that suggest it is already a dead letter. How should we be thinking about this, as policymakers, in terms of how we approach diplomacy or military engagements with the nations that are near Russia? They have not exercised restraint in their military deployments in the region. So, what does that mean about how we should approach this particular agreement?

Ms. DEGNAN. Thank you very much. That is a very interesting question, Senator.

Having served at NATO, I have seen the value of the NATO–Russia Council. It is—can be a very frustrating forum, but it is a forum for dialogue, and continuing that dialogue is absolutely essential. As you pointed out, NATO is a political-military organization. And the political part of it has been essential to bringing peace and stability and prosperity to Europe. It is a defensive organization that has served Europe and the United States and Canada well.

I think it is essential that we continue to put that forward, that opportunity forward, to have dialogue with Russia. It goes in waves, in terms of how constructive it is. But, again, it underscores the fact that—nations have the right to choose the alliances they belong to, such as Georgia, such as Lithuania and Albania. And I think NATO will continue to be a strong force for stability in Europe as a result.

Thank you.

Senator KAINE. Other comments?

Mr. GILCHRIST. I would agree with that, in terms of the need to ensure that there is still a forum for dialogue. Obviously, over the past 5 to 10 years, the relationship—NATO's relationship with Russia—has been on the decline, in light of the Russian invasion, first of Georgia, then of Ukraine. It has been a particular concern to the Baltic states. Although Lithuania does not have a substantial Russian population per se, it is strategically located as a border country with Kaliningrad.

Senator KAINE. Kaliningrad.

Mr. GILCHRIST. And, you know, what we get from the Baltics is, they want greater U.S. engagement in any way possible. And certainly, they welcome the enhanced presence—enhanced NATO presence, which I think has been critical, continued NATO air policing, and the Defender 2020 exercise—I have just been reading the press today, some of the statements coming out from the senior leadership of Lithuania. They are certainly very pleased about this exercise and having 500 troops on the ground.

Senator Kaine. Do you have an opinion about permanent NATO presence in Lithuania? Thus far, it has been significant forward deployments and exercises and things like that. There has often been a request by Lithuania that there be a permanent presence there.

Mr. Gilchrist. I think the Lithuanians and all of the Baltic states will continue asking for as much as we are willing to give. And certainly, we have to be understanding and sensitive to what their security concerns are. With regard to a permanent presence—I am not prepared to comment on that right now, but I certainly think a robust relationship on security, on every level, is fundamentally important, if not existential, for the security of the Baltic states.

Senator Kaine. Ms. Kim.

Ms. Kim. Senator, thanks for that question.

I think the key to the strength of NATO and its utility, going forward, for the United States relies on three things: solidarity, integration, and interoperability. In all three of those respects, Albania could not score higher. Thankfully, the Russian narrative does not get much traction in Albania. And I think, as I said in my statement, it behooves us to hold friends like this more closely at this time.

Senator Kaine. I will just say, editorially, that I do not like the U.S. walking away from agreements, but I do think, after 20-plus years, whether it is NAFTA or the NATO-Russia Founding Act, you have probably learned some things, and the situation in the world, situation in the region, has changed dramatically. Russian behavior in the last years has been very, very different. So, it may be a time to assess the continuing value of the Founding Act and decide whether it might be improved upon and what kind of dialogue might lay that to happen.

But, I appreciate your answers and congratulate you on your nominations.

Thanks, Mr. Chair.

Senator Johnson. Senator Romney.

Senator Romney. Thank you, Mr. Chairman.

And thank you, to each of you who have decided to make the State Department your career, and appreciate your willingness to serve on behalf of our country and to serve in foreign places. It is a enormous sacrifice, I understand, and it is very much appreciated by those of us who get to live here and enjoy the freedoms that we have.

There are two great, if you will, geopolitical competitors that are increasingly visible on the world stage. Russia has been such for a long, long time. China is increasingly so. And, in the case of Russia, my perception is that they have a real problem: a shrinking population, a weak industrial base. Yes, they have enormous natural resources—energy resources, in particular—but, they have got some real problems with smaller population, and certainly a small population relative to us and relative to their other neighbor, China. So, I would anticipate them continuing to have their eyes set on their neighbors as a way to grab population and to grab industrial base and to try and strengthen their hand. And therefore, I do believe that our posture in Georgia, in Lithuania—to a degree, in Albania—that those are areas where it is important for us to

evidence our commitment to these nations and to the principles of sovereignty that have been violated by Russia in Georgia in the past, and also in Ukraine.

From the standpoint of the three of you that are in nations that are confronting that concern, are there things that we should be doing that we are not doing? Are there things we should be emphasizing more to make it very clear that we have a full and complete commitment to preventing the invasion of other sovereign nations by Russia?

Ms. DEGNAN. Thank you, Senator. That is a very timely question for Georgia.

I think we have demonstrated on all fronts on Georgia, especially the United States, the importance of continued vocal advocacy of Georgia's territorial integrity and its sovereignty, and our strong commitment to support Georgia as it makes the kinds of reforms that are necessary to strengthen its institutions, to follow on the path that Georgia has chosen, to integrate into the European Union and the West. This is where we can really be a true friend to Georgia. I think the assistance that we have been providing to Georgia, especially in terms of building Georgia's capacity, its resilience, its self-reliance, its ability to defend its own borders, is absolutely essential. And we are not the only ones. We have well-coordinated assistance provided with the European Union and others who want to see Georgia succeed. And Georgia has made tremendous progress in the last 20 years.

There is more work to be done, as I mentioned in my statement, but I think the progress they have made demonstrates their commitment to integrating into the West. It is the choice they have made.

Senator ROMNEY. Thank you.

Ms. DEGNAN. Thank you.

Mr. GILCHRIST. Yes. Thank you, Senator, for your question.

I think that anytime a United States Senator makes reference to the inviolability of Article 5, it is a message that resonates, certainly throughout the Baltic states, and throughout NATO.

Since before Lithuania's membership in NATO, the United States played a central role in helping Lithuania rebuild its military forces. And we have developed an incredibly strong relationship with them, sharing information at multiple levels. And the Lithuanians have, in turn, fought with us side by side in Iraq, in Afghanistan, and in the war against terrorism.

I think there is always more that we can do, and I know that they are always seeking more, but I will say that the presence right now of the 500 troops with Abrams tanks on the ground has been welcomed tremendously by Lithuania and, I know, by its Baltic neighbors, as well.

Senator ROMNEY. Thank you.

I have just got to note, before we leave Lithuania, that I was born and raised in Michigan, and there is a very substantial Lithuanian-American community in Michigan. My father was a Governor and a politician there, and we spent a number of occasions in the Lithuanian community enjoying extraordinary food and culture. So, I am sure you will enjoy your experience there, and please give my best to my Lithuanian friends.

Mr. GILCHRIST. I will.

[Laughter.]

Senator ROMNEY. Thank you.

Any comment from Albania that—

Ms. KIM. Sir, I think, in Albania, what we want to do is two things. One, help the Albanians strengthen their institutions so that they are more resilient against attempts by Russia, as well as, more importantly, I think, in Albania's case, China, to infiltrate their economy and to futz around with their political moorings. Secondly, I think we want to work very closely with the Albanians to develop their capabilities as a NATO ally. There is something to be said about strength and solidarity in these times, and that is what I would focus on, if confirmed.

Senator ROMNEY. Thank you.

I would turn, for a moment, to our friends in the Marshall Islands, extraordinary friends over such a long period of time, which have housed our military, and we share many values with the people of the Marshall Islands. I salute them for their recognition of a important relationship with Taiwan, and hope that other nations in the Pacific will recognize the importance of transport of open oceans and maintaining the sovereignty of respective states.

The commitment which Marshall Islands has made is a model. To what do you attribute this kind of commitment that they have made in a way where other nations in the region have shrunk from that kind of support?

Ms. CABRAL. I think that is an interesting question. And I—our—the Compact of Free Association, I think, a large part of our relationship which is built on a mutually beneficial relationship, has a lot to do with that. It is—we have a very strong partnership with the Marshall Islands. We are there and we are—will continue to be there. And I think that has a lot to do with it.

Senator ROMNEY. Yeah. Thank you.

Mr. Chairman.

Senator JOHNSON. Thank you, Senator Romney.

You know, I think three of you mentioned the commitment and the contribution that our allies have made to NATO operations. Ms. Degnan, I think you mentioned 32 killed from Georgia. I do not know the exact numbers from the other nations. I know, in total, it has been about 1,000 since NATO invoked Article 5 in support of America after 9/11. So, it is something I do not think we talk enough about. It is something that we need to, and we need to acknowledge that.

A lot of conversation about disinformation, the persistent nature of it coming out of Russia. I thought it was interesting. I am glad to hear, Ms. Kim, that, in Albania, they are just not buying it. They do not have much to sell. So, as a result—and we have held hearings on this, as well—you know, Russia's primary goal in their disinformation campaign is just simply to try and convince people they cannot believe anything. And so, we did have, a couple of weeks ago, in a—an interesting hearing, we had the nominee for the Broadcast Board of Governors. And I was not able to stay, because the hearing dragged on a little bit too long, but one of the questions I wanted to talk to him about—we submitted this for the record—was our ability—and I think Senator Shaheen is aware of



this, as well—we have an ability to circumvent the firewalls to provide Internet access to Russia, to China. The Broadcast Board of Governors is not using the resources that we have allocated to actually accomplish that goal.

One way I think we can get them to—convince them to do that—you know, they will focus on programming, and I do not think we will ever keep up with Russia today, and—you know, the pervasive disinformation campaign in Russia, but just opening up, circumventing those firewalls, I think, would be incredibly important. I think the more Ambassadors that that message comes from, I think, the more pressure will be on the Broadcast Board of Governors. So, I would just like to ask all of you—because we are talking about both into Russia and to China. You know, Russia, obviously, is fomenting this proactively. China is just—obviously, just closing things up and preventing freedom as a result. So, can you just comment on your commitment to trying to get the Board of Governors to pay more attention to that issue?

We will start with you, Ms. Kim.

Ms. KIM. Senator, I think what you say makes an awful lot of sense. And if I have the opportunity, I would certainly explore that.

Senator JOHNSON. Mr. Gilchrist?

Mr. GILCHRIST. I agree, as well, Senator. And I imagine that my Lithuanian counterparts would agree with that, as well.

Senator JOHNSON. Ms. Degnan?

Ms. DEGNAN. Thank you. Yes, I—if I am confirmed, I would certainly be happy to work with the committee on that. And I agree with you, it is worth exploring.

Thank you.

Senator JOHNSON. Ms. Cabral.

Ms. CABRAL. I also concur. The world has changed in many dramatic ways in the last 5, 10 years, and especially the way we communicate. And it is important that we keep up with the types of communications that work today.

Thank you.

Senator JOHNSON. Ms. Cabral, real quick, I—it was either in your testimony or in the briefing on the Marshall Islands, is—the whole issue of our nuclear testing there, and the issue of waste, and the protection of it. You—I did not realize it is only 6 feet, is the maximum elevation there. That, in itself, could potentially threaten nuclear waste. What do you know about that issue? And what do we need to do to protect that, both from, you know, natural disaster, but also just from, you know, malign intervention?

Ms. CABRAL. This is a complicated question, and I am just getting briefed on the ramifications of this. I know we just committed almost \$2 million to do some additional monitoring and testing of some of the sites there. But, it is something I would really like to dig in deeper, if I am confirmed.

Senator JOHNSON. Ms. Kim, you particularly mentioned organized crime. Organized crime is not the same, region to region, country to country. So, can you just kind of describe the type of organized crime you are really referring to in Albania? What is either particularly unique about that, or not unique?

Ms. KIM. Albania has an unfortunate reputation, at this point, for being the locus of organized crime that moves people—in par-

ticalar, women—as well as narcotics across borders. It is a serious problem.

Senator JOHNSON. Ms. Degnan, Georgia has—you know, from my standpoint, it has made some great progress, in terms of rule of law, reducing corruption. I mean, there is no such thing as a corrupt-free society. It is just where you are on that scale. And this has been in the face of, just, persistent aggression on Russia's part. Talk about what we can do to support Georgia. Again, I appreciate the fact—I also want all of you to comment on this, as well—our concern—we just ratified North Macedonia's accession to NATO. From my standpoint, incredibly credible, incredibly important, what I have seen, the incentives that the ability to join NATO, to join the EU, creates for those governments to enact important reforms. Georgia has had that incentive out there for quite some time, since, what, I think, 2008, you mentioned, reaffirmed in 2018. And yet, you have what France just did to North Macedonia, you know, and I think to Albania. Can you just comment on how important that is—that aspiration, but also what can we do to keep those reforms moving forward?

Ms. DEGNAN. Thank you, Senator.

NATO being a political-military organization has very high standards. It is a rigorous process to become a member of NATO. And it should be. It should not be easy. And I think, at least from my experience when I was at NATO, Georgia is very aware of what the expectations are, and, I agree with you, has made great progress, especially in the military area, and is working hard on meeting the political standards, as well. We have been there to assist them, and we will continue to assist them. As that pledge from 2008 indicates, the allies are behind Georgia's membership, but it is on Georgia, also, to meet those very high standards of political-military requirements that are essential to NATO's strength.

Senator JOHNSON. Talk a little bit about what you—what your knowledge is of Russia's persistent aggression. I mean, they continue—from my meetings, they continue to just move those lines forward—kidnappings, lack of ability of Georgians to cross borders to meet—to visit family members. I mean, talk a little bit about, you know, really what Russia is doing there.

Ms. DEGNAN. Thank you. It is very concerning, actually, the pressure that remains. And I think we saw that in August, where there were increased tensions over Georgia building a police post near South Ossetia. We have a mechanism in place, the Geneva International Discussions, that is designed to address those kinds of tensions. Some of the mechanisms, like the Incident Prevention and Response Mechanisms, are not being used as fully as they could be. And I think that has been a constant effort on our part and other members, participants in the Geneva International Discussions, to try and reactivate those.

Our call for the EU Monitoring Mission to have greater access, perhaps even the establishment of an OSCE monitoring mission so that there is more transparency on what is going on in the occupied territories so that we have more opportunities also to build solutions on the ground, I think, would be very helpful in terms of breaking that kind of Russian aggression and control.

Fundamentally, I think, the most important support we can provide is to be a constant advocate for Georgia's sovereignty and territorial integrity, and to call continually for Russia to fulfill its obligations under the 2008 cease-fire agreement. We simply cannot stop with that message.

Thank you.

Senator JOHNSON. Thank you.

Senator Gardner.

Senator GARDNER. Thank you, Mr. Chairman.

Thank you to the nominees here before us today. Thank you for your public service, and welcome to your families this afternoon.

Ms. Cabral, thank you very much for your time you took with me, here, several weeks ago in the office, to discuss issues surrounding the Asia-Pacific, the Indo-Pacific, and how we can enhance our presence and commitment to the region. I also know that you had a little bit of interaction earlier today. I think it was Senator Young, talking a little bit about ARIA. Thank you very much for your commitment to the Asia Reassurance Initiative Act. I think this committee has worked to get that legislation not only through the committee, but signed into law. Now we have about 2-and-a-half-billion dollars' worth of appropriations in the State and Foreign Operations appropriations bill. That really goes a long ways in showing to our allies in the region that the U.S. is committed, that we are going to be a longtime player in power—a long-term player in power in the Pacific, Indo-Pacific, and laying out how we can do a better job of doing just that. So, thank you very much for the commitment to the legislation.

I want to talk a little bit about Taiwan, in particular. We have been working on a bill called the TAIPEI Act, which would create sort of a diplomatic roadmap, so to speak, of how the United States can enhance our support for Taiwan around the globe, but also how we can encourage our allies and other countries to continue their support for Taiwan, to step up their support for Taiwan, and, of course, in the case of the Marshall Islands, a country that continues to support the relationship that it has with Taiwan. What can we be doing more to show our appreciation for the Marshall Islands in that regard?

Ms. CABRAL. Thank you for that question. It is an important one.

And, just last week, the President of the Marshall Islands was in Taiwan to sign a bilateral economic agreement and some other educational exchange programs. So, I think, fostering that relationship is something that we could do more of. And, if I am confirmed, I will work to strengthen this relationship.

Thank you.

Senator GARDNER. Thank you. And could you just talk a little bit about China and what the United States can be doing to stand up within the region on the Chinese malign influences in the region?

Ms. CABRAL. We—Senator, we offer a better model. We really do. We offer a model that is based on rule of law, respect for country sovereignty and their own local laws, on fairness, on transparency. And that is why tools like the BUILD Act and ARIA are really important for us to help create a fair and even playing field so that our companies can compete evenly with China. And when we do

compete, we win. So, I would like to use more of those tools to foster that kind of environment, if I am confirmed.

Senator GARDNER. Thank you. And U.S. compact assistance, obviously, with the Marshall Islands is beyond just any kind of an economic partnership. This is—goes to the very strategic, core interests of our relationship and presence in the Indo-Pacific. Could you talk, or describe, perhaps, the strategic interests in the compact?

Ms. CABRAL. It is the foundation for our relationship, and it is really based on mutual benefits that we agree on. We share the same values, we have the same common objectives. And so, this relationship, through the compact, will last in perpetuity. Right now, there are certain provisions in the compact related to economic assistance that are under review. So, I look forward to seeing what kind of outcomes they—

Senator GARDNER. Thank you.

Ms. CABRAL. Yeah.

Senator GARDNER. And could you talk, perhaps, about some of your experiences in Panama, and how that relates—with Panama, and how it relates to Marshall Islands?

Ms. CABRAL. I have been spending quite a bit of time in Panama trying to educate them on the risk of doing business with Panama. As you know, they have—

Senator GARDNER. With China, yeah.

Ms. CABRAL. With China. They flipped, a couple of years ago. It was a popular decision in Panama, and it still is. But, the new government has said all the right things about maintaining the U.S. as its number-one partner in security, in commerce, and encouraging our people-to-people ties. And I think that is a good foundation for which to build on, if I am confirmed, to go to the Marshall Islands and do, the same—deliver the same kinds of messages.

Senator GARDNER. Thank you.

And thank you, Mr. Chairman. Thank you.

Senator JOHNSON. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

Ms. Cabral, some women's organizations estimate that more than half of all women in the Marshall Islands experience domestic violence. Various studies have suggested that sexual violence of all kinds is common, but frequently unreported. And I know there is a new woman President, the first woman President. Is there any effort that she has announced to address gender-based violence and the rights of women in the country?

Ms. CABRAL. Thank you, Senator. That is a really important topic.

And the role of women in—you know, increased role of women in societies has shown that societies are more secure and more prosperous. I am not familiar with anything that she has introduced, but I would like to get back to you on that. I know she has been a champion of women's rights in her presidency.

[The information referred to had not been received when this hearing was printed.]

Senator SHAHEEN. And are there things that you think, as Ambassador, you could do to try and encourage some action to address this problem?

Ms. CABRAL. I do. I think, if you look at our Trafficking in Persons Report, for example, the Marshall Islands need to improve on investigations, prosecutions, and convictions in that area. So, if I am confirmed, I would try to enhance our law enforcement cooperation in this area.

Senator SHAHEEN. That would be great. Thank you. I hope you will get back to us with the other question, because I think that is something we should share with the committee.

Ms. Degnan, you and Senator Johnson were talking about NATO and Georgia's contributions to NATO despite the fact that it is not a member. They became an aspirant country in 2011, and yet they have not become a NATO member yet. They also signed an Association Agreement with the EU in 2014, but it is still not on the Brussels list of candidates or potential candidates for joining the EU in the future. So, one of the—it seems to me that one of the challenges that we have is, How do we keep Georgia on a path of reform, continuing to look to the West as where they would like to be, when their aspirations have not yet been achieved with respect to NATO or the EU? So, can you talk a little bit about what—how you think the Georgians view the failure to have been admitted to NATO at this point, recognizing that they have made a lot of reforms? As I am sure you are aware, there are discussions among—there are rumors that suggest that Georgia will not be admitted to NATO because of the impact that that would have on Russia. So, can you talk a little bit about what we should be thinking about, in terms of continuing to encourage Georgia to look to the West and to continue their positive contributions to NATO and their aspirations to the EU?

Ms. DEGNAN. Thank you, Senator.

As you say, Georgia has made a great deal of progress. And my impression, when I was at NATO, was that Georgia understands how much work is involved in becoming a member of that organization. The same with the European Union. These are designed, these were created, to help countries come a long way. And Georgia has, from a Soviet state to the democratic state that it is today. It is remarkable. But, I think there is real recognition that there is still work to be done to have an independent judiciary, a pluralistic legislature, a diverse media, space for civil society to really operate and play that role that is so important in a democracy.

I think the confidence of Georgia is evident in the high percentages that still favor joining NATO—I think it is about 70 percent—and joining the European Union, which is close to 75 percent of the Georgian public still have chosen that path despite how hard it is, despite how long it takes.

So, what we can do is, again, to provide the kinds of assistance to help them make the reforms they need—as we have—and to continue to be a close partner and a strong supporter of their sovereignty. I think our military cooperation alone has been just a perfect example of what we can do together with the shared values we have and the same objectives, to have stability in that region.

Thank you.

Senator SHAHEEN. And so, do you think there is concern because of the continued frozen conflict there with Abkhazia and Ossetia, that—and Russia's interest in those two territories, that that will

prevent them from actually being able to join NATO in the near future?

Ms. DEGNAN. I am sure that is Russia's hope and objective, and that is why we have put so much effort into resolving that conflict and keeping the pressure on Russia to meet its obligations under the cease-fire, to use the Geneva International Discussions and other fora to find ways to resolve that. And Georgia itself has come up with some interesting initiatives to try and integrate those populations, to do some people-to-people exchanges. Some of our assistance is also oriented at people-to-people exchanges to try and increase communication flow with the people in Abkhazia and South Ossetia.

It is going to take some time. This is a very complex game that is being played there. But, I think those two tracks of trying to resolve the situation on the ground and trying to keep Georgia moving forward to its integration into the European Union and the West is essential.

Senator SHAHEEN. Thank you.

Ms. Kim, I want to go back to Albania. Everybody—you pointed out about Albania's contributions to NATO, about their contribution to the Global Coalition to Counter ISIS. And that has been very important. As I am sure you are aware, there are reports that show that about 120 Albanians have served as foreign fighters with ISIS, and they have been detained in Syria and Iraq. If confirmed as Ambassador, will you commit to working with the Albanian government to urge them to take back those citizens who have been serving as foreign fighters. As you are aware, I am sure, this has been a huge challenge that we have had with many of the countries who are home to some of these fighters. And terrorists who have fought with ISIS are now being detained and are not being taken back to their home country.

Ms. KIM. Yes, Senator.

The disposition of these foreign terrorist fighters who are in detention is a major issue for the administration. And certainly, if I were confirmed to be Ambassador to Albania, I would work very closely with the Albanian government to resolve their share of that issue.

Senator SHAHEEN. Thank you.

We have—in the defense bill, if it gets through, there is a position of a coordinator to help with detainees. So, hopefully, that will get done, and that person can help focus on this issue. Because, as we know, with our withdrawal from Syria and the unsteady situation there, we have a real challenge with those people who have been in detention.

Thank you.

Thank you, Mr. Chairman.

Senator JOHNSON. Thank you, Senator Shaheen.

So, again, we will note that Chairman Risch came to demonstrate his support for these nominations. I am assuming.

[Laughter.]

The CHAIRMAN. Correctly assumed.

Senator JOHNSON. But, I just wanted to thank the nominees again for your past service, for your testimony, for your willingness to serve in the future. I want to thank your families for their sup-

port for this career path you have all chosen. Again, it is quite the commitment, and we truly do appreciate it.

So, with that, the hearing record will remain open for statements or questions until the close of business on Thursday, October 31st.

This hearing is adjourned.

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### Additional Material Submitted for the Record

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#### RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO ROXANNE CABRAL BY SENATOR ROBERT MENEDEZ

*Question.* In your written testimony, you stated “I recognize that the Marshall Islands, as a country with a maximum elevation of six feet above sea level, has profound concerns about the impacts of rising sea levels. If confirmed, I look forward to continuing to support ongoing efforts to enhance resilience, and to engaging with the Marshall Islands on these issues:”

- You mention “rising sea-levels” but no mention of climate change as a cause of rising sea levels. Do you believe that climate change is real? Do you believe that it poses a serious threat? If so, how should the United States most effectively position itself to partner with the Marshall Islands to deal with these issues?

*Answer.* The United States recognizes that addressing environmental degradation and climate change is a priority to the Pacific Island countries, especially atoll nations like the Marshall Islands. Given the threat posed to the Marshall Islands by sea level rise and the region’s vulnerability to natural disasters, the United States is committed to reducing the risks and impacts of flooding and other natural disasters. We have long been engaged in supporting disaster risk reduction programs aimed at saving lives and reducing the impact of disasters worldwide, including in the Marshall Islands.

For example, the United States recently committed \$10 million to provide support for disaster resilience, weather forecasting, and to address environmental challenges in the Pacific region. NOAA also provides weather services and related programs through the Weather Service Office in the Marshall Islands under the Federal Programs and Services Agreement.

If confirmed, I look forward to assisting the Marshall Islands to protect natural resources, increase resilience, provide reliable and affordable energy, and respond to natural disasters.

*Question.* You will be representing a President who has executed an unprecedented rollback of constructive efforts to address climate change, including walking away from the Paris Accord, and has cemented an environmental legacy that will be felt by generations to come:

- How do you plan on being effective as Ambassador to a country that is watching their land fall underwater every day if the administration you serve refuses to acknowledge the reality of climate change?

*Answer.* The United States recognizes that addressing environmental degradation and climate change is a priority for Pacific Island countries due to the threat posed by sea level rise and the region’s vulnerability to natural disasters.

We have long been engaged in supporting disaster risk reduction programs aimed at saving lives and reducing the impact of disasters worldwide, including in the Marshall Islands.

The Department of State works with interagency partners to support resilience work with the Pacific Islands to improve drinking water quality and wastewater management; to support water and weather forecasting infrastructure; and to improve early warning and disaster resilience and response capability.

Our recent commitment of \$10 million to the region provides support for disaster resilience, weather forecasting, and other means to address environmental challenges in the Pacific region. If confirmed, I look forward to assisting the Marshall Islands build resilience, protect its natural resources, and more effectively respond to natural disasters.

*Question.* It is no secret that China is maneuvering in the Indo-Pacific to become an increasingly dominant player, using a wide range of tools including diplomacy, loans and assistance, infrastructure development, trade, and tourism—not to mention money under the table and other forms of corruption:

- In the face of rising Chinese influence in the Marshall Islands, what will you do to promote U.S. economic engagement as Ambassador?

*Answer.* Good governance is a core pillar of the U.S. vision for a free and open Indo-Pacific. As part of the Indo-Pacific Transparency Initiative, the United States, with allies and partners, will promote just, transparent, and responsive governance through anti-corruption efforts while encouraging strong civil society and honest business practices. If confirmed, I would work with the RMI to create the conditions needed to unlock greater private investment, combat corruption, and secure the RMI from malign foreign influence. I will also work with other U.S. agencies to capitalize on opportunities for more private investment from the United States. I see this as beneficial for U.S. businesses as well as the Marshallese people.

The United States provides the government of the RMI roughly \$35 million a year in grants to provide economic assistance for six sectors: health, education, public infrastructure, the environment, public sector capacity development, and private sector capacity development, with priorities in the education and health care sectors. If confirmed, I would work closely with the Department of the Interior and other U.S. departments and agencies operating in the RMI to encourage the RMI government to take an outcome-oriented approach in the use of economic assistance provided under the Amended Compact that would encourage the development of the RMI's economy.

*Question.* What do you think will be the key or keys to ensuring that the Marshall Islands retains independence and autonomy in the face of increasing Chinese pressure?

*Answer.* If confirmed, I would continue to highlight the benefits of our special, unique relationship and the mutual advantages that such a partnership confers. I would work to ensure that critical programs, provided for under our Compact of Free Association and U.S. domestic legislation, are identified so that we can encourage the RMI's continued development. These programs help reduce RMI's vulnerability to the People's Republic of China. The United States and the RMI also enjoy a special relationship with respect to security and defense matters which contributes to broader regional security, stability, and prosperity and supports RMI's resiliency. Our special relationship, with roots in our shared history and the free association of our two states, supports RMI's resiliency and ability to resist third country pressures.

If confirmed, I would also encourage the Marshall Islands to employ a skeptical approach and insist on transparency and a rigorous, objective evaluation of any proposal or overture made by private firms affiliated with the Chinese government.

The Marshall Islands and the United States share a profound commitment to democracy and open societies. These shared values are the foundation of, and a driving force in, our relationship. The RMI is one of 15 countries that maintains diplomatic ties with Taiwan. Taiwan is a democratic success story, a reliable partner, and a force for good in the world.

Investment in the region's economic prosperity would be another key factor. On September 27, Secretary Pompeo announced \$65 million in new assistance at a meeting with Pacific Island leaders. This new assistance is in addition to \$36.5 million announced at the 50th Pacific Islands Forum in August, as well as approximately \$350 million that U.S. agencies invest annually in projects, assistance, and operations to build a more prosperous future for the people of the region, including the RMI.

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

*Answer.* As a public diplomacy coned-FSO, much of my work in developing countries has focused on strengthening human rights, providing capacity building for NGOs and civil society organizations, and training and exchange programs for leaders of human rights organizations, including students.

While posted in Washington, DC, my job was focused on ensuring PD sections' strategic plans focused on human rights issues as a priority and providing for program funding for such efforts.

In China, the public diplomacy office I led focused grant activity on establishing and fostering women's rights groups, LGBT groups and others who lacked a convening authority to bring together and empower like-minded people to advocate



more effectively for their rights. We reinforced this activity by arranging exchange programs so that leaders within these groups, NGOs and civil society leaders could come to the U.S. and see our model of governance and respect for human rights. The impact was immediate in most cases. For example, with the women's groups, participants not only expressed genuine gratitude for the opportunity to meet and coordinate with peers, they also formed longstanding bonds. These groups still exist today, eight or nine years after we helped put them together, and while it can be difficult for their voice to be heard in China, they continue to advocate for their rights.

As chargé d'affaires in Panama, I have directed our entire interagency team to shape our country strategy to incorporate the protection of human rights and promotion of democracy in all of our engagements within Panama. Every relevant embassy activity showcases our values and beliefs in support of human rights. While it is hard to gauge impact, the feedback that my staff and I have received has been very positive.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

*Answer.* Our vision for a free and open Indo-Pacific seeks to ensure the freedom of the seas and skies, promote market economies, support good governance, and insulate sovereign nations from external pressure. The mission objectives of Embassy Majuro are already aligned with this strategy: empowering women in political and economic life, strengthening democratic institutions, and promoting inclusive and transparent economic growth. If confirmed, these are the key tenets I will seek to advance in the Marshall Islands through U.S. government assistance.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in the Marshall Islands?

*Answer.* The Marshall Islands is a relatively new but strong and evolving multiparty democracy. If confirmed, I look forward to meeting with civil society members to hear about their goals and objectives and to learn how we might work together in areas of common concern. The United States values the voice and opinions of civil society and has a long history of engaging leaders both inside and outside the government. Civil society organizations have a critical role to play in supporting efforts to ensure a healthy democracy. In the Marshall Islands women are generally underrepresented in political bodies relative to their proportion of the population. If confirmed, I would seek opportunities to encourage greater inclusivity, possibly through U.S. government-sponsored programs.

*Question.* If confirmed, will you advocate for access and inclusivity for women, minorities and youth within political parties?

*Answer.* Yes, if confirmed, my Embassy team and I will actively engage with the government of the Marshall Islands and civil society to advocate for such inclusivity. The Marshall Islands is a relatively new but strong and evolving democracy. Although the Marshall Islands has a female President, the first for any independent Pacific island country, female participation in government is still low. Encouraging broader political participation is a priority, and it starts at the community level, in schools and advocacy organizations. If confirmed, I intend to encourage women and youth to participate in discussions about important issues—to give them a voice and a platform that they are not yet accustomed to having. If confirmed, I intend to develop strong relationships with members of parliament to encourage them to promote diversity in government. I view this advocacy role as a key element of my position as Ambassador.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in the Marshall Islands?

*Answer.* Yes, if confirmed, my Embassy team and I will actively engage with the government of the Marshall Islands and civil society to counter disinformation. My team and I would engage to promote transparency and good governance as well as strengthen the skills and capacity of local journalists through strategic use of public diplomacy tools including reporting tours and International Visitor Leadership Programs.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in the Marshall Islands, no matter their sex-

ual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in the Marshall Islands? What specifically will you commit to do to help LGBTQ people in the Marshall Islands?

Answer. If confirmed, I will work to protect and defend human rights for all—including LGBTI persons. governments have an obligation to ensure that everyone can freely enjoy the human rights and fundamental freedoms to which they are entitled. The RMI has recently been elected to the U.N. Human Rights Council for 2020-2022.

As stated in the Department of State's most recent Human Rights Report, neither the RMI's constitution nor law provides specific protection against discrimination for LGBTI persons. There were no reports of societal violence based on sexual orientation or gender identity. There were no reports of official or societal discrimination based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care. The law prohibits same-sex couples or individuals involved in a same-sex relationship from adopting Marshallese children. If confirmed, I will work with the government to advocate for the human rights and fundamental freedoms of all individuals in the Marshall Islands, and urge the government to speak out against discrimination against LGBTI persons.

*Question.* Do you commit to respond promptly to all requests for information by members of this committee?

Answer. Yes, with the understanding that any such response would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Do you commit to appear before this committee upon request?

Answer. Yes, with the understanding that any such appearance would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

Answer. I commit to comply with all relevant federal laws, regulations, and rules, and to raise concerns that I may have through appropriate channels, including required reporting to the Office of the Inspector General.

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

Answer. No, I am not aware of any formal or informal complaint or allegation of sexual harassment, discrimination, or inappropriate conduct against me, in a workplace or any other setting. If confirmed, I will make taking care of my team and fostering a high-performing, healthy, and secure workplace a priority, with zero tolerance for misconduct, including sexual harassment.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

Answer. If confirmed, I will make taking care of my team and fostering a high-performing, healthy, and secure workplace a priority, with zero tolerance for misconduct, including sexual harassment. In leadership positions I have held in the Department, I have guided my teams on handling potential personnel matters. In all such circumstances I have immediately responded to any issues raised in accordance with the Department of State's policies, including encouraging any employee who feels they have been harassed or discriminated against to report such behavior to any supervisor under my management or the Department's Office of Civil Rights for appropriate action.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. Yes. I take allegations of such practices seriously and will ensure they are dealt with through department rules and Federal law, including referral to the Department's Inspector General when called for. As a career member of the Senior Foreign Service, I am keenly aware and respectful of employee rights. In addition to ensuring compliance with mandatory training on prohibited personnel practices and discrimination, if confirmed, I will prioritize taking care of my team and fostering a healthy and secure workplace a priority, with zero tolerance for discrimination, harassment, retaliation, or other misconduct.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO ROXANNE CABRAL BY SENATOR BENJAMIN L. CARDIN

*Human Rights*

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

Answer. As a public diplomacy coned-FSO, much of my work in developing countries has focused on strengthening human rights, providing capacity building for NGOs and civil society organizations, and training and exchange programs for leaders of human rights organizations, including students.

While posted in Washington, DC, my job was focused on ensuring PD sections' strategic plans focused on human rights issues as a priority, and providing for program funding for such efforts.

In China, the public diplomacy office I led focused grant activity on establishing and fostering women's rights groups, LGBT groups and others who lacked a convening authority to bring together and empower like-minded people to advocate more effectively for their rights. We reinforced this activity by arranging exchange programs so that leaders within these groups, NGOs and civil society leaders could come to the U.S. and see our model of governance and respect for human rights. The impact was immediate in most cases. For example, with the women's groups, participants not only expressed genuine gratitude for the opportunity to meet and coordinate with peers, they also formed longstanding bonds amongst each other. These groups still exist today, eight or nine years after we helped put them together, and while it can be difficult for their voice to be heard in China, they continue to advocate for their rights.

In Panama, I have directed our entire interagency team to shape our country strategy to incorporate the protection of human rights and promotion of democracy in all of our engagements within Panama. Every relevant embassy activity showcases our values and beliefs in support of human rights. While it is hard to gauge impact, the feedback that my staff and I have received has been very positive.

*Question.* What are the most pressing human rights issues in the Marshall Islands? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in the Marshall Islands? What do you hope to accomplish through these actions?

Answer. The government of the Republic of the Marshall Islands (RMI) generally respects human rights. In the Department of State's most recent Human Rights Report, the Department noted that civilian authorities maintained effective control over the police and there were no reports of egregious human rights abuses. Impunity remains a problem, however, particularly regarding alleged corruption. Some other problems persist, including continued discrimination and violence against women. If confirmed, I will work through advocacy, outreach programs, and cooperation with local NGOs to address corruption, violence against women, and increase women's political and economic participation.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in the Marshall Islands in advancing human rights, civil society and democracy in general?

Answer. If confirmed, I will work to leverage available resources, including working with other embassies, international organizations, and local NGOs, to prevent and respond to gender-based violence and corruption. I will look for opportunities to strengthen current programs for judicial and law enforcement training. I will also work to increase political and economic participation for women. With the RMI's recent election to the U.N. Human Rights Council, I would encourage the RMI during their tenure to advance mutual democratic values and respect for human rights.

*Question.* Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in the Marshall Islands? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

*Answer.* Yes. I am committed to meeting with human rights, civil society, and other non-governmental organizations in the Marshall Islands. Obtaining the views of civil society is essential in understanding the country conditions, including in support of democratic institutions and respect for human rights, and plays a key role in informing and advancing U.S. foreign policy. Supporting a rules-based and transparent order that advances democratic governance and empowers civil society is a key goal of the administration and is enshrined in our vision for a free and open Indo-Pacific. If confirmed, I will continue the embassy's strong engagement with civil society.

RMI does not have a military of its own. Under the Compact and Amended Compact, the United States has full authority and responsibility for security and defense matters in or relating to the RMI. As RMI does not generally receive U.S. assistance for security forces, the Leahy Law is generally not relevant to RMI. However, in the rare instances when U.S. assistance could be directed toward an RMI security unit, I am committed to the effective implementation of the Leahy Law.

*Question.* Will you and your embassy team actively engage with the Marshall Islands to address cases of key political prisoners or persons otherwise unjustly targeted by the Marshall Islands?

*Answer.* There were no reports of political prisoners or detainees in the Marshall Islands. Should such a situation arise, I would, if confirmed, of course bring U.S. concerns to the attention of the government at the highest levels.

*Question.* Will you engage with the Marshall Islands on matters of human rights, civil rights and governance as part of your bilateral mission?

*Answer.* Yes. If confirmed, I will work with the Marshall Islands to engage on matters of human rights, fundamental freedoms, and governance. I would also seek to exchange best practices between our governments. Good governance is a core pillar of the U.S. vision for a free and open Indo-Pacific. As part of the Indo-Pacific Transparency Initiative, the United States, with allies and partners, will promote just, transparent, and responsive governance through anti-corruption efforts while encouraging strong civil society and honest business practices. If confirmed, I will work with the RMI to create the conditions needed to unlock greater private investment, combat corruption, and secure the RMI from malign foreign influence. I would continue to promote transparency, openness, rule of law, and the protection of human rights and fundamental freedoms.

#### *Diversity*

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

*Answer.* Encouraging, mentoring, and supporting staff with diverse backgrounds both in the Foreign Service and Civil Service is something I have done throughout my career. If confirmed, I would make strong mentoring relationships an integral part of the Embassy culture by promoting initiatives that support employee engagement, job satisfaction, development of leadership skills, and increased teamwork. It is my expectation that by doing so, workplace diversity, employee retention, productivity, and morale will all improve.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

*Answer.* If confirmed, I will meet with the direct hire and local staffs in the Mission to determine where inclusivity is perceived as lacking, review our HR processes to determine where and how we can mitigate unconscious biases and provide access to training that will support these efforts. I would also meet with Mission supervisors and the management team to discuss what I have heard from the employees, where improvements are needed and, based on all of the information gathered, put a plan in place to correct any weaknesses or gaps.

#### *Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect

may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

Answer. I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in the Marshall Islands?

Answer. My investment portfolio includes mutual funds that may have or may acquire investments in companies in the Marshall Islands; however, these funds are exempt from the conflict of interest laws. I am committed to ensuring that my official actions will not give rise to a conflict of interest. I will divest my interests in any investments the State Department Ethics Office deems necessary in the future to avoid a conflict of interest, and will remain vigilant with regard to my ethics obligations.

#### *Corruption*

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in the Marshall Islands specifically?

Answer. Corruption undermines democratic governance and the rule of law, including in the Marshall Islands. The law provides criminal penalties for corruption by officials, and although the RMI government generally implemented the law effectively, officials sometimes engaged in corrupt practices with impunity. This erodes public confidence in institutions, systems of governance, and impedes achievement of the goals of our vision for a free and open Indo-Pacific. The RMI can only reach its full potential if we make efforts to end these corrupt practices. The government of the RMI continues to work to address corruption.

*Question.* What is your assessment of corruption trends in the Marshall Islands and efforts to address and reduce it by that government?

Answer. As stated in the Department of State's Human Rights Report, the Attorney General's Office reported it received 13 allegations of bribery in official matters through August 2018. These involved theft, check forgeries, securing execution of documents by deception, embezzlement, bid rigging, abuse of public office for private gain, and misappropriation of public funds. One notable corruption case concluded in March 2018, when the High Court found a former senator from Mili Atoll, Keijo Bien, guilty of "civil theft" for wrongfully taking and converting \$40,000 in grant money from Taiwan for his own use.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in the Marshall Islands?

Answer. If confirmed, I will work closely with the government of the RMI and U.S. law enforcement to strengthen good governance and anticorruption efforts. I would work with allies and likeminded partners to coordinate our efforts on these important issues. Through new funding for USAID on governance under the Indo-Pacific Strategy, including under the Indo-Pacific Transparency Initiative, I would work to ensure these programs are implemented to maximum effect in the RMI. I would also work closely with interagency partners to ensure that U.S. taxpayer resources are used for their intended purpose.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO KELLY C. DEGNAN BY SENATOR ROBERT MENENDEZ

*Question.* On October 28, 2019, Georgia was hit by a significant cyber-attack that took down more than 2,000 websites, including the presidential website and court websites, as well as the national TV station. Who does the State Department assess was responsible for this cyber-attack? Does State assess that the attack triggers sanctions under CAATSA Section 224?

Answer. I am aware of the October 28, 2019, cyber-attack in Georgia, which the U.S. government is in the process of analyzing. The United States works to support

allies and partners, like Georgia, in resisting cyber-threats and cyber-enabled efforts to destabilize them. If confirmed, I will work with the Georgian government and U.S. government partners to continue existing U.S. efforts to strengthen Georgia's cyber security, particularly in the run up to Georgia's 2020 parliamentary elections. The Department is fully committed to comprehensive implementation of CAATSA and is continually engaged with the Treasury Department to assess potentially sanctionable activity.

*Question.* Russia has maintained its illegal presence in the Georgian regions of Abkhazia and South Ossetia for over a decade now. What is the human rights situation in those two regions? What evidence is there of serious human rights abuses in the regions? Does the State Department assess that the human rights situation triggers sanctions under CAATSA Section 228?

*Answer.* Georgians living in the Russian-occupied territories of Abkhazia and South Ossetia face severe restrictions on their fundamental freedoms, including but not limited to onerous restrictions on their freedom of movement and right to transfer property, and risk of arrest and detention by Russian and de facto security forces. In the past few years, a number of Georgian citizens have died while in detention in the occupied territories.

Evidence of these human rights abuses comes from a variety of sources, including our Embassy's reporting on the ground, observations from the EU Monitoring Mission, conversations with the Geneva International Discussions Co-Chairs, UNHCR, and local NGOs and activists. We document these abuses in our annual Human Rights Report on Georgia.

If confirmed, I will direct Embassy Tbilisi to continue to monitor human rights abuses in the occupied territories. The administration has not hesitated to designate individuals pursuant to CAATSA Section 228, and if there is evidence of human rights abuses in the occupied territories, I will forward that information to the State Department and interagency partners for proper assessment.

*Question.* Corruption is a major concern in Georgia and will have a negative impact on its ability to potentially accede to NATO and the EU. How does the State Department assess the role of Bidzina Ivanishvili in Georgian politics, particularly in the judicial system, and in Georgian media?

*Answer.* Corruption and the impact of informal governance, including by the unelected leader of the ruling Georgia Dream party, in Georgia are major concerns. If confirmed, I will support efforts to strengthen the Georgian government's democratic institutions and processes, so that decisions are transparent and made by accountable elected officials. If confirmed, I will support reform to strengthen judicial independence in Georgia and continue exchange programs with Georgia's legislators, prosecutors, and law enforcement bodies to bolster anticorruption efforts. I will also continue efforts to ensure Georgia maintains media pluralism and press freedoms, including programs to support media literacy, investigative reporting, and strengthen local, high-quality independent media. If confirmed, I plan to work with all groups, including government officials, party leaders, media outlets, and various civil society actors to address these concerns and advance U.S.-Georgia relations.

*Question.* Next year's Georgian election is likely to happen under a new system that includes proportional representation and a 0% threshold for parties to win seats, among other changes. How does the State Department assess the changes will impact Georgia's political system? How does State assess they will impact Georgia's democratic trajectory?

*Answer.* The Department has welcomed the ruling Georgian Dream party's stated support to switch to a fully proportional election system for elections in 2020—a change opposition parties have been requesting. While the full impact of the changes is unclear, we expect that it will require Georgian political leaders to work together, perhaps even in a coalition government, to face Georgia's democratic, economic, and security challenges. Nevertheless, much remains to be done in advance of next year's parliamentary elections. If confirmed, I plan to focus my efforts on ensuring a level playing field, preventing the misuse of administrative resources, and strengthening campaign finance regulations, among other issues. I will stress to the Georgian government that the conduct of the 2020 parliamentary election will be an important bellwether in Georgia's democratic development.

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

*Answer.* During my 26 years of government service, I have had the privilege of working to promote American values and principles around the world, including re-

spect for human rights, religious freedom, due process, and equal rights under the law. At the U.S. Mission to NATO, I negotiated to include strong language in support of Women, Peace, and Security (WPS) initiatives in NATO Summit communiqués, which helped make WPS a standard component of NATO planning and policies. In Kosovo, my team and I worked with the Kosovo government to find ways to protect the rights of members of the minority Kosovo Serb community and better integrate Kosovo Serbs into Kosovo society. In Italy, I was a strong advocate for much-needed judicial reform to ensure timely resolution of disputes. The Italians implemented the reform, which cleared the docket of an extensive backlog and allowed for justice to be administered more efficiently. It has been my honor to advocate strongly for respect for human rights, including freedom of religion or belief and freedom of expression, due process, equal protection under the law, and other fundamental American principles. I am committed to continuing to be a strong representative of America, and all that we stand for.

*Question.* What issues are the most pressing challenges to democracy or democratic development in Georgia? These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights, and press freedom. Please be as specific as possible.

*Answer.* Electoral reform in advance of the 2020 Georgian parliamentary elections to ensure a level playing field, reforms advancing judicial independence, and further strengthening parliamentary oversight including of the security and law enforcement sector are the most pressing challenges in Georgia's democracy and democratic development. The ongoing occupation of Abkhazia and South Ossetia by Russia is also a major challenge to Georgia's democracy, as is informal governance.

*Question.* What steps will you take—if confirmed—to support democracy in Georgia? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

*Answer.* If confirmed, I will stress the importance of free and fair elections, parliamentary oversight, and respect for the human rights of all, protected by an independent judiciary as crucial for Georgia's development and long-term stability. I support an environment in which political groups do not face political violence or undue restrictions on their ability to register, to raise funds, to organize and recruit members, to reach out to citizens and hold public events, to gain access to the mass media, or to compete in elections. Integration of 2018 OSCE/ODIHR electoral reform recommendations into legislation, as promised by the government, would help level the playing field ahead of the 2020 elections. I will also continue to be a vocal advocate of Georgia's sovereignty and territorial integrity within its internationally recognized borders. I will also explore how to use U.S. assistance effectively to support these goals.

The goal of our efforts is a Georgia that is more democratic and capable of resisting Russian malign influence, and more capable of defending the rights of its citizens throughout its internationally-recognized territory. Potential impediments to strengthening democracy in Georgia include a lack of judicial independence, a lack of security sector accountability, election legislation that does not prevent the misuse of administrative resources, tension between the ruling party and civil society, and entrenched interests.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

*Answer.* Current Department of State and USAID democracy assistance seeks to strengthen civil society, encourage and facilitate citizen participation in local decision-making, and support electoral processes and an independent media. We stand ready to assist the Georgian government in making sustainable institutional changes in the justice and law enforcement sectors that will assist the government's anti-corruption policies, support an independent judiciary, continue to build transparency and accountability through civil society, and strengthen local media's ability to be professional, competitive, and independent. If confirmed, I will continue to support these assistance efforts and will look for other ways to productively utilize assistance funds to promote shared objectives.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in Georgia? What steps will you

take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

Answer. If confirmed, it will be among my top priorities to meet with those outside of the government, such as civil society representatives, including human rights-focused NGOs in the United States and Georgia, to demonstrate our commitment to human rights and fundamental freedoms. Georgia has a strong cadre of civil society organizations, and I look forward to engaging actively with the groups and individuals who are advocating for these important issues. If confirmed, I will speak out and use all diplomatic means to prevent any legal or regulatory measures that would restrict or penalize NGOs and civil society, as well as speak out against unfair and unjustified accusations against NGO and civil society leaders by government officials.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties? What steps will you take to encourage genuine political competition? Will you advocate for access and inclusivity for women, minorities, and youth within political parties?

Answer. Yes, if confirmed, I will continue the Embassy's current commitment to have Embassy officers, at all levels, meet with those outside of the government, including political opposition figures and parties, to demonstrate our support for pluralism, checks and balances, and genuine political competition. I will continue efforts to advance electoral reform in advance of the 2020 Georgian parliamentary elections to ensure a level playing field. Finally, if confirmed, I will advocate for equal access and inclusivity for women, minorities, and youth in all spheres, including in political life, as well as explore how to use U.S. assistance effectively to support these goals.

*Question.* Will you and your embassy team actively engage with Georgia on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory, or other measures? Will you commit to meeting regularly with independent, local press in Georgia?

Answer. Maintaining space for pluralistic media in Georgia is a continuing U.S. priority in Georgia due most recently to the context and timing of recent investigations of media actors not aligned with the ruling party. If confirmed, my Embassy team and I will engage actively on freedom of the press and will support the Embassy's continued commitment to meet with independent, local journalists. If confirmed, I will also support existing programs aimed at promoting a sustainable independent media environment, improving access to independent and reliable sources of information through media literacy programs and by strengthening professional standards, media management, and quality content of independent media.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in the country?

Answer. If confirmed, engaging with civil society and Georgian government officials to counter disinformation and malign propaganda, particularly Russian and other disinformation, will be one of my top priorities. Through foreign assistance, diplomatic efforts, and the Embassy's public diplomacy team, we can help mitigate Georgia's vulnerabilities to Russian pressure, counter Russian and other disinformation, assist Georgia's efforts to strengthen transparency and accountability of its democratic institutions, and communicate our positive message regarding the progress Georgia has made through its partnership with the United States.

*Question.* Will you and your embassy teams actively engage with Georgia on the right of labor groups to organize, including for independent trade unions?

Answer. If confirmed, my Embassy team and I will continue the Embassy's engagement with labor groups, including independent trade unions. If confirmed, I will work to promote worker rights in Georgia by focusing on internationally-recognized labor rights related to the freedom of association, effective recognition of the right to collective bargaining, and the elimination of forced labor, child labor, and employment discrimination. I will urge Georgia to enhance its labor laws and implement a fully functioning labor inspectorate.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Georgia, no matter their sexual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender, and queer (LGBTQ) people face in Georgia? What specifically will you commit to do to help LGBTQ people in Georgia?



Answer. governments have an obligation to ensure that everyone can freely enjoy the human rights and fundamental freedoms to which they are entitled, and I commit to work to protect and defend human rights for all.

As documented in the Department's Human Rights Reports, LGBTI persons continued to experience violence, oppression, abuse, intolerance, and discrimination in Georgia. Societal discrimination against LGBTI individuals on the basis of sexual orientation or gender identity negatively affected all aspects of life, including employment, housing, education, and health care.

If confirmed, I will urge Georgian authorities to ensure the safety of LGBTI and all other demonstrators in rallies, conduct independent and credible investigations into reports of attacks on LGBTI individuals, hold any perpetrators responsible as soon as possible, and speak out against such practices and ensure the effective implementation of the country's anti-discrimination laws.

*Question.* Do you commit to respond promptly to all requests for information by members of this committee?

Answer. Yes, with the understanding that any such response would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Do you commit to appear before this committee upon request?

Answer. Yes, with the understanding that any appearance would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

Answer. If confirmed, I commit to comply with all relevant laws, regulations, and rules, and to raise concerns that I may have through appropriate channels, including, as applicable to the Inspector General.

*Question.* In the wake of President Trump's comments welcoming derogatory information on a U.S. political figure from foreign entities, it is important that the State Department have explicit guidance for all of its personnel on how to deal with this scenario. Guidance on handling interactions that prompt concern about exploitation by a foreign entity, such as FAM Chapter 12, Section 262, does not clearly address this situation. If a foreign person or government approaches you or a staffer at the embassy with derogatory information on a U.S. political figure, what is your understanding of official State Department policy on how to handle this specific situation? Has a cable with clear guidance on how to handle this specific situation been sent to all U.S. embassies?

Answer. If confirmed, I commit to comply with all relevant laws, regulations, and rules regarding interactions with foreign officials and other foreigners, both at home and abroad. It would not be appropriate to comment on hypothetical scenarios, however, if confirmed, I would continue, and reinforce, such policy and practice at my Mission.

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

Answer. I have never had a formal or informal complaint or allegation of sexual harassment, discrimination, or inappropriate conduct raised against me. I take these matters seriously and would ensure that all Embassy staff also understand the importance of handling any matter that arises promptly and appropriately.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

Answer. As Deputy Chief of Mission, I have handled personnel issues, including conduct and performance matters. I have worked closely with the Embassy's Human Resources Officer (HRO) and appropriate State Department offices in Washington to address possible issues.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your

leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. Any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate. I take allegations of such practices seriously and will ensure they are referred to the appropriate channels, including the Department's Inspector General. If confirmed, I will maintain a policy of zero tolerance in U.S. Embassy Tbilisi for any retaliation, blacklisting, or other prohibited personnel practices. I will hold U.S. Embassy Tbilisi employees accountable to the highest standards in accordance with anti-discrimination, merit principle, and whistleblower protection statutes, laws, and regulations, including the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. I will also ensure employees comply with their NO FEAR Act training requirements.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO KELLY C. DEGNAN BY SENATOR BENJAMIN L. CARDIN

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

Answer. During my 26 years of government service, I have had the privilege of working to promote American values and principles around the world, including respect for human rights, religious freedom, due process, and equal rights under the law. At the U.S. Mission to NATO, I negotiated to include strong language in support of Women, Peace, and Security (WPS) initiatives in NATO Summit communiqués, which helped make WPS a standard component of NATO planning and policies. In Kosovo, my team and I worked with the Kosovo government to find ways to protect the rights of members of the minority Kosovo Serb community and better integrate Kosovo Serbs into Kosovo society. In Italy, I was a strong advocate for much-needed judicial reform to ensure timely resolution of disputes. The Italians implemented the reform, which cleared the docket of an extensive backlog and allowed for justice to be administered more efficiently. It has been my honor to advocate strongly for respect for human rights, including freedom of religion or belief and freedom of expression, due process, equal protection under the law, and other fundamental American principles. I am committed to continuing to be a strong representative of America, and all that we stand for.

*Question.* What are the most pressing human rights issues in Georgia? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Georgia? What do you hope to accomplish through these actions?

Answer. Restricted fundamental freedoms of Georgians living in the Russian-occupied territories of Abkhazia and South Ossetia, electoral reform in advance of the 2020 Georgian parliamentary elections to ensure a level playing field, greater oversight of the security and law enforcement sector, and reforms advancing judicial independence are among Georgia's most pressing democracy, governance, and human rights issues. If confirmed, I will stress the importance of free and fair elections, security sector oversight, and respect for the human rights of all, protected by an independent judiciary as crucial for Georgia's development and long-term stability. I will support Embassy programs to engage all sectors of Georgian society on these issues. I will continue to raise awareness in the international community of human rights abuses by Russia and the de facto authorities in the occupied territories. The goal of our efforts is a Georgia that is more democratic and capable of resisting Russian malign influence, and more capable of defending the rights of its citizens throughout its internationally recognized territory.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Georgia in advancing human rights, civil society, and democracy in general?

Answer. Potential impediments to addressing human rights issues include security sector accountability, corruption, lack of capacity among some of our Georgian partners, challenges to judicial independence, and entrenched interests. Russia's continued illegal occupation of Georgian territory and the de facto authorities' refusal to abide by international human rights norms and standards despite pressure applied on them in the context of the Geneva International Discussions serves as an obstacle to addressing human rights issues. If confirmed, I will work closely with

the Georgian government, opposition political parties, civil society, the international community, and other stakeholders to address such impediments and advocate for progress in all of the areas crucial for strengthening democratic, accountable governance. Political will is a key first step to improving Georgia's electoral system and building a strong independent judiciary, but building up institutions is equally important.

*Question.* Are you committed to meeting with human rights, civil society, and other non-governmental organizations in the U.S. and with local human rights NGOs in Georgia? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

*Answer.* Yes, if confirmed, it will be among my top priorities to meet with those outside of the government, including civil society representatives and human rights-focused NGOs, to demonstrate our commitment to human rights and fundamental freedoms. Georgia has a vibrant civil society, and I look forward to engaging actively with the groups and individuals who are at the forefront of pushing for meaningful change in Georgia. If confirmed, I will ensure that the Embassy team continues to adhere to all applicable laws, including the Leahy laws, to ensure that U.S. security assistance and security cooperation in Georgia reinforce human rights.

*Question.* Will you and your embassy team actively engage with Georgia to address cases of key political prisoners or persons otherwise unjustly targeted by Georgia?

*Answer.* Yes. If confirmed, my embassy team and I will actively engage with Georgia to address any cases of political prisoners, selective prosecutions, or persons otherwise unjustly targeted by Georgia that may arise. More broadly, I will also continue to work with civil society and the international community to reinforce calls to reform the judiciary toward greater independence and transparency.

*Question.* Will you engage with Georgia on matters of human rights, civil rights, and governance as part of your bilateral mission?

*Answer.* Yes. If confirmed, I will stress to government officials, civil society, and the broader public the importance of respect for human rights and the rule of law. I will stress the important role of civil society, independent media, and opposition politicians to hold the government accountable and advocate publicly and privately for full respect for political pluralism and a level playing field for democratic competition.

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

*Answer.* Diversity and inclusion on teams is very important to me. Diversity not only strengthens our effectiveness but also promotes a workplace culture that values the efforts of all members and enhances the professional experience of our valued public servants. If confirmed, I commit to promoting the Department's goal of ensuring a diverse workforce at Embassy Tbilisi.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

*Answer.* If confirmed, I would lead by example and promote the highest standards from our management team. Any behavior that hinders an inclusive environment will not be tolerated. Throughout my career, I have worked to foster inclusive and respectful work environments, and I will make clear to all supervisors at U.S. Embassy Tbilisi that every team member be treated equally with dignity and respect.

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in Georgia?

Answer. I am not aware of any financial interest in Georgia held by me or my immediate family. My investment portfolio includes mutual funds as well as individual stocks below the \$15,000 threshold that may have or acquire investments in companies in Georgia; however, these funds are exempt from the conflict of interest laws. I am committed to ensuring that my official actions will not give rise to a conflict of interest. I will divest my interests in any investments the State Department Ethics Office deems necessary in the future to avoid a conflict of interest, and will remain vigilant with regard to my ethics obligations.

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Georgia specifically?

Answer. Corruption erodes the social contract between citizens and government, weakens government institutions and the trust that the public places in them, and has a corrosive impact on democratic governance and the rule of law. Georgia has implemented significant anticorruption reforms since 1991 and has largely eliminated petty corruption in public administration, but more work is needed. For example, work remains to be done to enforce anticorruption legislation and increase transparency and accountability in the judiciary. Additional efforts to combat corruption would assist the government in attracting investment and would improve adherence to democratic principles and rule of law in Georgia. Furthermore, recognizing that informal governance and abuse of administrative resources during elections can erode public trust, I will work to advance U.S. efforts to institutionalize rule of law and electoral reforms that will mitigate the abuse of administrative resources.

*Question.* What is your assessment of corruption trends in Georgia and efforts to address and reduce it by that government?

Answer. Georgia has made great strides in fighting corruption and currently ranks 41 out of 180 countries in Transparency International's 2018 Corruption Perceptions Index, the highest ranking for any post-Soviet country outside the Baltics. However, there is more work to be done. I will encourage Georgia to increase its enforcement of anticorruption legislation and advance transparency and accountability in the judiciary. If confirmed, I will work broadly with the Georgian government, the business community, and civil society to support anticorruption efforts.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Georgia?

Answer. If confirmed, I will work with my team at the Embassy in Tbilisi to engage Georgian officials at all levels of government in support of good governance and anti-corruption. I will advocate for a level playing field in elections, strong institutions accountable to the Georgian people, and government systems free of corruption and bribery. My team and I will encourage the Georgian Parliament to exercise oversight to provide for public accountability, prevent corruption, and enhance transparency, including in local government in support of the government's ambitious decentralization plans. I will support judicial reform in Georgia and continue exchange programs with Georgia's legislators, prosecutors, and law enforcement bodies to bolster anticorruption efforts.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO RICHARD S. GILCHRIST BY SENATOR ROBERT MENEDEZ

*U.S. Support for the Baltics*

*Question.* While President Trump did not divert European Deterrence Initiative funding from Lithuania to fund his border wall, he did divert nearly \$16 million from its fellow Baltic State and NATO Ally, Estonia. Given that the Baltic States share common interests and frequently partner with each other, what message does this diversion of funds send to Lithuania about U.S. commitment to our Allies in the region?

Answer. Lithuanian officials have not raised concerns with Embassy Vilnius about the re-programming of European Deterrence Initiative (EDI) funds to enhance border security at the U.S.-Mexico border. The Lithuanian government and public reactions to the October 21 arrival of a battalion-sized element from the U.S. Army's First Cavalry Division under the EDI-funded Operation Atlantic Resolve, however, have been overwhelmingly positive. Minister of Defense Raimondas Karoblis called the six-month training deployment of approximately 500 troops "a vital factor of deterrence" and noted that the EDI-funded rotation "sends a message to Lithuania and neighboring NATO countries... that Allies are with us."

*Question.* I understand that the State Department is considering adding Lithuania to the European Recapitalization Incentive Program (ERIP). What is the status of discussions with Lithuania regarding ERIP, particularly regarding its bidding laws that could preclude it from purchasing American equipment?

*Answer.* Lithuania has formally expressed interest in ERIP within the context of efforts to replace its legacy Soviet-era helicopters with a modern U.S.-manufactured alternative. Discussions are ongoing between the Department of State and U.S. European Command regarding additional allocations of ERIP. No funding decisions have been made thus far, but Lithuania is under consideration as a participant, along with other European partners in the region. All such discussions take into consideration relevant and applicable foreign country laws and regulations.

*Question.* I understand that the proposed construction on the site of the Snipiskes Jewish cemetery in Vilnius has drawn a lot of criticism but may still proceed. How does the State Department assess the Lithuanian government's handling of the situation? If confirmed, what steps will you take to ensure the concerns of the Jewish community, particularly the Jewish-American community, are heard in this discussion?

*Answer.* In 2009, the Lithuanian government signed an agreement with the Lithuanian Jewish Community and the London-based committee for the Preservation of Jewish Cemeteries in Europe (CPJCE), approving conditions for the protection of Snipiskes Jewish Cemetery and for the development of land adjacent to it. In 2014, the Lithuanian government announced plans to turn an empty sports center located in a "buffer zone" next to the cemetery into a conference center. Per the 2009 agreement, the building is considered outside the cemetery's boundaries since ground penetrating radar could detect no human remains in the zone where the sports center is located.

A few members of the Jewish American community disagree with the 2009 agreement's definition of the boundaries of the cemetery, contending that undetected human remains are still in the zone where the sports center is located and that its renovation will desecrate the burial grounds. The CPJCE assessed the renovation proposal and approved the project, noting that the renovation would not desecrate the cemetery because remains may no longer be present; the Lithuanian Jewish Community concurred with the committee's assessment. Lithuania's state property bank will work with the CPJCE during the renovation, which is to begin in 2020, to avoid inadvertent disturbance of any possible human remains.

The Embassy has remained in close contact with the Lithuanian Jewish Community, the Department of State's Special Envoy for Holocaust Issues (SEHI), the Bureau of Democracy, Human Rights, and Labor, and the U.S. Commission for the Preservation of America's Cultural Heritage Abroad regarding this controversy. If confirmed, I look forward to continuing such engagement to ensure the protection of Snipiskes Cemetery.

#### *Democracy and Human Rights*

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

*Answer.* I have made the promotion of human rights a core component of my work throughout my career. During my second assignment as the human rights officer at Embassy Caracas (1993-95), I helped secure outside funding to keep a key human rights organization from closing. While a political counselor in Bucharest (2003-6), I expanded the Embassy's outreach to numerous Roma and other civil society groups. I also obtained funding to provide training in the United States for a number of human rights leaders, many of whom remain important figures in Romania and have successfully pressed for government reform. While Deputy Chief of Mission in Tallinn (2010-13), I arranged for a visit to Estonia of anti-hate crime activists Judy and Dennis Shepard, who met with the Estonian president and appeared in numerous public fora, which gave unprecedented visibility to the grave problems of hate and intolerance, particularly against LGBT youth. These are but a few examples of my efforts to protect and promote human rights. If confirmed, I will ensure that the promotion of human rights and respect for individual human dignity remain central in the work of the United States Embassy in Lithuania.

*Question.* What issues are the most pressing challenges to democracy or democratic development in Lithuania? These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights and press freedom. Please be as specific as possible.

Answer. Lithuania is a vibrant democracy with resilient institutions, established respect for rule of law, and a free press. It is also a strong partner of the United States in advancing democracy and promoting human rights, especially in countries from the former Soviet space. Within Lithuania, the primary obstacles to addressing human rights issues are insufficient government coordination and financial assistance for NGOs. There is frequently a lack of coordination between the national government and the municipalities, which are the chief executors of key reforms. Civil society leaders say that more government support for their efforts is needed, and they also decry the weak spirit of volunteerism and philanthropy in Lithuanian society. As such, civil society organizations depend on a shrinking pool of assistance from foreign governments and international organizations.

If confirmed, I will continue the work of Embassy Vilnius in pressing the Lithuanian government to address these challenges to protecting human rights, as the Embassy has successfully done to improve government coordination in the fight against human trafficking.

*Question.* What steps will you take—if confirmed—to support democracy in Lithuania? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

Answer. Lithuania is a vibrant democracy with resilient institutions and established respect for rule of law. The protection of human rights is essential to democracy, and the Lithuanian government has made important recent advances in promoting human rights by passing legislation to deinstitutionalize childcare for orphans, banning violence against children, supporting the LGBTI community, and fighting human trafficking.

However, work needs to be done to address the prevalence of the sexual abuse of children, to create an environment that encourages women to report domestic violence to the authorities, and to increase tolerance toward members of minority groups. Furthermore, in the justice system, conditions are substandard in a number of prison and detention facilities, and lengthy pretrial detention is a problem.

If confirmed, I will press the government to implement existing legislation and work to foster dialogue between the government and civil society to implement those reforms. I will also work to connect Lithuanian reformers with U.S. practitioners who can share their best practices and experience.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

Answer. The Department uses diplomatic and foreign assistance tools to support democracy and governance. Given Lithuania's status as a market-based economy with strong democratic institutions and membership in the European Union, the United States no longer provides bilateral development assistance to Lithuania. At the same time, the United States has utilized regional programs to provide foreign assistance to Lithuania on a case-by-case basis to address challenges related to Russian malign influence. If confirmed, I will use all available tools and resources the United States government has to support democracy, governance and rule of law in Lithuania.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in Lithuania? What steps will you take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

Answer. Yes. If confirmed, I commit to meeting with civil society members and representatives of human rights and other non-governmental organizations in the United States and in Lithuania. I will engage Lithuanian government and parliament officials and regulatory bodies to address concerns regarding any undue restrictions or penalties imposed upon non-government organizations and civil society groups.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties? What steps will you take to encourage genuine political competition? Will you advocate for access and inclusivity for women, minorities and youth within political parties?

Answer. Yes. If confirmed, I pledge to engage with a range of Lithuanian political parties and politicians to strengthen bilateral ties and promote U.S. interests and objectives in Lithuania. I will continue the efforts of our embassy in Vilnius to promote democracy and good governance initiatives, including free and fair political

systems. I will advocate among Lithuanian government officials, political parties, and civil society groups for access and inclusivity for women, youth, and members of minority communities, including by advancing and implementing the objectives articulated in the June 2019 U.S. Strategy on Women, Peace, and Security.

*Question.* Will you and your embassy team actively engage with Lithuania on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory or other measures? Will you commit to meeting regularly with independent, local press in Lithuania?

*Answer.* Yes. If confirmed, I will engage with Lithuanian government officials, media groups, and civil society to enhance the capabilities of independent media and ensure continued respect for freedom of expression, including for the press. I will also continue U.S. Embassy Vilnius' established practice of meeting with independent Lithuanian press groups and bodies.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in the country?

*Answer.* Yes. The United States and Lithuania work closely together to identify, recognize, and expose Russian disinformation in Lithuania and other parts of the world. The Lithuanian Ministries of Foreign Affairs and National Defense operate strategic communication (stratcom) teams, which monitor disinformation, spot trends, and coordinate inter-ministerial responses to propaganda. U.S. Embassy Vilnius meets regularly with members of both stratcom teams. Lithuanian civil society also counters disinformation via the homegrown watchdog initiative debunk.eu, a Google-based web-scraping platform that partners with volunteers and journalists to debunk trending and dangerous disinformation. In addition, the United States and Lithuania partner to strengthen independent media, promote media literacy, and reach out to the small Russian and Polish minority communities to overcome societal tensions and feelings of marginalization. If confirmed, I will continue to support cooperation with and assistance to Lithuania to combat Russian disinformation. It is among our most knowledgeable and capable allies in countering such malign influence.

*Question.* Will you and your embassy teams actively engage with Lithuania on the right of labor groups to organize, including for independent trade unions?

*Answer.* Yes. Freedom of association and the right to collective bargaining are key elements of labor rights. If confirmed, I will actively engage with the Lithuanian government on protecting these rights for labor groups, including independent trade unions.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Lithuania, no matter their sexual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Lithuania? What specifically will you commit to do to help LGBTQ people in Lithuania?

*Answer.* According to the U.S. Department of State's 2018 Human Rights Report, societal attitudes in Lithuania toward lesbian, gay, bisexual, transgender, and intersex persons (LGBTI) remain largely negative. Stigma, discrimination, and violence remain significant issues for the LGBTI community. U.S. Embassy Vilnius is active in promoting a tolerant Lithuania, free from institutional homophobia and transphobia, and safe for the LGBTI community. For example, the Embassy provided a grant to bring a U.S. expert on homophobic bullying to Lithuania to discuss with students, civil society, parliamentarians, and media outlets, best practices for creating inclusive school environments. If confirmed, I will continue the efforts of the Embassy to defend the human rights and dignity of all people in Lithuania, no matter their sexual orientation or gender identity.

#### *Responsiveness*

*Question.* Do you commit to respond promptly to all requests for information by members of this committee?

*Answer.* Yes, with the understanding that any such response would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Do you commit to appear before this committee upon request?

*Answer.* Yes, with the understanding that any such appearance would be organized through the Department of State's Bureau of Legislative Affairs in accordance with long standing Department and Executive Branch practice.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

Answer. If confirmed, I commit to comply with all relevant laws, regulations, and rules, and to raise concerns that I may have through appropriate channels, including required reporting to the Office of the Inspector General.

*Administrative*

*Question.* In the wake of President Trump's comments welcoming derogatory information on a U.S. political figure from foreign entities, it is important that the State Department have explicit guidance for all of its personnel on how to deal with this scenario. Guidance on handling interactions that prompt concern about exploitation by a foreign entity, such as FAM Chapter 12, Section 262, does not clearly address this situation. If a foreign person or government approaches you or a staffer at the embassy with derogatory information on a U.S. political figure, what is your understanding of official State Department policy on how to handle this specific situation? Has a cable with clear guidance on how to handle this specific situation been sent to all U.S. embassies?

Answer. If confirmed, I will follow the Department of State's guidance with regard to reporting derogatory information.

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

Answer. No. I take the issues of sexual harassment, discrimination, and inappropriate conduct with the utmost seriousness and throughout my career, I have immediately addressed any issues raised to me in accordance with the Department of State's policies. To my knowledge, I have never been named as a responsible management official in a formal or informal complaint of harassment or discrimination.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

Answer. I take the issues of sexual harassment, discrimination, and inappropriate conduct with the utmost seriousness and throughout my career, I have immediately addressed any issues raised to me in accordance with the Department of State's policies, including encouraging any employee who feels they have been harassed or discriminated against to report such behavior to any supervisor under my management or the Department's Office of Civil Rights.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. Yes. I agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration is wholly inappropriate. I take allegations of such practices seriously and will ensure they are referred to the appropriate channels, including the Department's Inspector General. If confirmed, I will maintain a policy of no tolerance for retaliation, blacklisting, or other prohibited personnel practices at U.S. Embassy Vilnius. I will hold U.S. Embassy Vilnius employees accountable to the highest standards in accordance with applicable law, rules, and regulations on anti-discrimination and prohibited personnel practices, including the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, as amended.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO ROBERT S. GILCHRIST BY SENATOR BENJAMIN L. CARDIN

*Human Rights*

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?



Answer. I have made the promotion of human rights a core component of my work throughout my career. During my second assignment as the human rights officer at Embassy Caracas (1993-95), I helped secure outside funding to keep a key human rights organization from closing. That organization remains an important independent voice in Venezuela today. While a political counselor in Bucharest (2003-6), I expanded the Embassy's outreach to numerous Roma and other civil society groups. I also obtained funding to provide training in the United States for a number of human rights leaders, many of whom remain important figures in Romania and have successfully pressed for government reform. While Deputy Chief of Mission in Tallinn (2010-13), I arranged for a visit to Estonia of anti-hate crime activists Judy and Dennis Shepard, who met with the Estonian president and appeared in numerous public fora, which gave unprecedented visibility to the grave problems of hate and intolerance, particularly against LGBT youth. These are but a few examples of my efforts to protect and promote human rights. If confirmed, I will ensure that the promotion of human rights and respect for individual human dignity remain central in the work of the United States Embassy in Lithuania.

*Question.* What are the most pressing human rights issues in Lithuania? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Lithuania? What do you hope to accomplish through these actions?

Answer. Recent achievements by the Lithuanian government in promoting human rights include passage of legislation to deinstitutionalize childcare for orphans, banning violence against children, supporting the LGBTI community, and fighting human trafficking.

Nonetheless, work needs to be done to address the prevalence of the sexual abuse of children, to create an environment that encourages women to report domestic violence to the authorities, and to increase tolerance toward members of minority groups. Intolerance includes anti-Semitism as well as continued prejudice against LGBTI persons and members of ethnic minority communities. Lithuania's Roma community continues to face social exclusion and bias and refugees from the Middle East encounter discrimination when searching for employment and housing. In the justice system, conditions are substandard in a number of prison and detention facilities, and lengthy pretrial detention is a problem.

If confirmed, I will press the government of Lithuania to implement existing legislation and work to foster dialogue between the government and civil society to implement those reforms. I will also work to connect Lithuanian civil society with U.S. experts and practitioners to share best practices and experience.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Lithuania in advancing human rights, civil society and democracy in general?

Answer. The primary obstacles to addressing human rights issues in Lithuania are insufficient government coordination and financial assistance for NGOs. There is frequently a lack of coordination between the national government and the municipalities, the chief executors of key reforms. Civil society leaders say they need more government support, and decry the weak spirit of volunteerism and philanthropy in Lithuanian society. As such, civil society organizations depend on a shrinking pool of assistance from foreign governments and international organizations.

If confirmed, I will continue the work of U.S. Embassy Vilnius in pressing the Lithuanian government to address these challenges, as the mission successfully pressured the government to improve government coordination in the fight against human trafficking.

*Question.* Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in Lithuania? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

Answer. Yes. If confirmed, I will engage with civil society and non-governmental organizations across the United States and in Lithuania on a wide array of human rights. I will also ensure vetting procedures for U.S. assistance to Lithuanian security forces are implemented consistent with U.S. law and Department policy.

*Question.* Will you and your embassy team actively engage with Lithuania to address cases of key political prisoners or persons otherwise unjustly targeted by Lithuania?

Answer. Lithuania is a strong partner sharing our values and principles on human rights. There are no reported cases of political prisoners or people unjustly targeted by Lithuania. If such reports become known in the future, I will engage Lithuanian government officials, regulatory bodies, parliamentarians, and non-governmental and civil society organizations to address them.

*Question.* Will you engage with Lithuania on matters of human rights, civil rights and governance as part of your bilateral mission?

Answer. Yes. If confirmed, I will engage Lithuanian officials on promoting democracy, respect for rule of law, human rights, the important role of civil society, and good governance practices, measures, and programs.

#### *Diversity*

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

Answer. I fully support a diverse workforce. Diversity advances and illustrates American values and improves work environments by facilitating new perspectives and visions. Increasing diversity fosters an inclusive workplace and promotes the exchange of new ideas and innovative thinking. I strongly support the Department's goal of fostering a workplace that reflects the rich diversity of the United States. If confirmed, I will promote a workplace that encourages tolerance, respect, collaboration, and inclusion.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

Answer. Diversity and inclusion must be a focus area for Embassy planning and leadership. If confirmed, I will foster a positive work environment by instituting diversity and inclusion as priority objectives in Embassy strategy and planning documents. I will also promote diversity and inclusion as focal points in my first meetings with Embassy leadership. If confirmed, I will underscore that our policies and outcomes are improved by drawing on inclusive, diverse teams with a breadth of experiences and perspectives. I will also communicate strongly the Department's EEO policies in my mission and ensure they are followed.

#### *Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

Answer. If confirmed, I commit to complying with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate and applicable channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. If confirmed, I commit to complying with all relevant federal ethics laws, regulations, and rules, and to raise any concerns that I may have through appropriate and applicable channels.

*Question.* Do you or do any members of your immediate family have any financial interests in Lithuania?

Answer. My investment portfolio includes mutual funds, which may hold interests in companies with a presence in Lithuania, but which are exempt from the conflict of interest laws. I am committed to ensuring that my official actions will not give rise to a conflict of interest. I will divest my interests in any investments the State Department Ethics Office deems necessary to avoid a conflict of interest, and will remain vigilant with regard to my ethics obligations.

#### *Corruption*

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Lithuania specifically?

Answer. Around the world, corruption saps economic growth, hinders development, destabilizes governments, undermines democracy, and provides openings for dangerous transnational criminal organizations and malign actors. In addition,

weak rule of law and a corrupt judicial system constrain U.S. interests in promoting economic development, democratic consolidation, and stability in our allies. In Lithuania, political corruption is not endemic. The government has passed and adheres to laws aimed at controlling corruption. However, when corruption does occur, it weakens public confidence in judicial institutions and democracy, impedes access to justice, and limits the willingness of foreign investors to invest in the country.

*Question.* What is your assessment of corruption trends in Lithuania and efforts to address and reduce it by that government?

*Answer.* Lithuania is a vibrant democracy with resilient institutions, established respect for rule of law, and a free press. Lithuanian law provides effective mechanisms to investigate and punish corruption, including criminal penalties for corruption by government officials, and the government generally implements the law effectively. In 2017, Lithuania passed several new laws aimed at combatting corruption, among them laws to apply criminal liability to officials in the judicial system and to protect whistleblowers. That same year the Special Investigative Service, Lithuania's main anticorruption agency, conducted 171 pretrial investigations. As of September 2019, 155 pretrial investigations were in progress. Of note among those investigations is a case of 48 persons, including eight judges and six attorneys, who were being investigated for judicial corruption, involving 110 criminal acts. According to the pretrial investigation, the judges received a total of 400,000 euros (\$440,000) in bribes in exchange for favorable rulings. In September 2019, parliament passed resolutions to dismiss four of the eight judges under investigation in this case.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Lithuania?

*Answer.* If confirmed, I will engage with Lithuanian officials on promoting democracy, good governance, and anticorruption reforms, measures, and programs. Through relevant U.S. programs and engagement, I will also deepen and expand our cooperation with Lithuania on ways to promote transparency and respect for rule of law. In addition, I will leverage available U.S. assistance programs to promote good governance, democracy, and human rights in Lithuania. Lithuania is currently a target beneficiary for regional Department of State assistance programming—implemented by the Department of Justice—to combat corruption and transnational organized crime in Europe.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO YURI KIM BY SENATOR ROBERT MENENDEZ

*Question.* Former U.S. Ambassador to Albania Donald Lu played a key role in jumpstarting judiciary reform in Albania. How does the State Department assess the current Albanian government's response to corruption? What role do you foresee for yourself in promoting continued judicial and other reforms?

*Answer.* Albania's law enforcement institutions have delivered important results in the fight against organized crime and corruption. Albania is also proceeding apace on its reform track to overhaul the judiciary, but there is more to do. The first step of establishing independent judicial oversight bodies occurred in December 2018, and other steps are underway. U.S. foreign assistance to Albania facilitated the vetting of more than 140 judges and prosecutors. The United States is also supporting through diplomatic engagement and foreign assistance the establishment of an independent Special Anti-Corruption Unit, consisting of the Special Prosecution Office and the National Bureau of Investigation, modeled on the FBI.

If confirmed, I will continue U.S. efforts to encourage the Albanian government to keep making progress on strengthening the rule of law. U.S. assistance helps Albania strengthen its democratic institutions and deter threats, pushing forward reforms necessary to advance Albania on its chosen path of transatlantic integration. Our programs support Albanian efforts to combat transnational organized crime, strengthen judicial and law enforcement institutions, and bolster civil society organizations and an independent media, which promote government transparency and counter endemic corruption. If confirmed, I will continue to support necessary reforms and to make available needed technical assistance.

*Question.* I am deeply concerned by China's growing presence in Albania and by the fact that the U.S. is reducing the number of personnel present there just as China ramps up its presence. Please describe the nature of China's growing presence in Albania and what advantages that presence gives China in influencing the

Albanian government. How will the reduction of U.S. government personnel presence with USAID's strategic transition impact our ability to counteract this influence?

Answer. China's role in the Albanian economy to date is relatively modest, though increasing in strategic sectors. With our encouragement, the Albanian government is taking steps to counter these risks. If confirmed, I will prioritize ensuring that U.S. foreign assistance is formulated, calibrated, and implemented in a manner that advances U.S. interests.

Supported by one Senior Development Advisor and two Locally Employed Staff, USAID's \$5.5 million legacy program, slated to launch in 2020, will continue work in the areas of transparency and accountability while regional programs will bolster economic growth. These are sectors where USAID believes it can contribute most while helping counter foreign malign influence. Other U.S. government programs will continue. State Department programs advancing justice sector reforms, strengthening border security, and preventing violent extremism—among others—will remain after USAID's transition.

If confirmed, I will continue to press the government of Albania to protect its strategic infrastructure. I will also continue efforts to encourage Albania to consider whether proposed projects are economically viable and whether Albania's regulations will be respected.

*Question.* Who at the State Department was consulted before USAID made its decision to reduce its presence in Albania? What feedback did State, and in particular the EUR bureau, provide before the decision was made, and how did USAID account for that feedback in its final decision? How did State assess the drawdown would impact the U.S.'s strategic interests in the Balkans? In your response, please do not refer us to USAID.

Answer. The State Department was notified when USAID began planning a strategic transition of its presence in Albania. State F, the Assistance Coordinator's Office, the Albania desk, and Embassy Tirana provided feedback on transition options, taking into account our policy priorities and programmatic impact. Per its transition plan, USAID would continue to implement programs in three areas: 1) justice sector reform, 2) preventing violent extremism, and 3) local governance through early 2021. In 2020, USAID would begin a new program to promote job creation, counter corruption, and improve service delivery.

U.S. foreign assistance to Albania would not end with USAID's transition. Albania is an important ally, and our priority remains assisting Albania on its chosen EU path. The State Department will continue to support Albania's Euro-Atlantic integration through programming focused on strengthening the justice sector, promoting freedom of expression, combatting organized crime and violent extremism, and strengthening border security.

If confirmed as the next U.S. Ambassador to Albania, I commit to working with Congress to assess how foreign assistance and other tools can be used to support the desires of the Albanian people, as well as to advance U.S. national security interests.

*Question.* I remain concerned by how the EU's failure to open accession talks with Albania and North Macedonia will impact the two countries' trajectory towards the West. Russia is already seeking to take advantage of the non-decision by inviting the two countries to join the Eurasian Economic Union. What steps should the U.S. take to diplomatically encourage the EU to open accession talks with the two countries, as its own European Commission has recommended? How should the U.S. work constructively with Western Balkan countries to encourage their reform and democratization processes in light of this disappointment?

Answer. The United States strongly supports Albania's goal of Euro-Atlantic integration and aspirations to join the European Union. The European Council did not say "no" to Albania, nor did EU member states establish new conditions for the opening of accession negotiations, and we underscore these points in our advocacy for Albania's reform efforts.

The State Department demarched all 28 EU member states in support of North Macedonia and Albania's EU accession three times from March to October. U.S. Ambassadors to France and Germany, Deputy Assistant Secretary Palmer, and other senior State Department officials—including Secretary Pompeo, Deputy Secretary Sullivan, and Under Secretary Hale—spoke with senior foreign government officials to encourage member states to reach consensus decisions at the European Council in support of North Macedonia and Albania.

If confirmed, I will continue to advocate strongly for Albania's EU accession. I will urge Albania to implement justice reforms, fight corruption, and bolster its democ-

racy in order to persuade the EU it is committed to Euro-Atlantic integration. I will also continue to support the government of Albania as it pursues these reforms.

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

*Answer.* I have sought to promote human rights and democracy throughout my career as a foreign service officer. In my first assignment, in China in the late 1990s, I was responsible for covering North Korea. My reports drew attention to the growing number of North Koreans fleeing into China; described human rights violations occurring in North Korea; and informed U.S. action to promote human rights in North Korea and persuade Beijing to accommodate the migrants in a humane way. In Seoul, I worked with local politicians, community leaders, and the press to improve the ROK government's enforcement of laws regarding human trafficking, freedom of expression and assembly, and the rule of law. The ROK's improved performance was reflected in the annual Trafficking in Persons Report and the Human Rights Report, both of which I supervised. Most recently, in Turkey, I actively advocated for the defense of democratic institutions and practices, including as applied to American citizens and organizations. I am particularly proud to have played a role in bringing about the release of several unjustly detained American citizens and Turkish employees of the U.S. diplomatic mission in Turkey. If confirmed, I would likewise promote human rights and democracy in Albania.

*Question.* What issues are the most pressing challenges to democracy or democratic development in Albania? These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights and press freedom. Please be as specific as possible.

*Answer.* Corruption is endemic at all levels in Albania. However, Albania and the United States share common values, including the importance of protecting and promoting democracy and democratic development. Albania must take additional concrete steps to fight corruption and reform its judiciary. The State Department's 2018 Human Rights Report noted concerns about pervasive corruption, impunity for the powerful and well-connected, and threats, violence, and intimidation of journalists, which leads to self-censorship. Protecting and promoting human rights and fundamental freedoms, including freedom of the press, is a core element of our foreign policy. Additionally, a political standoff and polarization stemming from opposition party boycotts led to municipal elections this year in which the people of Albania did not have a meaningful choice.

If confirmed, I will do everything in my power to uphold our shared values. I will particularly focus on implementing electoral reform and fighting corruption, impunity, and intimidation of journalists to support the Albanian people to craft a robust democracy whose elected leaders act transparently, in accordance with the will of Albanian voters, and in the interests of all Albanians. By promoting transparency, equality, and democracy, Albania will contribute to a more secure, just, and prosperous region.

*Question.* What steps will you take—if confirmed—to support democracy in Albania? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

*Answer.* I recognize that Albania's Euro-Atlantic integration, including future accession to the European Union, can only come with a strong commitment to democratic principles, including respect for rule-of-law and human rights. However, in Albania, pervasive corruption persists and the impunity bred by this corruption hampers democratic development, spurs emigration, and impedes access to justice. Every person has the right to a fair hearing in court and every entity has the right to a fair ruling by an independent, impartial judiciary, based on the rule of law, not on a payoff or extortion. If confirmed, I will continue to advance our key U.S. foreign policy interests in Albania, including the full and timely implementation of judicial reform and other rule-of-law reforms.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

*Answer.* U.S. government assistance helps Albania deter threats and strengthen its democratic institutions, pushing forward reforms that are necessary to advance Albania on its chosen path of transatlantic integration and its journey to self-reliance—defined as its ability to finance and implement solutions to its own develop-

ment challenges. U.S. assistance programs support Albanian efforts to combat transnational organized crime, strengthen judicial institutions, and bolster civil society organizations and an independent media, which can work to promote government transparency and counter endemic corruption. If confirmed, I will use our assistance tools to prioritize projects that serve U.S. national interests and help ensure a stronger democratic partner in Albania.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in Albania? What steps will you take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

*Answer.* Human rights groups, civil society, and non-governmental organizations are all important players in the democratic process. In Albania, they are working to craft a robust democracy whose elected leaders act transparently, in accordance with the will of Albanian voters, and in the interests of all Albanians. If confirmed, I am committed to sustaining engagement with a broad spectrum of civil society groups.

The State Department's 2018 Human Rights Report states that domestic and international human rights groups generally operated without government restriction and that government officials generally were cooperative and responsive to their views. In the event that the situation changes, I will, if confirmed, actively engage so that these groups are allowed to do their important work.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties? What steps will you take to encourage genuine political competition? Will you advocate for access and inclusivity for women, minorities and youth within political parties?

*Answer.* A strong democracy requires a strong opposition. Albania's opposition parties, however, cannot play their crucial role in realizing Albania's EU aspirations while out of Parliament, protesting in the streets. We urge them to be constructive while seeking opportunities to re-engage in the democratic process. If confirmed, I will continue to support positive engagement by all sides to develop solutions for the benefit of all Albanians. Albania needs to overcome the zero-sum thinking that so often typifies this region, alienates Albanian voters, and damages democratic processes.

A strong democracy also benefits from the inclusion of a wide array of views. If confirmed, I will continue the United States' regular engagement with a broad spectrum of civil society actors in Albania, including human rights activists advocating on behalf of historically marginalized groups and young Albanians, and the organizations that represent them.

*Question.* Will you and your embassy team actively engage with Albania on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory or other measures? Will you commit to meeting regularly with independent, local press in Albania?

*Answer.* The U.S. Embassy in Tirana is actively engaged at many levels to maintain Albania's constitutional freedom of expression, including for the press. The embassy team is committed to the development of Albania's NGO sector and its independent media as a watchdog against possible abuses of power. If confirmed, I will continue these efforts, including our regular engagement with members of the press.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in the country?

*Answer.* I understand that the United States—through our Embassy in Albania—is already actively engaged at many levels to develop a more discerning public towards its media environment and to encourage a free and active exchange of ideas. If confirmed, I will continue this engagement.

*Question.* Will you and your embassy teams actively engage with Albania on the right of labor groups to organize, including for independent trade unions?

*Answer.* According to the Albanian Constitution and Labor Code, Albanian workers have the right to form and organize independent unions, and they exercise this right in practice. While the law prohibits union discrimination, there have been informal reports of direct and indirect threats by some employers, particularly in the textile and footwear sectors, against employees because of their involvement with unions. If confirmed, I will urge the government of Albania to defend workers' rights to the fullest extent permitted under law.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Albania, no matter their sexual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Albania? What specifically will you commit to do to help LGBTQ people in Albania?

*Answer.* Protecting and promoting human rights and fundamental freedoms is a core element of our foreign policy. Societies are more secure when they respect individual human rights, democratic institutions, and the rule of law. Albania has one of the most sweeping anti-discrimination laws in all of Europe, protecting numerous groups, including the LGBTQ community. Yet, members of Albania's LGBTQ community face challenges to participating in public life, obtaining employment, and living free from serious threats to their well-being. If confirmed, I look forward to continuing U.S. efforts to advocate for equal protection and respect for all members of Albanian society. If confirmed, I will continue the United States' engagement with civil society organizations, including those that represent the LGBTQ community in Albania, to protect the human rights and dignity of all Albanians.

*Question.* Do you commit to respond promptly to all requests for information by Members of this committee?

*Answer.* Yes, I commit to respond promptly to all requests for information by Members of this committee, with the understanding that any such response would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Do you commit to appear before this committee upon request?

*Answer.* If confirmed, I commit to appear before this committee upon request, with the understanding that any such appearance would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

*Answer.* If confirmed, I commit to comply with all relevant laws, regulations, and rules, and to raise concerns that I may have through appropriate channels, including as applicable to the Inspector General.

*Question.* In the wake of President Trump's comments welcoming derogatory information on a U.S. political figure from foreign entities, it is important that the State Department have explicit guidance for all of its personnel on how to deal with this scenario. Guidance on handling interactions that prompt concern about exploitation by a foreign entity, such as FAM Chapter 12, Section 262, does not clearly address this situation. If a foreign person or government approaches you or a staffer at the embassy with derogatory information on a U.S. political figure, what is your understanding of official State Department policy on how to handle this specific situation? Has a cable with clear guidance on how to handle this specific situation been sent to all U.S. embassies?

*Answer.* If confirmed, I will follow the Department of State's guidance with regard to reporting derogatory information.

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

*Answer.* No.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

*Answer.* No, I have never had to address concerns or allegations of sexual harassment, discrimination, or inappropriate conduct made against an employee over whom I had supervisory authority. I take EEO and sexual harassment in the workplace seriously, and if confirmed, I will work to ensure that a message of zero tolerance for discrimination, harassment, and misconduct is affirmed from the beginning of my assignment.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with

a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. I agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate. I take allegations of such practices seriously and will ensure they are referred to the Department's Inspector General. If confirmed, I will maintain a policy of zero tolerance in U.S. Embassy Tirana for any retaliation, blacklisting, or other prohibited personnel practices. I will hold U.S. Embassy Tirana employees accountable to the highest standards in accordance with anti-discrimination, merit principle, and whistleblower protection statutes, laws, and regulations, including the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002. I will also ensure employees comply with their NO FEAR Act training requirements.

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## **NOMINATION**

**WEDNESDAY, OCTOBER 30, 2019**

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

The committee met, pursuant to notice, at 10:00 a.m. in Room SD-419, Dirksen Senate Office Building, Hon. James E. Risch, chairman of the committee, presiding.

Present: Senators Risch [presiding], Rubio, Gardner, Romney, Barrasso, Portman, Young, Cruz, Menendez, Cardin, Shaheen, Coons, Murphy, Kaine, Markey, and Merkley.

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

The CHAIRMAN. The committee will come to order.  
Thank you all for attending today.

Today we are going to hold the nomination hearing on a very important position. Our nominee today is the Honorable John J. Sullivan, to be the U.S. Ambassador to the Russian Federation.

First, we have two distinguished, very distinguished I might add, colleagues of ours who wish to introduce our nominee. So we are going to allow them to proceed with introductions. Therefore, I am going to postpone my opening statement. I asked the ranking member do likewise until the nominees have been introduced. And with that, we are glad to be joined today by Senators Dan Sullivan of Alaska and Ben Cardin of Maryland. And I understand that Senator Sullivan has drawn the straw to go first.

### **STATEMENT OF HON. DAN SULLIVAN, U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. Thank you, Mr. Chairman. Thank you very much, and Ranking Member Menendez and all the members of the committee. It is an honor to be before the Senate Foreign Relations Committee again on behalf of my friend, John Sullivan, to support his nomination to be the United States Ambassador to the Russian Federation.

Despite what his last name would suggest, we are not related, although I occasionally joke with Senator Markey, who is also a proud Sullivan member in his heritage, that somewhere back in history we are probably all related.

I have publicly supported Secretary Sullivan's nomination once before and can speak to his long distinguished career, all of which you are familiar. And I would begin by stating that John's experience and qualifications have already been endorsed by this committee

and by the United States Senate previously, confirmed as Deputy Secretary in May 2017 by a vote of 94 to 6 and confirmed in the Bush administration in March 2008 unanimously to be Deputy Secretary of Commerce and in July 2005 unanimously by the Senate to be General Counsel of the Department of Commerce by a voice vote.

I first met John when we were serving together in the George W. Bush administration. I was working as an Assistant Secretary of State under Secretary of State Condoleezza Rice, and John was the Deputy Secretary of Commerce.

And most notably since 2017, John has successfully served as the United States Deputy Secretary of State with integrity. He has done an extremely impressive job in this critical role, widely respected not just across federal national security agencies in our own government, but internationally and most importantly by the employees of the Department of State, which he has helped to lead. He has worked with them, led them, stood by them, and for them as his tenure as Deputy Secretary.

Now, I do not often take to quoting the national media, but you may have noticed that there is a wide cross section of journalists and media in our country that have noted John's qualifications and reaffirmed the positive impact he has already had on the State Department.

An article from "Politico" recently stated, "John Sullivan, the Deputy Secretary, is winning over State Department employees. So far, Sullivan has shown a fluency with diplomacy that has delighted his colleagues in the State Department."

The *Washington Examiner*, "Sullivan is smart, calm, experienced, three crucial ingredients in leading the U.S. mission to Russia."

And in a *Wall Street Journal* op-ed by Ambassador Thomas Pickering, one of our nation's most distinguished career diplomats, he said of Secretary Sullivan, "I have come to respect John Sullivan's judgment, his balance, his good sense, his open-minded approach to how to deal with the difficult foreign relations problems our country has."

Mr. Chairman, you may have also seen this very long letter of distinguished national security executives and former diplomats and military officials and Secretaries of Defense and other positions who are all endorsing Secretary Sullivan's ambassadorship to Russia.

As it relates to the responsibilities with regard to the new position for which he has been nominated, Deputy Secretary Sullivan currently leads the only two ongoing U.S.-Russia dialogues on counterterrorism and strategic security. He has also played a key role in numerous bilateral issues relating to the U.S.-Russia relationship over the past 2 years.

At a time when U.S.-Russia relations are more complex and strained and difficult than ever, it is important to have someone like John as America's top diplomat.

Mr. Chairman, a few months ago, I had the honor of introducing another outstanding American before this committee, General John Abizaid to be Ambassador to Saudi Arabia. At the time I said that while there were many disagreements in this body about our policy

towards Saudi Arabia, there should be consensus that we need a well respected U.S. Ambassador there.

The same holds true with Russia today. John Sullivan is a man of integrity and he understands what it means to honorably serve our nation and has a career of doing so. I urge this committee to support his nomination.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Sullivan.

Since you mentioned the letter that was addressed to myself and Senator Menendez from a distinguished group of people from various aspects of public service, I am going to admit that into the record now.

[The information referred to is located in the “Additional Material Submitted for the Record” section of this hearing transcript.]

The CHAIRMAN. Senator Cardin?

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

Senator CARDIN. Thank you, Chairman Risch and Ranking Member Menendez.

I am pleased to join Senator Sullivan in introducing Secretary Sullivan to this committee.

Secretary Sullivan is a Marylander who has a Boston accent. He has served our nation—he sounds more like Senator Markey than he does me. But that is fine. He has served our nation well in public service as Deputy Secretary of State since May of 2017 and Acting Secretary of State in April 2018 and senior positions in the Department of Justice, the Defense Department, Commerce, 2 decades as a private attorney. He is well qualified for this position.

John Sullivan to me is a straight shooter. He is an experienced public servant. My experience with him is that he has communicated with me effectively and honestly. He reached out to inform me when I was the ranking Democrat on this committee, and he has respected my role as a United States Senator and as a member of this committee.

Most recently in our conversations, he told me he was looking for a challenge when he agreed to take this position. Well, you certainly will have a challenge, if confirmed as Ambassador to Russia. This is a challenging position.

Russia has been our adversary. Make no mistake about it. They interfered in the 2016 elections and that was not isolated to the United States. A report that I authored on behalf of this committee in 2018 pointed out Mr. Putin’s asymmetric arsenal in his attack against democratic institutions and democratic countries in Europe and now in the United States. He invaded and occupied and still occupies Ukraine in violation of every principle of the Helsinki Final Accords. Mr. Putin also is occupying Russia in Georgia and Moldova. He has interfered in Syria. He has violated the human rights of his own citizens, leading to the enactment of the Magnitsky law not only here in the United States but in countries around the world. The list goes on and on and on.

So, Mr. Chairman, we need a confirmed Ambassador who will support our democratic principles and give hope to the voices in Russia that stand up to the repressive regime of Mr. Putin.

Let me conclude by just quoting from Secretary Sullivan on his nomination hearing that Senator Sullivan referred to on May 9th, 2017 when the nominee told us, "Our greatest asset is our commitment to the fundamental values expressed at the founding of our nation, the right to life, liberty, and the pursuit of happiness. These basic human rights are the bedrock of our republic and at the heart of American leadership in the world." I could not agree more with those statements.

I thank John Sullivan and his family for being willing to step forward to take on this challenge.

The CHAIRMAN. Thank you, Senator Cardin. Thanks to both of you. And, Senator Sullivan, I know you have got a commitment. Senator Cardin—

Senator CARDIN. I have a commitment also.

[Laughter.]

The CHAIRMAN. You do, you do. We are glad to have you.

Well, again, I want to thank all of you for coming. John, welcome.

We are going to contemplate the nomination today of the Honorable John Sullivan to be United States Ambassador to the Russian Federation. We welcome you back to the committee and thank you for your willingness to continue serving in what is a challenging but very important role. Having been here before, I have no doubt that this will be a brief hearing and my colleagues will be kind and generous with you as we go through this.

As Senators Cardin and Sullivan have already given Deputy Secretary Sullivan an introduction, I will simply take a few moments to talk about the importance of this position.

Most would agree that the U.S. relationship with Russia is at a low point. Successive U.S. Presidents of both political parties have attempted to reset the relationship only to find that the other side is an unwilling partner. This is caused in no little part by our very different value sets and our very different views on helping mankind.

Bilaterally, the past few years have been marked by Russia's interference in the American electoral process and, as already been noted, by their interference in other electoral processes around the globe, by the expulsion of each other's diplomats and by a complete lack of trust due to Russia's worldwide bad conduct.

Internationally, rather than acting like the global power that it proclaims to be, Russia has chosen to wreak havoc. We are all familiar with the long, long list of Russia's malign global activity. It has shredded international agreements like the Conventional Forces in Europe Treaty and seized sovereign territory from both Georgia and Ukraine that it continues to occupy today in violation of all international norms and, indeed, United Nations condemnation.

It has poisoned its enemies with chemical weapons on foreign soil and violated the INF Treaty so blatantly that all NATO allies reached a unanimous conclusion on those violations.

Russia's support has kept brutal dictators in power in Syria and Venezuela long after they should have and would have fallen, and the government continues to meddle in the elections of other democratic states such as the Brexit referendum. It has even gone so far as to attempt a coup in Montenegro in 2016.

Thankfully, other than those of the international community who engage in similar conduct, most countries recognize Russia's malign global influence and have taken action. The EU and U.S. have sanctioned corrupt Russian oligarchs under the Magnitsky Act, its defense industry under CAATSA, and its energy industry via executive order, all of which strain Russia's ability to raise government revenue and to act maliciously.

I hope the House and Senate will soon act to pass the bill sponsored by Senators Cruz and Shaheen that will sanction those involved in laying the NordStream 2 pipeline. Most of us have worked and continue to work to get that done.

Despite our many issues with the Kremlin, there are also times of cooperation with the Russians like in the area of counterterrorism. And it is important we make clear to the Russian people that we do value our relationship with them. We should make sure that educational and cultural exchanges still take place and that we support civil society in their country in any way we can, notwithstanding the malign acts of their leaders. Russia is a proud and important country on the international stage, and the U.S.-Russia relationship will exist long after Putin is gone.

All of this leads me to the reason we are here today: to evaluate the nomination of Deputy Secretary Sullivan to be the top U.S. representative to a country that we have such a contentious relationship with. It is an incredibly important role.

Deputy Secretary Sullivan is ready for this role. He has served the U.S. government at the Department of Commerce, Defense, Justice, and now at State. I am confident that the past 2 years serving as our Deputy Secretary of State has given him a clear view of the multitude of problems we have with Russia, the U.S. government's efforts to resolve them, and the experience to navigate both our system and Russia's system.

I am honored and pleased to hear the compliments that you have received from both sides of the aisle, even from the national media.

Thank you for being here today. Thank you to your family for sharing the sacrifice it is going to take to do this.

And with that, I will turn it over to Ranking Member Menendez.

**STATEMENT OF HON. ROBERT MENENDEZ,  
U.S. SENATOR FROM NEW JERSEY**

Senator MENENDEZ. Well, thank you, Mr. Chairman.

Mr. Secretary, congratulations on your nomination.

You understand the role of Congress as a co-equal branch of government and you have differentiated yourself from those in the administration who have sought to break every norm in the conduct of foreign policy. And that is why we expect continued candidness from you here today.

Unfortunately, one person, no matter how skilled and dedicated, cannot counteract the disarray that is the Trump administration's foreign policy.

I have served 27 years between the House and the Senate and worked on foreign policy that entire time. Never before have I seen such chaos and U.S. policy incoherence from Syria, to Turkey, to Iran, to Ukraine, and to Russia.

Our State Department is on the front lines of our national defense. They are patriots charged with achieving our goals through diplomacy not conflict. Never in my 27 years have I seen the Department so mismanaged and so many of our diplomats maligned. You do not have to take my word for it. Just look to the testimony of two patriots, Ambassador Yovanovitch and Ambassador Taylor. The denigration of these two dedicated public servants is a disgrace. The State Department is in disarray, a casualty of President Trump's decision to use U.S. national security as a political weapon.

And never in my 27 years have I seen a Department or an administration so willing to stick its thumb directly in the eye of Congress, a co-equal branch of government. I do not think we have to cite the Constitution here today, but I am certainly prepared to do so. Over the years, there has been friction and disagreements between the legislative and executive branches. Those are normal. But we have entered new territory, dangerous territory for our republic. And I am not just talking about the House's current inquiry. I am talking about asking 20 times to get a basic piece of information, the extreme lengths we have had to go through to get a single document, the Department refusing to even discuss certain matters.

This is not just playing hardball. It is undermining our democratic system of government. And unfortunately, Mr. Secretary, this has taken place under your watch and under the direction of Secretary Pompeo. The Secretary has a lot to answer for. But I believe so do you. We will talk about all of those issues that have been so central to the administration of the State Department over the past 2 and a half years.

We are also here to talk about your vision for the bilateral relationship with the Russian Federation. I for one do not believe that Russia should be playing the role it is in Syria. I do not believe that those who do business with the Russian military like Turkey should be given a free pass under CAATSA. I do not believe that Russia belongs in the G7, at least not until they change the course of events. And I do not believe that it is acceptable to delay security assistance for Ukraine, a move that directly benefits Russia.

President Trump, however, is on the record as believing all of those things. He believes every single one. Now, I think the President has lost any shred of legitimacy on Russia when he delayed security assistance for Ukraine. Ukrainians died because of this delay and died at the hands of Russian forces. And America was made less safe.

So, Mr. Secretary, I want you to succeed in Moscow, if you are confirmed. I really do. But I need to hear directly from you as to what constitutes success. Is success fulfilling President Trump's pro-Kremlin vision for the U.S.-Russia bilateral relationship? Or will you actually advocate a policy that protects U.S. national security? It is a fundamentally important choice. If it is the former, I will have serious reservations about supporting your nomination. If

it is the latter, then I am open to the conversation, and I look forward to hearing your thoughts on this fundamental choice.

U.S. policy on Russia has been intrinsically wrapped up in our Ukraine policy, given that Russian forces continue their onslaught against Ukrainian troops and civilians in the Donbas, an onslaught I will again note that was made easier by the delay in providing security assistance. Your position at the State Department would have afforded you the responsibility of overseeing the conduct of policy. What did you know about the role played by Rudy Giuliani? Did Kurt Volker's unique volunteer status lead to conflicts of interests and a confusing policymaking process? Where was the State Department leadership, yourself included, when it came to defending Ambassador Yovanovitch and others?

Now, I supported you for your present position, but before I vote on your nomination, we are going to need answers to these and other questions. So I cannot guarantee you the Chairman's suggestion that this will be a quick and simple and kind hearing. I do guarantee you it will be a fair and honest one. And I look forward to your answers to the questions that we will be posing.

The CHAIRMAN. Thank you, Senator Menendez, for your views, as always.

We will now turn to our nominee, Deputy Secretary Sullivan. As Senators Sullivan and Cardin mentioned, John Sullivan currently serves as the Deputy Secretary of State, a position he has held since 2017. Prior to serving as Deputy Secretary, he served in several senior positions at the Departments of Commerce, Justice, and Defense, as well as a partner in several law firms.

Deputy Secretary Sullivan, thank you. Thank you to your family. The letter from the 40 former officials from previous administrations, Democrat and Republican, that have been entered into the record certainly speak to the high regard in which they hold you.

So with that, we will turn it over to you. Your full statement will be included in the record. We would ask you to spend about 5 minutes talking to us about your views on these matters. Thank you, Secretary Sullivan.

**STATEMENT OF HON. JOHN JOSEPH SULLIVAN, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION**

Mr. SULLIVAN. Thank you, Chairman Risch, Ranking Member Menendez, members of the committee. It is an honor to appear before you today as the President's nominee to be the United States Ambassador to the Russian Federation.

I want to thank the President for his confidence in me and for the opportunity, with the Senate's consent, to represent our nation in Moscow. I also want to thank Secretary Mike Pompeo for his leadership of the Department of State and his support of my nomination. Finally, I am indebted to our most recent Ambassador to Russia, my friend, Jon Huntsman, for his leadership of our mission there and his advice as I seek to succeed him.

I come before the committee, as you noted, Mr. Chairman, after serving for 2 and a half years as the Deputy Secretary of State and for 6 weeks of that tenure as the Acting Secretary. My service at

the Department, working with the men and women of the Foreign and Civil Service in Washington and around the world, has been the most rewarding professional experience of my life.

But my service would not have been possible without the love and support of my family, who join me here today: my wife, Grace Rodriguez; and our children, Jack, Katie, and Teddy; my mother-in-law, Graciela Rodriguez; and my sister-in-law, Susan Rodriguez; her husband Tony; and their children, Evan and Cameron. I am eternally grateful to them for their support.

If confirmed as the U.S. Ambassador to Russia, I will bring to my position not only my experience as the Deputy Secretary of State, but also my prior experience, as you noted, Mr. Chairman, in a variety of other government positions over the last 35 years. I believe my background and experience earned in four cabinet departments across three presidential administrations has prepared me to assume the profound responsibilities of serving as our Chief of Mission in Moscow.

And experience teaches that this diplomatic mission will not be easy or simple. Our relationship with Russia has reached a post-Cold War ebb. The litany of Russia's malign actions that have severely strained our relationship is painfully familiar to this committee: attempting to interfere in our and our allies' elections, violating the territory integrity and sovereignty of Ukraine and Georgia, employing a weapon of mass destruction in an attempt to assassinate its citizens abroad, violating the INF Treaty, and infringing on the basic human rights of its people, among other things.

Yet, the need for principled engagement with Russia is as important to our national interest as ever. Russia's status as a nuclear super-power and permanent member of the U.N. Security Council compels us to engage on a range of issues involving global stability and security. This requires sustained diplomacy with the Russian government in areas of shared interest, for example, in arms control, nonproliferation, counterterrorism, and resolute opposition to Russia where it undermines the interests and values of the United States and our allies and partners, for example, by threatening stability in Europe and election security in the United States.

As the Deputy Secretary of State, I have been directly involved in developing U.S. policy on Russia. I lead the U.S. participation in an ongoing counterterrorism dialogue with the Russians, and I led a senior U.S. delegation to Geneva in mid-July to restart a U.S.-Russia strategic security dialogue. Last month, I participated in the decision to impose sanctions on Yevgeniy Prigozhin and others associated with the Internet Research Agency for their attempts to interfere with the U.S. 2018 midterm elections.

In considering these complex issues, I want to acknowledge this committee's leadership and insights on Russia. As I have mentioned in recent meetings with many of you, if confirmed, I would welcome the opportunity to consult and collaborate with members of this committee individually and collectively on our Russia policy.

If confirmed, I will continue to support dialogues with the Russian government on counterterrorism and arms control, as well as on denuclearizing the Korean Peninsula, on finding a peaceful solution to the conflict in Afghanistan, on Syria, and many other issues. But I will be relentless in opposing Russian efforts to inter-



fere in U.S. elections, to violate the sovereignty of Ukraine and Georgia, and to engage in the malign behavior that has reduced our relationship to such a low level of trust.

I assure the committee that I will also be indefatigable in protecting the American citizens who live in and travel to Russia, including the U.S. business community, scholars, athletes, tourists, and all Americans who visit the Russian Federation. If confirmed, I intend to continue to press the Russian government for the release of Paul Whelan, who has been imprisoned without charges for almost a year now, and to demand that Michael Calvey's case be disposed of in a civil proceeding, not in a criminal court.

If confirmed, I look forward to engaging with the Russian people to celebrate Russian culture, commemorate Russian history, listen to their perspectives on the issues that unite and divide us, and convey to them directly my American perspective on those issues as well. I will also continue to promote, in accordance with U.S. law, people-to-people exchanges to foster a better understanding among the Russian people of the United States. And as I have done during my travels as Deputy Secretary of State, I will meet with civil society, including religious leaders and human rights activists.

Finally, there would be no greater honor for me, if confirmed as the U.S. Ambassador to Russia, than to serve with the dedicated women and men and their families who constitute our mission in Russia. I know from firsthand experience that it is not easy to be a U.S. diplomat in Moscow, Yekaterinburg, or Vladivostok. Yet, dedicated career officers from across the U.S. government are serving with distinction in the wake of massive staff cuts, uncertainty, and intense pressure from the host government. Their tenacity in the face of these challenges is inspiring. Indeed, it was the example of my colleagues in Mission Russia that inspired me to seek to leave Washington and join them on the front lines of American diplomacy. I humbly ask this committee for that opportunity.

Mr. Chairman, Ranking Member Menendez, and members of the committee, thank you for the opportunity to appear before you today. I welcome your comments and questions.

[The prepared statement of Mr. Sullivan follows:]

PREPARED STATEMENT OF HON. JOHN JOSEPH SULLIVAN

Chairman Risch, Ranking Member Menendez, and members of the committee, it is an honor to appear before you as the President's nominee to be the United States Ambassador to the Russian Federation. I want to thank the President for his confidence in me and for the opportunity—with the Senate's consent—to represent our nation in Moscow. I also want to thank Secretary Mike Pompeo for his leadership of the Department of State and his support of my nomination. Finally, I am indebted to our most recent Ambassador to Russia, my friend Jon Huntsman, for his leadership of our mission there and his advice as I seek to succeed him.

I come before the committee after serving for two and a half years as the Deputy Secretary of State, and for six weeks of that tenure as the Acting Secretary. My service at the Department—working with the men and women of the Foreign Service and Civil Service in Washington and around the world—has been the most rewarding professional experience of my life. But my service would not have been possible without the love and support of my family, who join me today: my wife Grace Rodriguez and our children Jack, Katie, and Teddy; my mother-in-law Graciela Rodriguez; and my sister-in-law Susan Rodriguez, her husband Tony, and their children Evan and Cameron. I am eternally grateful to them.

If confirmed as the U.S. Ambassador to Russia, I will bring to the position not only my experience as the Deputy Secretary of State, but also my prior experience in a variety of government positions over the last thirty-five years: from my early

service as a law clerk for Judge John Minor Wisdom and Justice David Souter, to my service at the senior levels of the Justice and Defense Departments, and, finally, to my most recent prior position as the Deputy Secretary of Commerce. I believe my background and experience—earned in four cabinet departments across three presidential administrations—has prepared me to assume the profound responsibilities of serving as our Chief of Mission in Moscow.

And experience teaches that this sensitive diplomatic mission will not be easy or simple. Our relationship with Russia has reached a post-Cold War ebb. The litany of Russia's malign actions that have severely strained our relationship is painfully familiar to this committee: attempting to interfere in our and our allies' elections, violating the territorial integrity and sovereignty of Ukraine and Georgia, employing a weapon of mass destruction in an attempt to assassinate its citizens abroad, violating the INF Treaty, and infringing on the basic human rights of its people, among other things.

Yet the need for principled engagement with Russia is as important to our national interest as ever. Russia's status as a nuclear superpower and permanent member of the U.N. Security Council compels us to engage on a range of issues involving global stability and security. This requires sustained diplomacy with the Russian government in areas of shared interests, for example in arms control, non-proliferation, and counterterrorism, and resolute opposition to Russia where it undermines the interests and values of the United States and our allies and partners, for example by threatening stability in Europe and election security in the United States.

As the Deputy Secretary of State, I have been directly involved in developing U.S. policy on Russia. I lead the U.S. participation in an ongoing counterterrorism dialogue with Russia, and I led a senior U.S. delegation to Geneva in mid-July to restart a U.S.-Russia Strategic Security Dialogue. Last month, I participated in the decision to impose sanctions on Yevgeniy Prigozhin and others associated with the Internet Research Agency for their attempts to interfere with the U.S. 2018 mid-term elections.

In considering these complex issues, I want to acknowledge this committee's leadership and insights on Russia. As I mentioned in recent meetings with many of you, if confirmed as the next U.S. Ambassador to Russia, I would welcome the opportunity to consult and collaborate with the members of this committee, individually and collectively, on our Russia policy.

If confirmed, I will continue to support dialogues with the Russian government on counterterrorism and arms control, as well as on denuclearizing the Korean Peninsula, on finding a peaceful solution to the conflict in Afghanistan, on Syria, and many other issues. But I will be relentless in opposing Russian efforts to interfere in U.S. elections, to violate the sovereignty of Ukraine and Georgia, and to engage in the malign behavior that has reduced our relationship to such a low level of trust.

I assure the committee that I also will be indefatigable in protecting the American citizens who live in and travel to Russia, including the U.S. business community, scholars, athletes, tourists, and all American visitors. If confirmed, I intend to continue to press the Russian government for the release of Paul Whelan, who has been imprisoned without charges for nearly a year, and to demand that Michael Calvey's case be disposed of in a civil proceeding, not in a criminal court.

If confirmed, I look forward to engaging with the Russian people to celebrate Russian culture, commemorate Russian history, and listen to their perspectives on the issues that unite and divide us and convey directly to them my American perspective as well. I also will continue to promote—in accordance with U.S. law—people-to-people exchanges to foster a better understanding among the Russian people of the United States. And, as I have during my travels as Deputy Secretary of State, I will meet with civil society, including religious leaders and human rights activists.

Finally, there would be no greater honor for me, if confirmed as the U.S. Ambassador to Russia, than to serve with the dedicated women and men—and their families—who constitute our mission in Russia. I know from firsthand experience that it is not easy to be a U.S. diplomat in Moscow, Yekaterinburg, or Vladivostok. Yet dedicated career officers from across the U.S. government are serving with distinction in the wake of massive staff cuts, uncertainty, and intense pressure from the host government. Their tenacity in the face of these challenges is inspiring. Indeed, it was the example of my colleagues in Mission Russia that inspired me to seek to leave Washington and join them on the front-lines of American diplomacy. I humbly ask this committee for that opportunity.

Mr. Chairman, Ranking Member Menendez, and members of the committee, thank you for the opportunity to appear before you today. I welcome your comments and questions.

The CHAIRMAN. Thank you so much.

We are now going to do a 5-minute round of questioning. I am going to reserve my time and will yield to Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Thank you, Secretary, for your statement.

Do you think it is ever appropriate for the President to use his office to solicit investigations into a domestic political opponent?

Mr. SULLIVAN. Soliciting investigations into a domestic political opponent—I do not think that would be in accord with our values.

Senator MENENDEZ. As the Deputy Secretary of State, are you aware of any other efforts by the President or anyone else to encourage, suggest, or request that a foreign government investigate one of the President's political rivals?

Mr. SULLIVAN. I am not aware of any such, Senator.

Senator MENENDEZ. Not to President Xi?

Mr. SULLIVAN. No.

Senator MENENDEZ. Prime Minister May?

Mr. SULLIVAN. I am not aware of that, Senator.

Senator MENENDEZ. Let me ask you. You relayed to me—and I appreciate you came by to meet with me and we had an in-depth discussion. You relayed to me in our meeting yesterday that you personally have met Ambassador Yovanovitch in Kiev earlier this year. Is that correct?

Mr. SULLIVAN. Last year actually.

Senator MENENDEZ. Last year, okay.

So you would agree that she served the Department of State and represented the United States capably and admirably?

Mr. SULLIVAN. I told her so.

Senator MENENDEZ. Yet, you were the one who told Ambassador Yovanovitch that she was being recalled early. Correct?

Mr. SULLIVAN. I did.

Senator MENENDEZ. In your view, was there any basis to recall Ambassador Yovanovitch early?

Mr. SULLIVAN. Yes, there was. The President had lost confidence in her.

Senator MENENDEZ. The President had lost confidence in her.

Mr. SULLIVAN. Yes.

Senator MENENDEZ. And you were told that by the Secretary of State.

Mr. SULLIVAN. I was.

Senator MENENDEZ. Did you ask why he lost confidence in her?

Mr. SULLIVAN. Yes.

Senator MENENDEZ. And what was the answer?

Mr. SULLIVAN. I was told that he had lost confidence in her. Period.

Senator MENENDEZ. Well, that is not a “why.” He just lost confidence in her. He did not explained why.

Mr. SULLIVAN. You asked if I asked. I asked.

Senator MENENDEZ. And the answer you got was that he just—

Mr. SULLIVAN. He had lost confidence.

Senator MENENDEZ. He did not explain why he lost confidence in her.

Now, you said to me yesterday, once you were given this assignment, you wanted to treat Ambassador Yovanovitch with respect. Is that correct?

Mr. SULLIVAN. That is correct.

Senator MENENDEZ. The best way to show respect would have been to push back on the Secretary and say why are we recalling someone, by the way, whose term had been extended and then we are recalling her back even though there was only a few months left in her nomination. A career ambassador. Why did you not push back?

Mr. SULLIVAN. Well, as we also discussed yesterday, Senator, this had been a discussion that I had had with the Secretary over a period of time, and the Secretary, in turn, had pushed back and sought justification from those who were criticizing Ambassador Yovanovitch. After several months had elapsed, the Secretary finally told me that there had come a point at which the President had lost confidence in the Ambassador and that we needed to make a change in our mission to Ukraine.

Senator MENENDEZ. You were aware that there were individuals and forces outside of the State Department seeking to smear Ambassador Yovanovitch. Is that correct?

Mr. SULLIVAN. I was.

Senator MENENDEZ. And seeking to remove her. Is that right?

Mr. SULLIVAN. I was.

Senator MENENDEZ. And did you know Mr. Giuliani was one of those people?

Mr. SULLIVAN. I believed he was, yes.

Senator MENENDEZ. When in fact this came about, did you ever personally advocate for a statement of support on behalf of Ambassador Yovanovitch?

Mr. SULLIVAN. At the time of her removal, I did not.

Senator MENENDEZ. So let me turn then to some of these other questions.

What did you know about a shadow Ukraine policy being carried out by Rudy Giuliani?

Mr. SULLIVAN. My knowledge in the spring and summer of this year about any involvement of Mr. Giuliani was in connection with a campaign against our Ambassador to Ukraine.

Senator MENENDEZ. And you were given a packet of disinformation attempting to smear Ambassador Yovanovitch, given to you, if I recall correctly our conversation, by the State Department counsel?

Mr. SULLIVAN. Counselor. Yes, it was in response to inquiries by the Secretary and others about what our Ambassador had done. We got, as I understood, that packet of materials.

Senator MENENDEZ. Now, did the counselor tell you how the package came to him?

Mr. SULLIVAN. He had been given it—either he or the Secretary—I believe it was he. He had received that packet from someone at the White House.

Senator MENENDEZ. And did he tell you that he and the Secretary read the package?

Mr. SULLIVAN. He had read the packet. I do not believe the Secretary had.

Senator MENENDEZ. Did you read the package?

Mr. SULLIVAN. I did.

Senator MENENDEZ. And what did you think of it?

Mr. SULLIVAN. It did not provide to me a basis for taking action against our Ambassador. But I was not aware of all that might be going on in the background, and to be cautious, I asked that the packet of materials, both for purposes of assessing the truth of the matters that were being asserted and their relevance, and the provenance of the package, who was giving it to us to influence us, be looked at by the Inspector General and by the Justice Department.

Senator MENENDEZ. Did you know it was Mr. Giuliani who created that package?

Mr. SULLIVAN. I do not know that. To this day, I do not know that.

Senator MENENDEZ. You did not ask where did this come from?

Mr. SULLIVAN. I did. Yes, I did ask, but I do not know.

Senator MENENDEZ. And no one told you where it came from.

Mr. SULLIVAN. No.

Senator MENENDEZ. So it happened by immaculate conception.

Mr. SULLIVAN. Hence, my referral of the package.

Senator MENENDEZ. Well, the reason I asked you this line of questions is because you are going to an embassy, one of the most critical positions in the national interest and security of the United States, in which I think the President's views differ clearly from many on both sides of the aisle as it relates vis-a-vis Russia. And there may be moments in time in which what happened in Ukraine is going to be happening as it relates to Russia. And the question is, what will you do? What will you do?

Mr. SULLIVAN. I will follow the law and my conscience. In this instance with respect to the removal of the Ambassador, my experience had been that when the President loses confidence in an Ambassador, no matter what the reason, that the President's confidence in his Ambassador in a capital is the coin of the realm, the most important thing for that Ambassador. If he has lost that confidence—and this happened, as I think I may have mentioned to some of the members of this committee, to my uncle when he was the last U.S. ambassador to Iran. President Carter thought that my uncle was disloyal to the administration and to the President and his policies and, in January of 1979, asked Secretary Vance to have my uncle removed as our ambassador. Secretary Vance objected, said that my uncle was implementing the administration's policies. He pushed back.

Several months later, the White House, the President said, "Sullivan has got to come out." He was removed as our ambassador. He was undermined by the White House. There were leaks about his character, his loyalty to the United States and to the administration. And as a result, after 32 years of service in the Foreign Service, three-time ambassador, he resigned from the Foreign Service.

So when the President loses confidence in the ambassador, right or wrong, the ambassador needs to come home.

Senator MENENDEZ. Well, I will just close by saying I appreciate—you told me that story, and I appreciate hearing it again.

When the President loses faith in an ambassador because of political reasons, not because of policy reasons, not because the ambassador has been disloyal to the United States, not because the ambassador is not doing their job, when it is because surrogates like Mr. Giuliani and others who have political and economic interests are pushing against our ambassador, I would have hoped that you would have spoken up a lot more loudly.

And if you get this position, I would expect, if that happens to our people in the U.S. embassy in Russia, that you will speak up much more forcefully because that is the essence of being an ambassador. Yes, to represent the nation, but also to defend the men and women who work every day and should be insulated from that type of political consequence. With the experience you just told me about, I would have thought that you would have been more forceful.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Romney?

Senator ROMNEY. Thank you, Mr. Chairman.

And thank you, Secretary Sullivan, for your willingness to serve in the Foreign Service and particularly to go on a foreign assignment in a far off and cold place. I acknowledge that you will be filling big shoes. Ambassador Jon Huntsman has served with distinction and honor in that post, and I anticipate that you will do the same.

On October 21st, it was announced by Facebook that Russia continues to try and interfere in our election process by spreading false information and such, and Facebook took down a number of posts. So it is very clear that there has been no change on the part of Russia in terms of their intent to interfere with our election process.

What can we do to change their behavior in this regard? What options do we have? So far, the actions we have taken have been incapable of dissuading them from their malign activity. Do you have thoughts about what actions either you can take as an ambassador or we should consider as the Foreign Relations Committee or as a nation to dissuade Russia or any other nation, Iran, North Korea, and so forth from trying to distort our electoral process, which is, if you will, at the heart of how a democracy works? Our elections are essential to a democracy. It requires the confidence of our people for democracy to work, that their votes are what made the decisions that will elect our officials. What might we be able to do?

Mr. SULLIVAN. What we have done, Senator—and by the way, I have said in my discussions with members of the committee about this, this is an ongoing campaign by the Russian government. We think of it in terms of election milestones, but they are really seeking to undermine the United States, our democracy, and who we are, to divide us. We view it in terms of election milestones. They view it as an ongoing hybrid campaign against the United States whom they view as an implacable adversary of theirs. And they have, unfortunately, become an adversary of ours. We have pursued sanctions. We have pursued visa sanctions, economic sanctions, criminal prosecutions.

Senator ROMNEY. But those have not dissuaded them.

Mr. SULLIVAN. So what we have done most recently, which I cannot go into great detail about in an open setting like this, involves our own tools not only in defense of our election infrastructure and our basic Internet infrastructure, but more forward-leaning cyber methods both in defending ourselves and our allies and partners and taking actions against those who threaten us, combining all of that with more direct messaging to the Russian Federation, to the Russian government from President Putin on down, that if they want to have a more stable relationship with the United States, which they profess to do—and I was with Vice President Pence when he had this discussion with President Putin last year in November at the East Asia Leaders Summit—that if they desire that, if they are true to their word, they have to stop this, that this is a redline for us.

And our sanctions and our actions in response have to be directly coordinated to that message that is delivered to the Russians that it is not just amorphous, malign activities, but it is this particular activity directed by, authorized by the senior leadership of the Russian government, carried out by non-state actors who are controlled by the Russian government that are directed at our country, our society, and our election infrastructure.

Senator ROMNEY. Let me turn to Russia's plans with regard to nuclearization. My understanding is that they have invested as a nation dramatically in their nuclear arsenal, modernizing it. They have also aggressively invested in intermediate-range nuclear weapons in a way that has contravened our prior agreements. What is your sense of their ambition relating to their nuclear weapons program? At a time when I think the rest of the world was hoping that we would reduce nuclear weapons, that we might have a new New START Treaty that might actually reduce from the current levels, they seem to be investing more in nuclearization. Where are they headed and why?

Mr. SULLIVAN. You have hit the nail on the head, Senator. They are investing in weapon systems, strategic systems that they would view as not covered by New START. I believe that they need to be included in a discussion, and I welcome a discussion with members of this committee. In our discussions going forward with the Russians in advance of what would be otherwise the lapsing of the New START Treaty on February 5th, 2021, those at least five other weapon systems that we are aware of that President Putin publicized with that video that we are all familiar with, along with relatedly not just the weapon systems, the delivery systems, but a large number in a development of, manufacture of a large number of lower-yield nuclear devices that could be included on those systems that would not necessarily be deemed of a strategic level.

When I discussed this with my Russian interlocutors in Geneva this past summer, I made it clear to them that the people of the United States—it is not going to matter to the President or the people of the United States if we are hit by an ICBM that is covered by the New START Treaty or some hybrid weapon with a low-yield nuclear weapon that destroys Denver or Salt Lake City. All those systems need to be addressed.

But that is their strategy, to comply with New START—and we have determined that they have—but to build these other systems

and a large number of devices that we do not really have a lot of transparency on. We do not even know the number. We asked for the number of nuclear weapons that they had, nuclear devices, and they would not even address the question.

The CHAIRMAN. Thank you, Senator Romney.  
Senator Cardin?

Senator CARDIN. Thank you, Mr. Chairman.

Again, Secretary Sullivan, thank you very much.

I appreciate your response in regards to Russia's interference in our elections, using your words, a redline, which I think it has to be absolutely clear that that is an attack on our country, on the very foundation of America. And of course, as I pointed out in your introduction, it is not unique to the United States by Russia's actions. They are doing it in many democratic countries around the world. And we must make it clear that that is a redline, that that cannot be tolerated.

I also appreciate in your statement your willingness to meet with civil society and for our embassy to be a beacon of hope for those that are oppressed.

Earlier this month, Senator Rubio and I authored a letter, joined by many of our colleagues, to Secretary Mnuchin and Pompeo in regards to Russia's actions against human rights advocates and the imprisonment of opposition leaders, urging the administration to be more aggressive in protecting those individuals, including the use of the Magnitsky sanctions.

So I want to start, as I do with most ambassadors that are going through a nomination hearing in a country that has challenges on protecting human rights, as to how high of a priority will it be to promote American values as it relates to human rights, giving hope to the people of Russia that they do enjoy universal human rights that will be recognized by the United States and defended by the United States.

Mr. SULLIVAN. It is a fundamental part. I would consider it a fundamental part of an American ambassador's mission to promote those values and to also point out the incongruity of the fact that the Russian constitution guarantees many rights, but the Russian government—their government—is infringing those rights.

And there are many ways that we can encourage civil society in Russia. I want to do—as I have mentioned to some members of the committee, I want to make sure that I at first, as is said in the Hippocratic Oath, do no harm in embracing particular individuals and subjecting them to retaliation by the Russian state for their association with us. But I absolutely affirm the importance of promoting American values, basic human values that we all share, not just Americans, freedom of religion, and the fact that the consent of the governed, a democratic republic is the highest form of government they are entitled to.

Senator CARDIN. So let me tell you the challenges that we have seen over many administrations. When there are high visible opportunities, summit meetings, rarely do we see human rights as a front and center issue. Yes, we get into arms control. Yes, we get into counterterrorism. Yes, we get into the hotspots of the world trying to resolve the problems. But we see that human rights is rarely promoted to a top priority issue. I believe our mission in



Russia can help make that more of a reality that these issues are showcased when we have those opportunities.

Most recently, we have had horrible humanitarian disasters in different parts of the world, and as we look for resolutions of those issues, rarely do we hold those accountable for atrocities—accountable for their actions. If you are confirmed as Ambassador, will you be a champion for American values not being ignored as we deal with other very important issues—arms control is an important issue. Counterterrorism is critically important—but that we recognize that if we do not build those answers within American values, we are not doing a service to our country's national security?

Mr. SULLIVAN. I have and will continue to do so. Senator, if I may offer a couple of examples to not just talk the talk but walk the walk. I gave a speech on religious freedom in Khartoum a year and a half ago in the face of threats against me. It was at a mosque in Khartoum. But the value of religious freedom and how important it was for the Sudanese government, which has now changed—it was then under the presidency of President Bashir. But the importance of that government respecting its citizens' rights, including religious freedom.

I did the same thing in Nigeria when I was in Abuja to speak with the Nigerian president, roughly the same time last year and continue to do so.

Senator CARDIN. I appreciate that. And I also appreciate the fact that you responded to Senator Menendez's questions that you would follow the law and your conscience in regards to areas of potential conflict between what many of us believe is the policies of this country and where there is conflict particularly with this administration. And I think that becomes important.

We had an appropriation in the fiscal year 2017 budget to counter Russia's misinformation, and the administration was very slow in releasing those funds. Very, very slow. We need to get the direct information from our missions as to the importance of those types of programs to counter Russia's propaganda and misinformation. We ultimately got the monies released, but it took a long time.

So we want to make sure that our head of mission, our Ambassador in Russia, will be giving direct information to us as to the needs and our values. And if it is a conflict within the administration, we recognize the sensitivity of that and the importance of the Ambassador to have the confidence of the President, but we need to be able to get that direct information, consistent with law and your conscience.

Mr. SULLIVAN. Yes, indeed, Senator. I agree. As I said in my opening statement, I will look forward to working individually and collectively with this committee, if I am confirmed as our Ambassador to Russia, on that issue and any others that are of interest to a member or collectively the committee.

Senator CARDIN. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Portman?

Senator PORTMAN. Thank you, Mr. Chairman.

And, Secretary Sullivan, as I told you in our meeting, I appreciate your willingness to serve in a new and very important job

that is going to be extremely difficult because you are going to be dealing with a relationship that is fraught with problems. You talked about some of those earlier today. You talked about their interference in our elections and how strongly we feel about their malign activities—Russia's malign activities around the world, the cyber attacks, certainly what is going on in terms of disinformation, which I want to talk to you about in a second.

As you know, I spent a lot of time on the Ukraine issue. You mentioned Georgia and Ukraine. We did not talk much about Syria, but even today as we sit here, there is the potential for U.S. forces and Russian forces to be in conflict for the first time in many years. So there is lots going on.

Having served in three administrations now, you have got the background and experience to be able to handle it I believe. So I am glad you are willing to do it.

I am going to assume for the purposes of my questions that you went through this process, as you have in the past, and that, as I have seen this morning, you will be able to answer the questions that are raised by my colleagues in a way that will ensure that you are confirmed.

I think there are three areas where you can play a particularly significant role. One is with regard to disinformation. The Global Engagement Center: you have been a champion of. I appreciate that. Senator Murphy and I passed legislation a few years ago that we have been trying to ensure ends up being implemented properly, including the funding. Senator Cardin just talked about that, you know, the DOD funding which we finally got over to the State Department. This is not just focused on Russia. It is focused on disinformation more broadly. But, frankly, Russia is the number one actor in this space.

So let me ask you, from your perch in Moscow, will you continue to be an advocate for the Global Engagement Center, and can you help us to ensure that we do not have these glitches, that we have the funding at a stable level so that we can bring the expertise in to be able to push back on disinformation globally?

Mr. SULLIVAN. Absolutely, Senator. In fact, we spoke at my confirmation hearing 2 and a half years ago; you may not remember this, but we spoke about the Global Engagement Center.

Senator PORTMAN. I remember it. At that time, you made commitments that you kept, which I appreciate.

Mr. SULLIVAN. But the challenge we have had with the GEC has been that when it was originally created, it was focused on countering non-state actors, al Qaeda in the Arabian Peninsula, for example. Continuing that mission but adding state actors, specifically one as sophisticated as Russia, has made the job even more difficult, but just as, if not more so, necessary. And I appreciate this committee's help in seeking to get that funding, which has taken us far too long to get.

Senator PORTMAN. Second. So thank you and I think you will have a unique opportunity given your position I believe you are going to be confirmed for to be able to speak to that.

Second is Ukraine. And as you and I have talked about, I have been there several times. I went there right after the Revolution of Dignity in the Maidan. And since then, members of this com-

mittee have supported over \$3 billion in additional aid to Ukraine, including now lethal defensive aid, which is necessary. And now a lot of Americans know about that as well, given what has happened in the last couple months.

The point is it is an extremely sensitive time in Ukraine. President Zelenskyy has told me—and he has taken some rather courageous political actions to fulfill this—that he would like to see the conflict in the Donbas resolved. He specifically has talked about the Steinmeier formula withdrawal of the Russian forces from the border areas, withdrawal of the Russian-backed surrogate forces there in exchange for elections in the east and in exchange for some level of autonomy. He has gotten a lot of pushback from that, as you know.

But the point I am making is I think you, having had your experiences at the State Department understanding this issue more broadly, have an interesting role to play, which is to get Russia to the table in a good faith effort, which I have not seen yet, both with regard to Crimea, which we must never forget, and with regard to the eastern border. I think there is an opportunity here with the new administration with his majority in his parliament, the Rada, and with his determination to try to figure out a way forward.

Are you willing to take on that role, which would not be the typical role of an Ambassador, but I think in your case it would be one that could be crucial again to getting Russia to the table in a way that this issue could be resolved?

Mr. SULLIVAN. Well, thank you, Senator. Russia is the key actor in this whole drama. We have the situation we have in the Donbas and in Crimea solely because of Russia's actions.

I thought we saw a little shift in the Russian position a few months ago when they agreed to the prisoner exchange to release the Kerch Strait sailors, the Ukrainian sailors that they had illegally attacked and seized. But I think there has not been the follow-through that we were hoping for.

I would expect that the U.S. Ambassador to Russia would be involved in particular in engaging with the Russian government in coordination with colleagues at the Department of State and at the NSC on this extremely important issue.

Senator PORTMAN. Yes. Again, my time has expired, but we will continue this dialogue. But you will have the opportunity to play a central role of this because of your experience at the NSC and at the State Department and at the White House and the network you have developed and the respect you have here on the Hill. So I hope you will use that aggressively to be able to resolve some of these issues particularly with regard to the eastern border of Ukraine.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman.

And thank you, Secretary Sullivan, for your willingness to take on this challenging position at this difficult time.

In your opening statement, you talked about the need for principled engagement with Russia that requires sustained diplomacy

and resolute opposition to Russia where it undermines the interest and values of the United States and our allies and partners. Do you believe that this is the philosophy with which the President approaches our policy towards Russia?

Mr. SULLIVAN. He has nominated me to be his Ambassador, Senator. I believe I would be fulfilling the President's desires with respect to Russia if I pursued that policy that I have laid out.

Senator SHAHEEN. As you prepare to take on this engagement, can you explain whether or not you were briefed on President Trump's 2-hour private meeting with President Putin in July of 2018?

Mr. SULLIVAN. Whether I was briefed after the meeting?

Senator SHAHEEN. Yes or anytime between then and now as you prepare to take on—

Mr. SULLIVAN. Oh, I just meant not before the meeting, but after the meeting about results of the meeting.

Senator SHAHEEN. Correct.

Mr. SULLIVAN. Yes. I have been briefed by the Secretary of State and the National Security Advisor to the President. And the two principal items that I was charged with coming out of that meeting were the two dialogues that I now lead on counterterrorism and our strategic security talks with the Russians. There was a third request from President Putin concerning a business-to-business dialogue, which has yet to be implemented. It really would not involve substantial involvement by the United States government. But those were the three issues that I was briefed on coming out of the President's meeting with President Putin last year.

Senator SHAHEEN. And did you ever see the actual notes from that meeting, or that was a verbal briefing from Secretary Pompeo?

Mr. SULLIVAN. Well, and Ambassador Bolton. I did not see a verbatim memorandum reciting what exactly was the back and forth between the two presidents in the meeting. But I hesitate to say it was only orally. There may also be memos that discussed these priorities for the dialogues that I described. But I did not see a memo that summarized the results of the conversations between the two presidents. I was briefed on the outcomes that I should be looking to implement. And that briefing may have been in writing as well as orally. I cannot recall at this point.

Senator SHAHEEN. A large number of Russian ISIS fighters are being held in prisons guarded by the SDF in northeast Syria. Of course, many more remain at large. And Russian terrorism analysts say that Russia in many ways has exported its own domestic terrorism problem to Syria.

Do you agree with that assessment? And given Russia's increasingly prominent role in northeast Syria following our withdrawal, are you aware of any United States' efforts to push Russia to address the global ISIS problem and to take back its own ISIS fighters who have emigrated to Syria?

Mr. SULLIVAN. Yes. In fact, that is a major topic of our discussion in the counterterrorism dialogue. We have had two meetings at the deputy minister/deputy secretary level and then a number of other meetings at lower levels involving FBI, CIA, et cetera.

The Russian government, with respect to the foreign terrorist fighters in northeast Syria, has agreed with us that countries that

have their citizens who are detained who left their homeland, went to northeast Syria or elsewhere but are now detained in northeast Syria, that they should be taking those citizens back to their home countries to be prosecuted and dealt with, including Russia.

Senator SHAHEEN. Has Russia actually done that?

Mr. SULLIVAN. They have in fact in fairly large numbers.

In fact, we have the opposite concern, frankly, Senator, which is our concern about how people are going to be treated when they get sent back to Russia. So from my perspective in my discussions with the Russians, they are in fact in aggressive agreement with us on wanting their people back and putting pressure on other countries, particularly European countries, to take theirs. My concern is what happens to those people and particularly family members of those fighters who get sent back to Russia, which is one of the limitations on our counterterrorism dialogue. There are limits on how we can work with them because of their behavior.

Senator SHAHEEN. And were you aware that Rudy Giuliani had opened a second channel of diplomacy, if you want to call it that, a second channel of effort in Ukraine?

Mr. SULLIVAN. As I said in response to questions from Senator Menendez, I was aware that Mr. Giuliani was involved in Ukraine issues. My knowledge, particularly in the April, May, June timeframe, even into July, was focused on his campaign basically against our Ambassador to Ukraine. Senator SHAHEEN. And is that the normal way the State Department does business, to open a second channel?

Mr. SULLIVAN. I will say that there are examples going back through history of Presidents using people outside of—U.S. citizens outside of the government in whom they repose trust to convey messages and represent them abroad. So it is not, in my experience, unprecedented. So I do not know whether I can say more than that.

And it is also the President's prerogative even within the U.S. government if they are, for example, sending Secretary Perry to Ukraine to discuss energy issues, for example. Even though he is going on a foreign mission to a foreign country, he is not the Secretary of State, that is something that Presidents typically do.

Senator SHAHEEN. My time is up, so I will stop. But I think we normally assume that everybody is pursuing the same policies when we have different channels of communication to a country.

Thank you.

Mr. SULLIVAN. May I respond?

The CHAIRMAN. You may.

Mr. SULLIVAN. Thank you, Mr. Chairman.

That is a problem when there are multiple parties involved, and it is a challenge I think for any Secretary of State to maintain control over U.S. foreign policy in any government when there are—even within the U.S. government, if there are other cabinet secretaries involved. I note from my experience in the Bush 43 administration, great disagreements between the Department of Defense and the Department of State on what were essentially foreign policy issues. So it is a challenge for the Secretary of State to maintain control over that policy in any administration.

The CHAIRMAN. Thank you.

Senator Young?

Senator YOUNG. Secretary Sullivan, hello and welcome to the committee and congratulations on your nomination.

I have found you to be accessible and highly competent, and you have comported yourself with great integrity thus far in public life. So I am disposed to support your confirmation.

I have a question about—a series of questions related to arms control, which you have identified in your testimony as an area of sort of shared concern, shared interest between the United States and Russia. I do think it is important. As many challenges, as many disagreements as we have, if we can find some areas of commonality, I do not think that is a bad thing.

So earlier you affirmed that you believe it is in the best interest of the United States to pursue an extension of New START. You further indicated I think the Russian strategy is indeed to comply with New START but all the while to build other weapon systems and also develop lower-yield nuclear weapons.

In conjunction with pursuing a New START extension, are there particular updates or conditions that you believe are necessary to ensure New START is as potent and enforceable as possible?

Mr. SULLIVAN. Yes. And what I would say is what I think our position, the United States' position, would not be to announce the extension of New START today—it expires on February 5th, 2021—but to engage immediately with the Russians on not just the terms of an extension but these other weapon systems that I discussed with Senator Romney, the five that I think you and I talked about when we met earlier.

Senator YOUNG. So what role would you play as Ambassador in those conversations and ensuring we land in the right spot?

Mr. SULLIVAN. Well, my expectation is if I am the chief of mission in Moscow, that I would be consulted and be a conduit to the Russian government in both directions. But my expectation is if we were to proceed with substantial arms control negotiations, that that would be a major undertaking requiring a large bandwidth of resources from the U.S. government across the interagency from the joint staff, DOD, NSC, the intelligence community. My expectation is that as Ambassador I would not be as directly involved as those negotiations proceeded.

Senator YOUNG. That is fair.

Let me move to the plumbing. One of the most important roles of an ambassador is to make sure that the trains run on time, that personnel have what they need, our very competent diplomatic personnel, and so forth. And so you are going to need full embassy staffing and a functioning network of consulates throughout the country in order to be able to most effectively carry out your mission.

In April of 2018, as you and I discussed in my office, Russia expelled 60 of our diplomats and closed our consulate in St. Petersburg.

So what actions will you take, Mr. Secretary, to get our embassy staffing numbers back to where they need and to reopen that St. Petersburg consulate so that it can serve American citizens who are visiting from abroad?

Mr. SULLIVAN. We have an ongoing discussion with the Russian foreign ministry on these issues. And it has gotten to the point where our staffing level was cut to 455 U.S. direct hires. In fact, because the dispute we have with Russia extends beyond just the initial expulsion of 60, but their refusal to give visas for us to be able to backfill, we are substantially below 400 people at this point in our mission. So I think the problem is even greater than you described. It is very acute. And that has become clear to me over my 2 and a half years as our mission has shrunk. We lost the consulate in St. Petersburg. The price for the consulate in St. Petersburg—we closed the Russian consulate in San Francisco, and we do not have plans to allow them to reopen that consulate, which was used for other than diplomatic purposes. But not having a consulate in St. Petersburg for purposes of providing American citizen services out of our embassy—we have so many Americans who visit, cruise ships that make port calls. It is essential that we have a consulate there and we are handicapped by having to work out of Moscow to service people there.

Senator YOUNG. So I think it is important. To the extent that I and other members of the committee can be helpful on that front, we of course want to.

I am going to submit for the record a series of questions. I am going to very quickly publicly say them, and I would appreciate it if you could respond to them later, simple yes or no answers. I think it is really important that we sort of protect the prerogatives of this committee and of this Article I branch. So here they are.

Have you adhered to applicable laws governing conflicts of interest?

Have you assumed any duties or any actions that would appear to presume the outcome of this confirmation process?

Do you agree, if confirmed, to appear and to testify before this committee when requested by the chairman and ranking member?

Do you agree to provide documents and electronic communication in a timely manner when requested by this committee, its subcommittees, or other appropriate committees of Congress and to the requester?

Will you ensure that you and your staff comply with deadlines established by this committee for the production of reports, records, and other documents, including responding timely to hearing questions for the record?

Will you cooperate in providing witnesses and briefers in response to congressional requests?

And finally, will those briefers be protected from reprisal for their briefings?

I do not anticipate any challenges whatsoever, but I will submit this for the record.

The CHAIRMAN. Thank you, Senator. Those questions will be submitted. Thank you.

Senator KAINE?

Senator KAINE. Thank you, Deputy Sullivan. Thank you so much for your strong public service.

Have you reviewed the memorandum of telephone conversation of the July 25 phone call between President Trump and Ukrainian President Zelensky that the White House made public last month?

Mr. SULLIVAN. I have.

Senator Kaine. I would like to introduce it into the record, Mr. Chair.

The Chairman. It will be introduced.

[The information referred to is located in the "Additional Material Submitted for the Record" section of this hearing transcript.]

Senator Kaine. The memorandum states that it is not a verbatim transcript, and the presence of several ellipses in the memorandum suggest that some material was deleted.

Have you read a full transcript of that conversation?

Mr. Sullivan. The only version of that memorandum that I saw, Senator, was one that I got via public media.

Senator Kaine. Have you asked to read any fuller version other than the one that you have read?

Mr. Sullivan. I have not.

Senator Kaine. Do you know whether any member of the State Department was invited to participate in that call?

Mr. Sullivan. I believe the Secretary has said that he did. I do not know if others—my expectation is not, but I do not know that.

Senator Kaine. Okay.

President Trump initiated a discussion about former Ambassador Marie Yovanovitch on the call, saying the former Ambassador from the United States, the woman, was "bad news." Do you believe that this dedicated career Foreign Service Officer was "bad news"?

Mr. Sullivan. As I said earlier, Senator, as Ambassador Yovanovitch in her written statement to the House impeachment inquiry, I told her that I had no reason to believe at the time that she had anything to be—

Senator Kaine. I think you have testified to this already, but do you know what the President meant by the statement that she is "bad news"?

Mr. Sullivan. I do not know.

Senator Kaine. He later said in the call, "Well, she is going to go through some things." Do you have any idea what the President meant by that comment?

Mr. Sullivan. I do not.

Senator Kaine. She testified before the House that you told her that she was relieved of her post because she lost the President's confidence, but that she had done nothing wrong and that she had been the subject of a concerted campaign against her. Is that accurate? Is that accurate in terms of what you told her?

Mr. Sullivan. Yes, it is.

Senator Kaine. I was intrigued by who was mentioned on diplomatic call and who was not. The memorandum mentions Rudy Giuliani six times, Attorney General Barr five times, Ambassador Yovanovitch three times, Vice President Biden two times, Vice President Biden's son one time, and Robert Mueller one time. The transcript does not mention Secretary Pompeo, Ambassador Taylor, or anyone at the State Department other than the disparaging comments about Marie Yovanovitch. And the President repeatedly urges President Zelenskyy to work with Rudy Giuliani and Attorney General Barr.



Does it surprise you that on a diplomatic call, the President would encourage Ukraine to communicate with Rudy Giuliani and AG Barr but not Secretary Pompeo or Ambassador Taylor or the State Department?

Mr. SULLIVAN. Well, I think in the context of those references, Senator, it was to our anti-corruption efforts, which have been longstanding, going back to the prior administration. So it does not—

Senator KAINE. Does the State Department not work on some of those things?

Mr. SULLIVAN. Absolutely, as do other cabinet—

Senator KAINE. But were not mentioned.

President Zelenskyy raises the issue of defense cooperation and expresses interest in purchasing Javelin missiles. We now know that the White House was thwarting the command of Congress by withholding military support for Ukraine. When did you become aware of that?

Mr. SULLIVAN. Of that—

Senator KAINE. Of the thwarting of the military aid to Ukraine.

Mr. SULLIVAN. I was aware that there was a hold on security assistance to Ukraine. I was not aware of the reason.

Senator KAINE. In response to the request for military support during the phone call, President Trump does not encourage President Zelenskyy to reach out to the Secretary of Defense, the EUCOM commander, or Ambassador Taylor. He just encourages Ukraine to communicate with Rudy Giuliani and Attorney General Barr. Does it surprise you that on matters of defense cooperation, the President would encourage Ukraine to communicate with Rudy Giuliani and AG Barr but not the Department of Defense or our Ambassador?

Mr. SULLIVAN. Well, as I said in response to your question regarding the Secretary of State, my understanding was in reading that transcript, the President's focus was on anti-corruption efforts, which is why he would have referred to the Attorney General.

Senator KAINE. But President Zelenskyy was asking about defense aid, and President Trump was engaging in that conversation but not encouraging communication with the Department of Defense.

President Zelenskyy also raised the issue of trade with the United States and talked specifically about cooperation on energy-related issues. We now know that the White House directed Trade Representative Lighthizer in August to shelve all trade discussions with Ukraine.

In response to the discussion about trade and energy, President Trump does not encourage President Zelenskyy to reach out to Secretary Ross, Secretary Perry, Trade Representative Lighthizer, or Ambassador Taylor. He just encourages the president to communicate with Attorney General Barr and Rudy Giuliani. Does that surprise you on a matter of trade and energy?

Mr. SULLIVAN. Again, I would have the same answer that I believe the President's overriding focus was on anti-corruption.

Senator KAINE. Well, for the record, we all know that Rudy Giuliani and Attorney General Barr are not responsible for U.S. policies on commerce, trade, energy, defense, or diplomacy.

As far as you know, are there other countries where the President is directly encouraging the head of state to work with Rudy Giuliani and Attorney General Barr rather than the State Department, the Defense Department, the Commerce Department, the Energy Department, the Trade Representative, or our own U.S. Ambassador?

Mr. SULLIVAN. I am not aware of any other country with respect to Mr. Giuliani—

Senator KAINE. Let me ask you one other question.

The CHAIRMAN. He wanted to finish.

Mr. SULLIVAN. I just want to say with respect to Attorney General Barr, I do not know, but it would not surprise me if, given the role of the Justice Department, it may be. But I am not aware of any other instance with respect to Mr. Giuliani.

Senator KAINE. Lastly, the President's calendar reveals that he held a phone conversation with Vladimir Putin 6 days after the call with President Zelenskyy. Do you know whether the President told President Putin that the U.S. was withholding military aid from Ukraine, stopping trade discussions with Ukraine, or that the U.S. was about to cut \$800 million in NATO-related military construction projects in Europe during that call?

Mr. SULLIVAN. I do not believe that that was mentioned in the call with President Putin.

Senator KAINE. So you have seen a transcript of it.

Mr. SULLIVAN. No, I have not, but I have not been told that that was the subject of the conversation.

Senator KAINE. So you are unaware but not have been told.

Mr. SULLIVAN. My recollection is that that call—that there was a massive wildfire.

Senator KAINE. The summary of the call says it was about wildfires and trade.

Mr. SULLIVAN. Yes.

Senator KAINE. It does not give any additional details.

Mr. SULLIVAN. That is what I am aware of.

Senator KAINE. And you have not seen a transcript of the call.

Mr. SULLIVAN. That is what I am aware of.

Senator KAINE. Thank you, Mr. Chair.

The CHAIRMAN. Thank you, Senator Kaine.

Senator Rubio?

Senator RUBIO. Thank you for being here today, and thank you for your service to our country, which I think is across four cabinet departments, three administrations, the last 2 years as the Deputy and all of 6 weeks as the Acting Secretary of State. And now you are going to Russia. As I told you yesterday, I do not know what you are going to do to top that. But that is a great record of service to our country.

Because you are the nominee to such an important post, I think we are just going to cut to the chase. We all understand the theory and the argument made that the President of United States was engaged in an effort to leverage U.S. foreign aid to a country in exchange for the country helping him go after a political opponent. That is the allegation. That is what the House is looking into.

Bottom line, were you aware at any time until, of course, this stuff was broken in press, but before that time, did anyone ever

come to you? Were you ever aware of that sort of connection, that quid pro quo that is being alleged? Was that something that you were a part of? Just for the record, I think that is important.

Mr. SULLIVAN. I was not, Senator.

Senator RUBIO. You were not aware?

Mr. SULLIVAN. I was not aware.

Senator RUBIO. You never heard anyone tell you they will get the money if they investigate a political opponent?

Mr. SULLIVAN. Not until the recent developments and disclosures from the whistleblower's complaint.

Senator RUBIO. That is the first time you were aware of it.

Just as another matter because of your record, listen, you can be, as I am, deeply concerned that we would remove an ambassador from a post as a result of what now appears to be at least a somewhat foreign-directed effort, a concerted effort to spread misinformation about that U.S. ambassador. I would imagine it is wrong. It is bad for morale. It would encourage adversaries to do the same. Just to be clear, I am not justifying it. I am not saying it is right. I have concerns about it.

But there is nothing illegal about an ambassador being removed from their post. In essence, neither you, if you are confirmed, or any other ambassador serving this country is entitled to serve in that role until there is cause. Ambassadors are re-assigned and can be re-assigned all the time. We may not agree with it. We may think it is unfair. We may think it is unwise. But you and anybody else serving in a post overseas could be re-assigned or asked to be re-assigned at any moment.

Mr. SULLIVAN. For any or no reason, the President's authority, as I understand it—he may decide that he does not like my testimony today and does not want me to go to Russia. The President can decide, when he loses confidence in his ambassador or his nominee, that that person is not going to continue as ambassador. What he cannot do is he cannot decide that if it is a career employee, that that person is removed from the Foreign Service. And that is not what happened with respect to—

Senator RUBIO. Well, that was my last question. Ambassador Yovanovitch was not removed. There was no effort to remove her from the Foreign Service.

Mr. SULLIVAN. In fact, the opposite. One part of my conversation with the Ambassador was my hope and her desire to continue to serve in the Foreign Service and what her assignment would be.

Senator RUBIO. The last topic here in the 2 minutes that are left. It is an interesting thing that is developing here between Russia and China. If we go back 40- 50 years, you know, Russia was the senior partner in that relationship when they were not in conflict. China was still a developing country. Now the roles have been reversed. We see China growing in geopolitical influence. Their economy continues to grow. Russia, on the other hand, is in decline demographically, economically, in some respects militarily in comparison to the Chinese. I think it is now fair to say that Russia is the junior partner in that relationship between China and Russia.

And I am curious about your views about what is our role in managing how that plays out, for example, in Central Asia where the Eurasian Economic Union frankly is no match for China's of-

fers with its Belt and Road Initiative. So you have got a country that is in decline relative to China. They may feel threatened by this, if they do not already, at some point. What is our role in that? How do we manage that? And what is our role in Central Asia as these two countries potentially have that tug of war?

Mr. SULLIVAN. Well, as we discussed yesterday, Senator, those five countries are extremely important geopolitically—their location—for any number of reasons, our counterterrorism mission, for example, resolving the conflict in Afghanistan on terms favorable to the United States.

I believe there is competition between Russia and China in that area. We want to be involved. I met with the five foreign ministers from those countries. This would have been last year before a U.N. Security Council session on Afghanistan where they participated. I met with them to discuss our interests—their interests in some of those countries, at least—being closer to the United States is they feel squeezed between Russia and China. So it is geostrategically important, as you noted, and we do have a role to play.

The CHAIRMAN. Thank you.

Senator Markey?

Senator MARKEY. Thank you, Mr. Chairman.

Mr. Secretary, Gordon Sondland came before this committee, as you are today, so that we could consider his nomination to be the U.S. Ambassador to the European Union, which no longer includes the Ukraine.

According to statements by multiple government officials, including Lieutenant Colonel Alexander Vindman, a Purple Heart recipient and Ukraine expert assigned to the National Security Council, as well as other diplomats, Sondland was involved in efforts to get Ukrainian President Zelenskyy to investigate President Trump's political rival rather than to pursue the national security interests of the United States. In fact, Ambassador Sondland is reported to have determined that, quote, Ukrainian leaders delivered, quote, specific investigations to secure a meeting between President Zelenskyy and President Trump.

In response to Senator Menendez, you stated that it would not be in accord with our values for a President to solicit a foreign investigation into a political rival.

Have you ever heard of any other President ever asking a foreign government to investigate an American citizen?

Mr. SULLIVAN. I cannot think of one off of the top of my head, Senator. But as I said in response to Senator Kaine's questions, the President and the United States government has been focused on anti-corruption efforts extensively in Ukraine.

Senator MARKEY. So in your opinion—I would like to hear it—having President Trump ask Ukraine to investigate a U.S. citizen, his political rival, would be unprecedented in American history and certainly the American presidency?

Mr. SULLIVAN. I am not—I do not consider myself competent to answer the historical—

Senator MARKEY. To your knowledge?

Mr. SULLIVAN. To my knowledge, I am not aware of that, which is not to say it has not happened.

Senator MARKEY. As Ambassador to Russia, would you ever put any individual's political interests ahead of the foreign policy and national security interests of this country, even the political interests of the President of the United States, even if requested by the President of the United States?

Mr. SULLIVAN. I would only implement the President's foreign policy in the national security interests of the United States.

Senator MARKEY. So you would never compromise America if the political interests of the President ran contrary to our—

Mr. SULLIVAN. My oath would be, as my current oath is in my present position, to the United States and our Constitution.

Senator MARKEY. I have received information that before John Bolton resigned, President Trump may have made a decision to exit the Open Skies Treaty, which permits signatories to conduct short notice, unarmed reconnaissance flights over the entire territories to collect data on military forces and nuclear weapons activities. We then share this information with our allies and all signatories to the Treaty.

Do you believe that withdrawing from the Open Skies Treaty is in the interest of the United States?

Mr. SULLIVAN. To my knowledge, the United States has not withdrawn from the Open Skies Treaty. In fact, the United States this month is chairing the Open Skies Consultative Commission. There was the 1,500th Open Skies Treaty flight recently.

Senator MARKEY. Do you believe that withdrawing from the Open Skies Treaty is in the best interest of the United States?

Mr. SULLIVAN. There would need to be substantial evidence to support the national security interests for withdrawal from that Treaty, and there would need to be consultations with this committee, with Congress, and in particular with our NATO allies and the other countries that are members of the Treaty, as we did when we withdrew from the INF Treaty.

Senator MARKEY. Have you made a decision to withdraw, to exit from the Open Skies Treaty yourself?

Mr. SULLIVAN. I have not.

Senator MARKEY. You have not. Just for the record, Secretary of State George Shultz, Secretary of Defense Bill Perry, Sam Nunn all strongly support continued U.S. participation.

Has the White House consulted the State Department about potential withdrawal from the Open Skies agreement?

Mr. SULLIVAN. I have been consulted because I heard those same rumors.

Senator MARKEY. You have been consulted?

Mr. SULLIVAN. Well, I inquired as to whether we had withdrawn from the Treaty and was assured we had not.

Senator MARKEY. You have been involved in discussions given your leading role—

Mr. SULLIVAN. I have and I have consulted with our ambassadors to NATO and the OSCE and heard their views and conveyed those views about their view that we should continue to be members of the Treaty. And our Ambassador to the OSCE, Ambassador Gilmore, is the chair, as I said, this month of the Consultative Commission on Open Skies.

Senator MARKEY. You have consulted with allies who benefit tremendously from this agreement, and what is their view—our allies?

Mr. SULLIVAN. We have not to my knowledge.

Senator MARKEY. You have not.

Mr. SULLIVAN. No.

Senator MARKEY. Have you consulted with Congress on the withdrawal?

Mr. SULLIVAN. Other than conversations in connection with my nomination, no.

Senator MARKEY. Is the United States and Russia still in compliance with the Treaty?

Mr. SULLIVAN. The United States is in compliance. The United States' view is that the Russians have not been in compliance in certain respects, including overflights over Kaliningrad. But we and the Russians and all the signatories of the Treaty continue to be members. And as I have said twice before, we are chairing the commission that oversees the Treaty. This month Ambassador Gilmore is.

Senator MARKEY. Do you think the transparency which the Treaty creates is in our national interests and that we should resolve the ambiguities rather than withdrawing completely from it?

Mr. SULLIVAN. It has been in our interests, and to the extent that it is not, we need to be transparent about why, as we were when we withdrew from the INF Treaty.

Senator MARKEY. I think it is in our best national security interest that we remain in the Open Skies Treaty. It has helped us a lot and our allies have been tremendously benefited from it.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Markey.

Senator BARRASSO?

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

Congratulations. Good to visit with you again.

I know you have had a lengthy discussion about Russia's new strategic nuclear weapons. I wanted to just go back a bit to the New START Treaty, which I always believed was a one-sided agreement. I voted against it, have major concerns about it. To me it was more about reducing the United States' strategic nuclear forces but not Russia's forces because that Treaty required the United States and Russia to reduce our deployed nuclear warheads to numbers that Russia was already below those numbers. So I thought it was one-sided, unfair, and we made significant reductions to get below the limit.

So in future arms control negotiations with Russia, are you committed to ensuring that the United States is not entering into a one-sided arms control agreement where we are a party required to make more reductions when Russia is not?

Mr. SULLIVAN. Absolutely, Senator. The United States should only enter into any Treaty, particularly an arms control Treaty, that is in the national interests and security interests of the United States.

Senator BARRASSO. Russia, to me, continues to use economic instruments and propaganda to achieve its objectives and exert influence in Europe. And we see this as we travel in Europe, visit with

our NATO allies that they try to influence and exert control over countries through a variety of means, military intimidation, energy dependence, cyber attacks, trade.

Would you speak to what you see as Putin's ultimate objective?

Mr. SULLIVAN. Well, particularly with respect to Europe, fracturing Europe, particularly Eastern Europe from Western Europe. I have spent a lot of time traveling in Eastern Europe and the Balkans, which is really a laboratory for Russian hybrid warfare, whether it is cyber, disinformation, intimidation, et cetera. It is more significant in Ukraine where there is actually violence being done on a daily basis not only in Donbas, but it is not really well known, but there are assassinations in Ukraine that are carried out. It is a hot war. There have been 13,000 people that have been killed in Ukraine in the Donbas over the last 5 years. So that is not just hybrid warfare. That is real warfare.

Senator BARRASSO. So what are the most effective tools and leverage points that we could use in trying to change Russian behavior?

Mr. SULLIVAN. Well, we have talked about some of those today, Senator, sanctions, visa and economic sanctions. And also we have worked hard with our allies and partners particularly in Eastern Europe to harden them and their infrastructure, particularly cyber infrastructure against intrusions, forward deployment of U.S. assets, and by that I mean cyber as well. I think that is very important for us to support because they are under stress every day, particularly under cyber threats from Russia.

Senator BARRASSO. One of the things that we discussed when you came to my office was the issue of Europe's reliance on Russian energy and Russia's effort to addict Europe to their energy sources. Europe is trying to work on a number of initiatives to counter this influence. The European Union members at least have identified the risks associated with it, although Germany is moving ahead with the pipeline to NordStream 2.

We look at some things that people are trying to do to avoid this dependence. Lithuania, as we discussed, created that floating LNG terminal called the Independence. There were efforts to increase interconnections, reverse flow capacities of European pipelines. You can see what they are trying to do running up and down in Montenegro and Croatia and that area.

So despite these efforts, it does seem clear that more needs to be done especially in light of Russia's efforts to build NordStream 2.

So as we look at the steps that our allies and partners in Europe can take to promote energy security, what efforts do you think need to be the top priorities here?

Mr. SULLIVAN. Well, the top priority that we have had has been opposition to NordStream 2.

But to address your particular question, Senator, it reminds me of my conversation with Senator Markey about Ukrainian dependence on Russian gas. And you refer to it as an addiction, and Senator Markey used the same term. It is. It is creation of dependency to control. And now, having made Ukraine dependent, completing that second pipeline is going to provide a huge lever. And among the issues that we can use with the Ukrainians is increasing energy efficiency, other sources of energy, whether it is LNG, or stop-

ping NordStream 2 so that gas will continue to flow through Ukraine.

Senator BARRASSO. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Murphy?

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

Good to see you again, Ambassador Sullivan. Thank you very much for your service to the country.

You have been asked I think a version of this question in a couple different ways, but let me ask it specific to the events that we now know took place over the course of the summer and fall.

We have learned now with some certainty, as you have testified, that employees of the State Department, people under your supervision, specifically Kurt Volker, Gordon Sondland, and Bill Taylor, were pressing the Ukrainian government to open specific investigations into topics connected to the Biden family and alternative theories about who interfered in the 2016 elections.

Knowing what you know now about what was happening and those specific requests that were being made, do you think the actions of those individuals were proper?

Mr. SULLIVAN. What they were doing back then, was it proper? I would have to think about that. As I have testified previously, the concept of investigating a political rival as opposed to encouraging anti-corruption reform, which is legitimate I think and consistent with our values, that would be inconsistent with our values.

Senator MURPHY. And so in this case, they were specifically requesting investigations connected to a political rival of the President of the United States. And so your testimony is that those requests were improper.

Mr. SULLIVAN. To the extent that they were made. I am going to have to assume that what I read in the—I mean, I am not present at the depositions, but what has been reported in the press, I have said as a general matter in response to one of the first questions from Senator Menendez, that investigation of a—asking a foreign government to investigate a domestic political rival as opposed to as part of a larger anti-corruption campaign, which we have been engaged in encouraging the Ukrainians for years—those are two different things.

Senator MURPHY. And do you have any reason to believe that the reports in the press and the testimony of Ambassador Taylor are wrong?

Mr. SULLIVAN. I do not. I also do not know that they are accurate. I will accept for purposes that hypothetically if they are, I will answer the question. I just do not know personally.

Senator MURPHY. These, as I mentioned, were individuals acting under the auspices of the State Department. And so I think it is important for the committee to understand where their authority came from, and we talked a little bit about this in our private meeting. Did you order Volker, Sondland, and Taylor to coordinate with Rudy Giuliani in pressing the Ukrainians for these investigations into Burisma or the origins of the 2016 interference?

Mr. SULLIVAN. I did not.

Senator MURPHY. Did Secretary Pompeo order these individuals to request these investigations?



Mr. SULLIVAN. Not to my knowledge.

Senator MURPHY. Did John Bolton order these individuals to coordinate with Rudy Giuliani in pressing for these investigations?

Mr. SULLIVAN. I do not have a basis to answer. I do not believe so, but I do not know that he did. I have no reason to think that he did. I do not have a factual basis to provide a definitive answer.

Senator MURPHY. But clearly if these are people under your supervision, you did not ask them to undertake these activities, I would imagine you would want to get to the bottom of that. And so what is your understanding as to where their instructions were coming from if they were not coming from you or the Secretary of State?

Mr. SULLIVAN. Well, they are getting their instructions—a charge, Ambassador Taylor, in Kiev is getting instructions from the Secretary, from me and for our Under Secretary for—

Senator MURPHY. Right, but on this case, you testified that neither you nor the Secretary asked them to request these specific investigations. And so where did those instructions come from?

Mr. SULLIVAN. I do not know.

Senator MURPHY. And have you made any attempt to find out?

Mr. SULLIVAN. Since I learned of it in September, I have not.

Senator MURPHY. I think that is curious if people operating outside of your specific instructions—I think it is curious that you would not try to find out.

Let me just ask a few more quick questions.

Is it currently the policy of the United States that Ukraine must conduct investigations into Burisma and CrowdStrike?

Mr. SULLIVAN. No.

Senator MURPHY. Why not? If this was the policy over the summer, so why is it not the policy now?

Mr. SULLIVAN. I had accepted as a hypothetical that that was our policy. I do not know that. It is not our policy. Our policy has been to encourage anti-corruption reform generally in Ukraine. That is something that I have worked on for over 2 years, but never with respect to a particular investigation or company or individual.

Senator MURPHY. Is Rudy Giuliani currently carrying out any diplomatic business on behalf of the United States?

Mr. SULLIVAN. Not to my knowledge.

Senator MURPHY. So, Mr. Sullivan, I have a great deal of respect for the work that you have done. You have toiled under difficult circumstances, and I am frankly pleased that you are willing to take on this difficult assignment. But your testimony as to your lack of interest in asking questions about why people under your control were being given direction that did not come from you or the Secretary and your lack of attempts to delve into what the policy actually was during this period of time—you are accepting hypotheticals, but you do not seem to have an opinion as to whether it actually was the policy of the United States, which by the testimony that the House has received, it clearly was to encourage these investigations, I do think it is concerning.

But, again, I appreciate the service you have given the country and I appreciate your testimony today.

The CHAIRMAN. Thank you very much.

Mr. Sullivan, I think my friends on the other side and your discussion have kind of sharpened the question that the jury in the Senate is going to have to answer, and that is having to do with the corruption in the Ukraine.

You would agree with me that this corruption in Ukraine has been going on since they left the Soviet Union. It has been of great concern to virtually every administration, Republican, Democrat, over that period of time. Would you agree with that?

Mr. SULLIVAN. Absolutely. The fact that it has been so long-standing in Ukraine is what makes it so difficult to change and eradicate now.

The CHAIRMAN. And would you also agree with me that every time we discuss this—when I say “we,” I mean all of us that talk about Ukraine—it is almost impossible to talk about conditions there without talking about the corruption in the country over the many administrations they have had in the Ukraine since they got out from under the Soviet Union. Is that a fair statement?

Mr. SULLIVAN. Yes. It affects the entire society.

The CHAIRMAN. And having said that, the gas company has been right at the heart of that corruption in the Ukraine. Has it not?

Mr. SULLIVAN. Well, gas is so central to the Ukrainian economy, that of course.

The CHAIRMAN. So now we get a situation where people have taken this transcript and argued that the President was having them investigate a political rival regarding corruption that took place in Ukraine. And I think you said and I think everyone has said and agrees that if it was strictly a political rival to be investigated, that that would be wrong.

What happens if the political rival is somehow involved in corruption in the Ukraine? That becomes a lot dicier question, does it not, whether a President has to look the other way if indeed a political rival is involved in—

Mr. SULLIVAN. I would say so.

The CHAIRMAN. It is going to be a question we are all going to deal with at some time in the not too distant future I think.

In any event, thank you for that.

Senator Coons?

Senator COONS. Thank you, Mr. Chairman, Ranking Member Menendez, for holding today’s hearing and, Mr. Deputy Secretary, for your distinguished service over many different positions across several administrations.

I greatly appreciate your recognition, both in your public testimony and in our private meeting, of the critical work that Foreign Service and Civil Service officers do every day and their determination, their dedication to forwarding foreign policy goals and the national interests of our country aside from our partisan politics.

Nowhere are those goals and interests more important than in our work in Russia. Russia, as you agree, attacked and undermined our elections in 2016 and continues its influence campaign efforts to meddle in democratic processes not just in the United States, not just in the United States and Europe. There is actually an article in the *New York Times* today about how Russia has launched influence campaigns across Africa in a new playbook that features outsourcing and franchising their influence campaign. So we all need

a comprehensive and sustained strategy to blunt that, and it is my hope you will get the chance to carry out your commitments to push back forcefully on this malign activity by Russia.

Let me just follow up on a question that you got asked before. Senator Kaine asked you—this is in the context of Ukrainian corruption that has been at the center of so many questions today—Senator Kaine asked you why President Trump kept referring Ukrainian President Zelenskyy to discuss all issues with Rudy Giuliani and Attorney General Barr. And you said President Trump was focused on anti-corruption. If anti-corruption in Ukraine is such a priority for the President and this administration, I am struck—as an appropriator on the subcommittee that funds the International Narcotics Control and Law Enforcement budget—that in 2019 the administration requested a cut in funding to \$13 million. Congress rejected that and restored funding to \$30 million. In 2020, the administration again sought to cut that funding to \$13 million. Congress I think is likely to once again restore it to \$30 million. If this is a great priority, combating corruption in Ukraine, for the administration, why does the President's budget not reflect that in any of the three budgets he has submitted?

Mr. SULLIVAN. I think, Senator, the prime obstacle to anti-corruption reform in Ukraine is not technical or monetary support by the United States but the will of the Ukrainian government to rein in Ukrainian oligarchs and reform their system. We saw this over 2 years in urging President Poroshenko to engage in anti-corruption reform, and the will was simply not there. And I think that is the biggest obstacle to anti-corruption reform.

But can we use that extra money and do an even better job on behalf of the United States? Absolutely. Will we be wasting that money if there is not a will to engage in anti-corruption reform by the Ukrainian leadership? I am afraid that is also true.

Senator COONS. I will just politely disagree with you, if I might, that I think that funding is critical for the National Anti-Corruption Bureau and the Special Anti-Corruption Prosecutor's Office and for restoring some semblance of rule of law in a country where corruption is widespread.

Let me move to one other issue before my time runs out: human rights. I am the co-chair of the Human Rights Caucus here in the Senate.

There are hundreds of political prisoners in Russia. The Memorial Human Rights Center, a prominent Russian human rights organization, says the number of political prisoners has increased five-fold in the last 4 years.

If confirmed, what will you do to draw attention to Russia's political prisoners and push for their release?

Mr. SULLIVAN. I would point out, in fact, that I believe the rate at which the Russian government is incarcerating political prisoners is increasing, not decreasing. Shining a light and being transparent about what actually is going on and being public about it I think is the first step. And it is urging the Russian government to abide by its own laws and treat its people right.

Senator COONS. The Senate unanimously passed earlier this year Senate Resolution 81, which I supported and helped draft. It condemns President Putin for targeting political opponents and work-

ing to cover up some of their actions, in particular the assassination of opposition leader Boris Nemtsov. And that resolution from the Senate urges our government officials to raise the case of Nemtsov's assassination.

If confirmed, are you committed to raising this issue with senior Russian officials, including President Putin?

Mr. SULLIVAN. Yes, I am.

Senator COONS. Thank you.

And Russian authorities continue to target the LGBTQ community despite condemnation from governments around the world. Will you commit to discussing, raising, and pressing LGBTQ rights with your Russian counterparts?

Mr. SULLIVAN. Enthusiastically.

Senator COONS. Thank you. I appreciate your appearing today. As a number of my colleagues have testified or have mentioned in their comments, we need a forceful presence in Moscow, and I appreciate that we have had this opportunity to talk today and look forward to working with you. Thank you.

Mr. SULLIVAN. Thank you, Senator.

The CHAIRMAN. Thank you, Senator.

Senator MENENDEZ?

Senator MENENDEZ. Thank you.

You know, Mr. Secretary, I get struck by you as an honorable man. But I also get struck as someone who, in the role that you have had, has played the role of see no evil, hear no evil, speak no evil. So I am going to give you a chance to prove me wrong.

Ambassador Sondland is Ambassador to the EU. Is that correct?

Mr. SULLIVAN. That is correct.

Senator MENENDEZ. Ukraine is not part of the European Union. Is that correct?

Mr. SULLIVAN. That is correct.

Senator MENENDEZ. Did you know what Ambassador Sondland was up to as it relates to Ukraine?

Mr. SULLIVAN. I was aware that he had been tasked with the President with working with our other colleagues who were involved in Ukraine policy and assisting them.

Senator MENENDEZ. Now, when you responded to Senator Shaheen and to some extent Senator Kaine about Rudy Giuliani and that sometimes private citizens have a role, you are not suggesting that what Mr. Giuliani did in this case was kosher, okay, or correct.

Mr. SULLIVAN. I cannot offer a judgment that what he did was kosher or correct because I am not sure exactly what he was up to in toto with respect to Ukraine.

Senator MENENDEZ. So you are the number two person at the State Department. You had no idea what he was doing as it relates to Ukraine although you knew he was doing something as it relates—

Mr. SULLIVAN. I would not say it would be accurate to say I knew nothing. I was particularly aware of the campaign against our Ambassador in Kiev.

Senator MENENDEZ. But outside of that, you did not know what else he was doing.

Mr. SULLIVAN. I was not aware of what he was doing or his purpose.

Senator MENENDEZ. Would you say that Putin and in Russia there is corruption? Would you say that in Putin and Russia there is corruption?

Mr. SULLIVAN. Absolutely.

Senator MENENDEZ. Would you say the same thing about Mr. Orban in Hungary?

Mr. SULLIVAN. I think corruption is endemic across—

Senator MENENDEZ. Yet these two people are the two people who were talking to the President about corruption in Ukraine.

You also seem to suggest—and you are a very able attorney. You also seem to suggest a couch that the reason that these conversations were taking place, the money was being held was about corruption in Ukraine. Is that a fair statement?

Mr. SULLIVAN. I did not know it at the time. My characterization of what the President was saying now was that it was about anti-corruption reform. And if you had asked me—

Senator MENENDEZ. You are characterizing his statements.

Mr. SULLIVAN. Yes.

Senator MENENDEZ. But your own view—why was money being held?

Mr. SULLIVAN. So as I think I have said to some members of the committee, if you had asked me in July, I was aware that money was being withheld. We had a number of requests—

Senator MENENDEZ. Did you ask why?

Mr. SULLIVAN. Excuse me?

Senator MENENDEZ. Did you ask why money was being held?

Mr. SULLIVAN. I did not.

Senator MENENDEZ. You did not.

Mr. SULLIVAN. But I was aware that we had requests of the Ukrainian government not just on anti-corruption reform, but energy reform, and economic reform, all of which was important to—

Senator MENENDEZ. But none of that conversation has come forth even under the President's conversation. It is all about corruption. Right?

Mr. SULLIVAN. That was that July 25th call, yes.

Senator MENENDEZ. But in fact, the Department of Defense, in coordination with the Secretary of State certified in May of this year, prior to this call that the President had, that Ukraine had made sufficient reforms to decrease corruption and increase accountability and could ensure accountability for U.S. military equipment. As a matter of fact, that certification by the Department of Defense, in cooperation with the Secretary of State, the person immediately above you, not only took place then, but it took place prior to that on July 13 of 2018 and then, of course, May 23rd of 2019.

So if DOD and State had already certified that Ukraine had made progress on corruption, what was left to review?

Mr. SULLIVAN. For purposes of our assistance that was being provided to Ukraine, that that assistance would not be diverted for corrupt purposes. In fact, I recall a conversation with Secretary

Mattis back in 2018 about those issues in providing that assistance.

Senator MENENDEZ. So what did you do to dislodge the money? Nothing? What did you do to dislodge the money?

Mr. SULLIVAN. To dislodge the money, I did not personally take any actions.

Senator MENENDEZ. Did you call OMB?

Mr. SULLIVAN. No. I had conversations about OMB. My perspective was that there were a number of programs that funding was being held for, including the Northern Triangle countries. My focus at the time in August and into September was on the funding for the Northern Triangle countries. I was leaving it to our Ambassador, Ambassador Taylor, Volker and so forth. I was informed. In fact, I went up to testify before the House Appropriations subcommittee on Northern Triangle—

Senator MENENDEZ. I appreciate that. I am focused on the position for which you are nominated.

Mr. SULLIVAN. Yes, and that was the day I was told—I was handed a note that informed me, among other things, that the Ukrainian assistance—I believe it was September 11—the hold had been lifted.

Senator MENENDEZ. Mr. Chairman, I ask unanimous consent to introduce into the record the letter of the Under Secretary of Defense directed to you as the chairman of the committee, May 23rd, 2019.

The CHAIRMAN. That will be entered.

[The information referred to is located in the “Additional Material Submitted for the Record” section of this hearing transcript.]

Senator MENENDEZ. Mr. Secretary, just a couple of other final questions here.

Is it not true that Russia illegally occupies Crimea, continues to conduct attacks in eastern Ukraine?

Mr. SULLIVAN. Absolutely.

Senator MENENDEZ. Is it not true that more than 13,000 Ukrainian troops and civilians have been killed in the conflict since 2014?

Mr. SULLIVAN. I believe I testified to that earlier.

Senator MENENDEZ. Is it not true that Russia conducted a chemical weapons attack in the United Kingdom in 2018?

Mr. SULLIVAN. It did and we expelled—

Senator MENENDEZ. Is it not true that Russia assaulted our elections in 2016 using cyber attacks and disinformation?

Mr. SULLIVAN. Indeed.

Senator MENENDEZ. Is it not true that Russia illegally occupies part of Georgia’s territory?

Mr. SULLIVAN. Part of?

Senator MENENDEZ. Is it not true that Russia illegally occupies part of Georgia’s territory?

Mr. SULLIVAN. Yes, indeed.

Senator MENENDEZ. Is it not true that Russia’s bombing campaign in Syria also involved bombing innocents?

Mr. SULLIVAN. I am sorry?

Senator MENENDEZ. Did the Russian bombing in Syria—the campaign—also bombing innocents?

Mr. SULLIVAN. I believe so.

Senator MENENDEZ. Now, so we have established that the Kremlin behavior continues to pose a national security threat to the United States. Congress sought to address through the Countering America's Adversaries Through Sanctions Act that passed 98 to 2 and the President signed into law.

So does it help or hinder U.S. national security when President Trump characterizes Russia's interference as a hoax?

Mr. SULLIVAN. The United States government has not accepted that it is hoax. The United States government's position, led by President Trump, is we are dedicated to stopping it. We acknowledge that it occurs, is ongoing, and we are doing all we can to stop it.

Senator MENENDEZ. Does it help or hinder national security when President Trump jokes about election interference from President Putin?

Mr. SULLIVAN. As I said, we are—I am devoting a huge amount of my time as Deputy Secretary to countering Russian election interference, and that is at the direction of the President.

Senator MENENDEZ. Does it help or hinder when the President redirects millions of dollars from the European Deterrence Initiative that is to help us in deterrence to Russia to pay for a border wall?

Mr. SULLIVAN. That was the President's judgment and a national security priority.

Senator MENENDEZ. Yes. So here is the problem. You are going to go to Russia, and you are going to be saying one set of things based upon your testimony here today and private conversations you had with members. But we have the President who, in his public statements, is totally aligned differently than what you are going to be saying. Do you understand the incredible difficult job that you are going to have as a result of that?

Mr. SULLIVAN. Well, what I would say, Senator, is—and you have cited the President's statements—I would cite the President's actions. You mentioned the nerve agent that was used in Salisbury. We expelled 60 undeclared—the President expelled 60 undeclared Russian intelligence officers in response. We have imposed sanctions on probably 350 Russian individuals and organizations, including under CAATSA and for election interference. So I think the President's actions speak very loudly in this, and Secretary Pompeo has said that this administration, this President, is firmly committing to confronting Russia in all these areas that you have listed—

Senator MENENDEZ. Overwhelmingly, those sanctions have been forced by the hand of Congress particularly in the legislation after having fashioned sanctions in Iran and other places, including Russia, in a way that provided very little discretion because, on a bipartisan basis, there was concern.

Finally, let me just ask you this because I am trying to find a way forward on your nomination. The Department that you help run has tried to block individuals from testifying before Congress, something that I find appalling, because Article I of the Constitution, not Article II, not Article III—Article I of the Constitution ultimately provides as a check and balance on any administration,

this or anyone in the future—forcing them to either choose between defying Congress or their superiors. This Department has sent them letters that appear to aim at scaring them out of appearing before Congress.

Is this the type of support and protection you think that our public servants deserve?

Mr. SULLIVAN. Well, I would say that the actions that the Department has undertaken, led by the Secretary, has been on the advice of counsel, not only State Department counsel but White House counsel as well, and direction from the White House.

Senator MENENDEZ. Why is the Department working to prevent employees from testifying before Congress?

Mr. SULLIVAN. Well, as has been laid out in an extensive letter from the counsel to the President, the rationale is laid out there.

Senator MENENDEZ. Now, I understand the House is directing its request to you—is that correct—on these issues?

Mr. SULLIVAN. They have, yes.

Senator MENENDEZ. Now, I would like to enter the letter from the House to Mr. Sullivan into the record, Mr. Chairman.

The CHAIRMAN. It will be entered.

[The information referred to is located in the “Additional Material Submitted for the Record” section of this hearing transcript.]

Senator MENENDEZ. Have you responded to them?

Mr. SULLIVAN. I do not believe so. The letter was addressed to me, but—I personally have not. The letter has been addressed to me in the misunderstanding that the Secretary has recused himself.

Senator MENENDEZ. So the Secretary has not recused himself.

Mr. SULLIVAN. The Secretary has not.

Senator MENENDEZ. So even though these information requests are coming to you, you are, in essence, turning them over to the Secretary.

Mr. SULLIVAN. Correct. And I did not ask that they be sent to me. They have decided to send them to me.

Senator MENENDEZ. Finally, I ask a request to enter a series of letters into the record by—correspondence between the State Department and myself and letters from myself to the State Department, all of which have gone unanswered.

The CHAIRMAN. Those will be entered.

[The information referred to is located in the “Additional Material Submitted for the Record” section of this hearing transcript.]

The CHAIRMAN. Senator Cruz?

Senator CRUZ. Thank you, Mr. Chairman.

Let me start by observing, as we sit in these august chambers from the storied committee above which the ghost of Henry Cabot Lodge, no doubt, looks down. I feel compelled to observe that the distinguished Senator from Virginia is choosing this moment to mock me for his Nationals beating my Astros last night in game 6 back in Houston.

[Laughter.]

Senator CRUZ. And I will only say that there is a virtue to patience, and at this time tomorrow, one or the other of us will be



on the losing side of a wager and wearing the colors of the winning team. So I look forward hopefully to 24 hours from now, my good friend, Senator Kaine.

The CHAIRMAN. I cannot wait to see how that comes out either way.

[Laughter.]

Senator CRUZ. Mr. Sullivan, welcome. Congratulations on your nomination. I am not sure what you did at State to merit being sent to Siberia, but congratulations nonetheless. I have every confidence that you will perform ably in this new role.

Let us talk about some different aspects of Russia. Russia, as you know, has a long history of using energy as a weapon, and one of the tools that I believe poses a real threat for strengthening Russia, for weakening Europe, and for weakening America is the NordStream 2 pipeline.

Can you give me your assessment of the regional and global impact of Russia's NordStream 2 pipeline if the construction is completed?

Mr. SULLIVAN. I think it is going to be extremely detrimental to Ukraine. It is going to give the Russian Federation an enormous lever over Ukraine and a hammer that they can hit the Ukrainians with. If the Russians cut gas transit through Ukraine, Ukraine will lose billions in hard currency that is desperately needed for its economy.

So the President has been as vociferous as he has been on almost any issue I have seen in opposing NordStream 2 and urging our NATO allies and particularly Germany to not cooperate in committing this pipeline because of the damage it will do to Ukraine. And we have not succeeded to date in convincing them to stop their cooperation.

Senator CRUZ. As you know, this committee has passed by an overwhelming bipartisan margin my legislation with Senator Shaheen to stop that pipeline from being completed. But the window for passing that legislation into law and stopping it—that window is shrinking.

What would the benefits be if we can finish the job and stop that pipeline from ever being completed?

Mr. SULLIVAN. Well, we had this conversation in your office a few days ago about whether we have reached the point where the Russians can complete that pipeline because we have been saying for some time that it is over 80 percent complete, but construction has continued. There has been a holdup because of environmental reviews by Denmark, but those are not going to last forever. Those will be lifted soon.

My concern is we may have already reached a point where the Russians will have resources and the ability to complete the pipeline no matter what we do, in which case imposing sanctions now will not stop the pipeline. It will impose a cost on Russia to be sure, maybe a substantial cost, but it would not stop the pipeline. I do not know that we have reached that point yet, though.

Senator CRUZ. Although the Russians lack the technology to lay the deep sea pipeline, so they have to rely on outsourcing.

Mr. SULLIVAN. That is where I—and we discussed this. I think we need to discuss with some experts on that whether what they

have left to do, the little stub that is left, whether they could complete that on their own. They would have to reposition assets that they are using elsewhere, but given the amount that has already been invested in the length of the pipeline that is already completed, it may be that they are already capable of doing that.

Senator CRUZ. Let us shift to the New START Treaty, which has been restricting our options and ability to defend ourselves while doing very little to modify Russia's malign behavior. The Trump administration rightly withdrew from the INF Treaty earlier this year. New START is slated to expire in February of 2021. Does the administration believe continued adherence is in the U.S. national security interest, or will we let the Treaty lapse?

Mr. SULLIVAN. Our position is that we should engage with the Russians now in discussions about including those weapon systems, which you and I have discussed previously, which are not covered by the Treaty which President Putin has been publicizing.

The problem that I foresee is if we were simply to extend New START now without touching those other systems, which the Russians have been investing in, we are tying our hands and not limiting where the Russians see their growth in their defense budget and their strategic assets.

Senator CRUZ. So one final question, shifting to another Treaty, the Open Skies Treaty with Russia. I have long been skeptical about this Treaty and, a couple of years ago, offered language in the National Defense Authorization Act conditioning U.S. compliance with it, as I have offered language on the NDAA concerning New START as well.

What is your assessment of the effectiveness of the Open Skies Treaty? In my view, it exposes vulnerabilities in terms of opening ourselves up to monitoring in a way that does not gain us anything for Russia but gains Russia quite a bit. What is your assessment?

Mr. SULLIVAN. I am not sure I can go into great detail in an open session like this, but there are intelligence community assessments on that very question.

What I have been most concerned about is if we were to reach that decision, informed by intelligence community analysis and so forth, that it no longer was in the United States' interest to continue with the Treaty, that we would need to engage in—we, the administration—a consultation process with this committee, with Congress, and with our allies as we did with the INF Treaty. The most important thing in my opinion that we did with our withdrawal from the INF Treaty was getting unanimity at the NAC among our NATO allies that Russia has been and is in violation of the INF Treaty. And we need to do that as well to make sure we did not do damage to our NATO alliance and explain why we were withdrawing, if that decision were to be made.

Senator CRUZ. Thank you.

The CHAIRMAN. Thank you.

For those members of the committee who have not seen it, there are briefings available in the secured facility, and I would urge everybody to take a look at those regardless, as this discussion goes forward. I think it is important that everybody have the information at hand.

Senator Cruz, before you got here, we had a discussion giving you and Senator Shaheen credit for the work on the NordStream 2, and with all due respect, I think regardless of whether we are past the point of no return or not, I think your bill needs to be pursued. And as you know, you and I are trying to find a path forward. Well, we found we path forward on that. We are going to try to make that happen. And I think almost everyone is in agreement with that.

Senator Murphy, I understand you want another bite of the apple. Oh, Senator Kaine too? Okay.

Senator MURPHY. Yes, thank you. Just a few more additional questions.

You testified earlier that it is not without precedent for the President to use individuals outside of the State Department to conduct conversations with foreign governments, and that is true. There is a long history of Presidents seeking advice outside of the State Department and occasionally using channels outside of the State Department. I would argue that there is really no precedent for what Rudy Giuliani was doing, which was using his access to the President as a means to try to score political points on the President's behalf with foreign nations.

But for the purposes of this hearing, Rudy Giuliani does not actually say that he was acting simply at the direction of the President. He says he was acting at the direction of the State Department. In fact, he says, "You know who I did it at the request of"—speaking about his conversations with Ukraine—"The State Department. I never talked to an Ukrainian official until the State Department called me and asked me to do it."

So did the State Department call Rudy Giuliani and ask him to have these conversations with Ukrainian officials?

Mr. SULLIVAN. My recollection is that that is a reference to his communications with Kurt Volker, who was a special representative for Ukraine, and perhaps even Gordon Sondland as well. But I think in particular my recollection is that quote is in reference to communications he has had with Kurt Volker.

Senator MURPHY. You nor the Secretary asked Rudy Giuliani to carry out any diplomatic efforts.

Mr. SULLIVAN. I did not, and I am not aware that the Secretary did either.

Senator MURPHY. And so to the extent that he is reporting back individuals, you believe he is referring to the others we have discussed.

Mr. SULLIVAN. Kurt Volker in particular.

Senator MURPHY. The second question is—I want to support your nomination. You know that I believe in you as a public servant. I am having a little hard time understanding your reluctance to make a conclusion as to what the policy of the United States was over the course of the summer because you have seen the July 25th transcript, you have read the testimony, you have seen the texts. And I hope that you have conducted your own investigation.

So let me just sort of ask the question I asked earlier again. Is it your understanding that it was the policy of the United States to press the Ukrainian government to conduct investigations into Burisma and alternative theories about the 2016 election inter-

ference? I understand that you may not have been part of these efforts, but is it now your opinion that that was the policy of the United States, having read the transcript of the call with the President and seeing all this other evidence?

Mr. SULLIVAN. So the President has been clear in his subsequent statements about there not being—the phrase that has been used is a “quid pro quo.” We are talking about the foreign—

Senator MURPHY. That is not what I am asking.

Mr. SULLIVAN. I understand. You are talking about the policy.

Senator MURPHY. Was it our policy to request these specific investigations related to Burisma and related to relitigating or at least looking into alternative theories about the 2016 election interference.

Mr. SULLIVAN. Sure. So my understanding is that there was, as part of our general anti-corruption policy, encouraging anti-corruption reform in Ukraine, from reading the transcript of or the summary of the July 25th call, that looking at, as the Chairman mentioned, that gas company and board member and a U.S. person involvement was certainly mentioned by the President and therefore part of U.S. policy.

What the President has denied was that there was any quid pro quo.

Senator MURPHY. Do you have knowledge that the President has ever raised any other specific corruption investigations that he wishes Ukraine to undertake other than the investigation related to Joe Biden and the investigation related to the 2016 election interference?

Mr. SULLIVAN. Not specific investigations, but he has been emphatic about the need for anti-corruption reform generally in Ukraine.

Senator MURPHY. Again, I think as we sort of move forward on how to proceed as a Senate, I just do not buy this idea that there was general interest in corruption given the fact that the President has only raised two of these issues in the phone call. But I have no doubt that you care about the issue of corruption in Russia, Ukraine, and the region, and I hope you pursue it vigorously, as you have testified to before this committee.

The CHAIRMAN. Thank you, Senator Murphy. I have no doubt you will get an opportunity to express yourself in a vote on the floor on this issue at some point in time.

Senator Kaine?

Senator KAINE. Thank you, Mr. Chair, and thanks for holding this hearing.

And I just want to acknowledge my colleague from Texas. Should the Astros win tonight in game 7, I will be wearing Astros gear and serving his staff Chesapeake crab cakes and Catocin whiskey. Should the Nationals win, continuing the already historic trend of the visiting team winning every game thus far in the series, which has never happened past five games, he will wear Nationals gear and serve my staff Texas barbecue and Shiner beer. I would rather win than lose, but either way, a group of hardworking and ill-fed staffers will be having a cuisine far above their station in life.

[Laughter.]

Senator KAINE. So I am going to feel good about that.

Mr. SULLIVAN. Is it permissible for me, although I have been a Marylander for almost 30 years, I am——

The CHAIRMAN. If you want to get confirmed, I think I would stay out of this.

[Laughter.]

The CHAIRMAN. It is up to you.

Mr. SULLIVAN. No. I just wanted to note that until tonight, the pending World Series champions are the Boston Red Sox.

[Laughter.]

Senator Kaine. Fair enough.

Senator Cruz. I am afraid this nomination cannot proceed.

[Laughter.]

Senator Kaine. Deputy Sullivan, a couple more questions.

I went through a line of questions with you about when President Zelenskyy brought up sanctions, President Trump did not say talk to the State Department or the Ambassador. He said talk to Attorney General Barr and Rudy Giuliani. When President Zelenskyy brought up military aid, President Trump did not say talk to the Secretary of Defense or the Ambassador. He said talk to Attorney General Barr and Rudy Giuliani. When he brought up energy and trade, he did not say talk to the Secretary of Commerce Trade Rep. He said talk to Attorney General Barr and Rudy Giuliani.

Your explanation for that—and you are not President Trump—your understanding of it is the call was about corruption.

Now, if the call was about corruption, I guess I could understand the President saying talk to Attorney General Barr, but why Rudy Giuliani?

Mr. SULLIVAN. I think Rudy Giuliani, as the President's personal attorney and friend and outside advisor, had been talking to him about Ukraine, including about, as we have discussed previously, our mission to Ukraine.

Senator Kaine. But you stated, as far as you know, he was not pursuing any policy for the State Department, as far as you know.

Mr. SULLIVAN. To the extent that he was coordinating with the State Department, he was coordinating with the individuals that had been—Volker and——

Senator Kaine. To the extent that. But do you know whether he had coordinated with them?

Mr. SULLIVAN. I do not.

Senator Kaine. I know that says that he did, but do you have any knowledge that he was coordinating?

Mr. SULLIVAN. I have not spoken to Kurt about that.

Senator Kaine. Was the State Department paying Rudy Giuliani for this?

Mr. SULLIVAN. No.

Senator Kaine. To your knowledge, was the U.S. government paying Rudy Giuliani——

Mr. SULLIVAN. I have no idea. I would be surprised. I have no idea.

Senator Kaine. Do you know whether he was getting paid at all, whether by President Trump or the Trump campaign or third parties, including foreign individuals or organizations?

Mr. SULLIVAN. I have not the faintest idea. I do not know.

Senator KAINE. Okay.

Were you involved in any discussions about Turkey sanctions that were mandated by Congress due to the Turkish purchase of Russian air defense systems?

Mr. SULLIVAN. Yes.

Senator KAINE. And tell us a little bit about that. We have been frustrated here.

Mr. SULLIVAN. I know.

Senator KAINE. We do not think the sanctions have been put in place after the S-400 purchase.

Mr. SULLIVAN. Right.

Senator KAINE. Explain your involvement.

Mr. SULLIVAN. Well, I have been involved for—it is a long time now. I mean, this deal has been pending for quite some time. Working with then-Secretary Mattis and Chairman Dunford and now Secretary Esper and Chairman Milley, along with my colleagues at the State Department, as this committee well knows, the U.S. has withdrawn Turkey from the F-35 program because of the S-400 acquisition.

The question that is on the table is CAATSA sanctions and whether this is a significant transaction. I find it difficult to characterize it as insignificant given that we have sanctioned China for purchasing—along with aircraft—for purchasing the S-400 system.

What we are still working to do and we have not reached that point yet is to convince the Turks to undo—as a NATO ally, to undo the damage they have done already by taking the system on board before it becomes operational and starts paying—

Senator KAINE. Is it your testimony today that there is still a difference of opinion within the administration about whether the purchase of the S-400 is a significant transaction?

Mr. SULLIVAN. I do not know that—

Senator KAINE. Well, when you say if it is a significant transaction, then statutorily the CAATSA sanctions come into play.

Mr. SULLIVAN. Correct.

Senator KAINE. It is only if it is not a significant transaction.

Is there a difference of opinion that you are aware of within the administration about whether this purchase was a significant transaction?

Mr. SULLIVAN. I have not been involved in the legal discussions about parsing the statutory language. I am giving you my impression from my participation in the discussions—

Senator KAINE. Let me ask one more question.

Last week, in response to a question from Senator Menendez, the State Department Syria Envoy Jeffrey testified that he was not consulted prior to the President's decision to withdraw U.S. troops from the Kurdish region of northern Syria. Do you know if anyone at the State Department was consulted prior to that decision?

Mr. SULLIVAN. I believe the Secretary at a minimum was involved.

Senator KAINE. Do you know for certain based on conversations with him that he was—

Mr. SULLIVAN. I have had conversations with him about it, and it has certainly been the case for anybody involved in Syria policy that it was well known the President's desire to withdraw our

troops from Syria. This has been a topic of discussion going back—

Senator KAINE. Last December.

Mr. SULLIVAN.—years, including December of 2018 when Secretary Mattis resigned.

Senator KAINE. Thank you, Mr. Chair.

The CHAIRMAN. Thank you.

With that, our sincere thanks. I think this has been a productive discussion. It focused our view on some of these issues. And your help is greatly appreciated.

For the information of members, the record will remain open until the close of business on Friday, including for members to submit questions for the record.

Again, thank you for your service. Thank you for your agreement to serve further. Thank you to your family for the sacrifice it is going to take.

This committee will be adjourned.

[Whereupon, at 12:20 p.m., the hearing was adjourned.]

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### Additional Material Submitted for the Record

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#### RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO HON. JOHN JOSEPH SULLIVAN BY SENATOR ROBERT MENENDEZ

##### *Department Employees Testifying and Subpoena Compliance*

*Question.* You said in your nomination hearing, “there would be no greater honor for me, if confirmed as the U.S. Ambassador to Russia, than to serve with the dedicated women and men and their families who constitute our mission in Russia. Dedicated career officers from across the U.S. government are serving with distinction in the wake of massive staff cuts, uncertainty, and intense pressure from the host government.”

- Do you commit that none of the individuals who have testified before the House related to the Ukraine/impeachment inquiry will be subject to any retaliatory action, demotion, reassignment, transfer, or curtailment of duties or assignment for giving testimony to Congress? Please describe in details the steps you are taking or will take to ensure that these actions do not take place.

*Answer.* I am committed to ensuring all Department personnel are protected from prohibited personnel practices. I am not aware of any personnel action with regard to any individuals who have testified before the House inquiry.

The Department has numerous safeguards in place for personnel to report prohibited personnel practices. I have personally directed the Department’s publication of the rules that protect personnel who report wrong-doing, and continue to encourage personnel to come forward if they believe there are valid instances of waste, fraud, or abuse. If confirmed to serve as Ambassador to Russia, I look forward to continuing to uphold these longstanding Department policies and practices.

*Question.* Do you commit that the Department will not seek to interfere with, block, preclude, or dissuade any Department employee or former Department employee from providing any testimony to Congress related to Ukraine/impeachment?

*Answer.* While I have not been directly engaged in responding to the impeachment inquiry, I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel’s Office and the Department of Justice. I am enclosing an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*Question.* Do you commit that the Department will cease sending any form of written or oral communication to any Department employee or former employee that

has the direct or indirect purpose of seeking to dissuade an individual from testifying before Congress on Ukraine/impeachment?

Answer. While I have not been directly engaged in responding to the impeachment inquiry, I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office and the Department of Justice. I am enclosing an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*Question.* On what legal basis has the State Department been directing Department employees not to appear voluntarily before Congress to provide testimony?

Answer. While I have not been directly engaged in responding to the impeachment inquiry, I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office and the Department of Justice. I am enclosing an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*Question.* On what legal basis has the State Department been directing former Department employees not to appear voluntarily before Congress to provide testimony?

Answer. While I have not been directly engaged in responding to the impeachment inquiry, I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office and the Department of Justice. I am enclosing an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*Question.* On what legal basis has the State Department been directing Department employees not to appear before Congress in response to duly authorized subpoenas?

Answer. While I have not been directly engaged in responding to the impeachment inquiry, I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office and the Department of Justice. I am enclosing an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*Question.* On what legal basis has the State Department been directing former Department employees not to appear before Congress in response to duly authorized subpoenas?

Answer. While I have not been directly engaged in responding to the impeachment inquiry, I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office and the Department of Justice. I am enclosing an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*Question.* Do you believe the executive branch should comply with congressional subpoenas?

Answer. Yes, but subject to well established constitutional and legal protections for Executive Branch interests in certain appropriate cases. With respect to the House impeachment inquiry, I have not been directly engaged in responding to this inquiry. I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office and the Department of Justice. I am enclosing an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*Question.* What are you doing to ensure that the Department is responsive and provides documents to Congress, including in response to the House inquiry on Ukraine?

Answer. The Department complies with congressional requests for documents, subject to well-established constitutional and legal protections for Executive Branch interests in certain appropriate cases. With respect to the House impeachment inquiry, I have not been directly engaged in responding to this inquiry. I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office and the Department of Justice. I am enclosing an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*Question.* Will the Department be providing documents in response to the House inquiry on Ukraine?

Answer. The Department has been collecting and reviewing its records in relation to the House subpoena. With respect to the House impeachment inquiry, I have not



been directly engaged in responding to this inquiry. I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office and the Department of Justice. I am enclosing an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*State Department Personnel, Retaliation, and Retention*

*Question.* Does the Department have a formal retention program that provides guidance and support to those contemplating resignation?

*Answer.* The Department has many programs that are designed to retain employees, which are not necessarily packaged as a formal retention program: telework, alternate work schedules, student loan repayment, employee consultation services, Domestic Employee Teleworking Overseas, and many others. Foreign Service officers and specialists are each assigned a Career Development Officer who provides career guidance. The Department conducts and provides data analytics and quarterly retention trend analysis for the different services and performs studies across all demographics.

*Question.* Do you or does anyone from the Department interview personnel resigning from the Foreign Service?

*Answer.* When Foreign Service officers resign, they are asked to fill out an exit survey. This tool is currently being enhanced to be deployed electronically on a global platform in order to provide data analytics and reveal underlying pattern and trends. In addition, I have met with many officers retiring or resigning from the Foreign Service or the Civil Service to solicit their views on the Department and our work.

*Question.* What steps does the Department take to ascertain the reasons why employees are retiring or leaving the Department?

*Answer.* Although the Department has conducted exit surveys in the past, we are in the process of revamping that system to ensure widespread and uniform participation. We expect to launch the new exit survey before the end of the year, and plan to follow it up with a 'stay' survey, as an additional mechanism to enhance our understanding of any issues around retention. In addition, I have met with many officers retiring or resigning from the Foreign Service or the Civil Service to solicit their views on the Department and our work.

*Question.* What is your assessment of the Department's ability to retain experienced and talented employees?

*Answer.* The Department's retention rates have remained steady over the long-term. Nevertheless, we are committed to enhancing workplace flexibilities and overall workforce agility in order to ensure we remain an employer of choice and competitive in today's talent market.

*Question.* In your opinion, what are the minimum qualifications that an individual should possess to be nominated for a Senate-confirmed job at the State Department or USAID? What are the ideal qualifications?

*Answer.* All nominees must be of trustworthy character and in compliance with all ethics rules and requirements. An individual nominated for a Senate-confirmed position should offer experience and success leading a multi-faceted team to achieve a shared mission. The individual should have an understanding and appreciation of foreign affairs, diplomacy and national security.

*Question.* What steps are you and the Department taking to ensure whistleblowers know their rights, know how to raise concerns through appropriate channels, and are not subject to retaliation for exercising their rights?

*Answer.* I have personally advised Department employees on their rights and the many avenues to raise concerns without fear of retaliation, including to the Inspector General. As Deputy Secretary of State, I sent two Department-wide email messages to all personnel regarding the rights of and protections for whistleblowers.

I have been an advocate for ensuring that all employees have access to information on whistleblower protections and where to report concerns, through policies published in the Foreign Affairs Manual, Department Notices and cables to personnel abroad, information on the Bureau Human Resources website and that of the Office of the Inspector General, and through other agency publications and directives, including materials such as posters. If confirmed, I will continue to ensure whistleblower protection at the U.S. Mission in Russia is fully in line with federal law and Department of State rules and regulations.

*Question.* Do you agree retaliation of any kind has no place in federal government? Do you agree that anyone found to have engaged in retaliation should be held fully accountable, up to and including losing their job?

*Answer.* Yes. Retaliation for protected whistleblowing activity or other protected activity has no place in the federal government. I agree that any employee found responsible for engaging in a prohibited personnel practice should be held accountable under the law.

*Question.* When did you first become aware of allegations of retaliation at the Department? What did you do with those concerns? Did you ever raise concerns about political retaliation at the Department to Secretary Pompeo?

*Answer.* I first became aware of the issues under review by the Office of the Inspector (OIG) in early 2018 and subsequently when a Congressional letter was submitted to the Department in March 2018 prior to Secretary Pompeo's confirmation as Secretary of State. Upon learning of the allegations, I submitted the matter to the OIG and the Office of the Special Counsel for their review. If confirmed as Ambassador to Russia, I will to foster an environment consistent with the Department's goals of professionalism and excellence.

*Question.* What have you done, personally, to address concerns of retaliation against career employees?

*Answer.* I have sought during my tenure at the Department of State and throughout my career to foster an environment of professionalism and excellence without prohibited retaliation. Upon learning of the specific allegations, I took steps to refer the matter to the OIG in March 2018 for independent review. I made a subsequent referral in June 2018 upon learning of additional allegations relating to employees in the Bureau of Internal Organizations (IO). I have counseled employees involved. Upon receiving the findings of the OIG with respect to the IO Bureau, I have worked with the Under Secretary for Political Affairs to put in place a corrective action plan for the IO bureau.

*Question.* In April 2018, according to the Inspector General, a PDAS in IO expressed concerns about the management of IO and treatment of staff by Moley and Stull. What steps did you take next?

*Answer.* When I became aware of the concerns, I counseled the Assistant Secretary. I also supported the PDAS in securing a new job opportunity within the Department.

*Question.* Did you recommend any disciplinary action for Assistant Secretary Moley, including administrative steps to sideline Moley's supervisory role?

*Answer.* I engaged with Assistant Secretary Moley to improve the management and performance of the bureau. Following the release of the IG report, I supported Assistant Secretary Moley's direct supervisor—Under Secretary Hale—in pursuing management and performance improvement measures.

*Question.* What prompted your June 25, 2018 meeting with Assistant Secretary to discuss "the general atmosphere in IO?"

*Answer.* In June, the Department received inquiries from a variety of sources relating to concerns about the leadership and management of the Bureau for International Organizations. I also asked the then-Acting Under Secretary of State for Political Affairs to work with the bureau to address those concerns. Additionally, on June 28, I referred allegations relating to political retaliation to the Office of the Inspector General and the Office of Special Counsel for independent review.

*Question.* After your meeting with Assistant Secretary Moley on June 25, 2018, at which he dismissed employee concerns about leadership misconduct and retaliation in IO, what steps did you take next to protect IO employees or discipline Assistant Secretary Moley?

*Answer.* I asked the then-Acting Under Secretary of State for Political Affairs to work with the bureau to address those concerns. Additionally, on June 28, I referred allegations relating to political retaliation to the Office of the Inspector General and the Office of Special Counsel for independent review.

*Question.* Given you were aware of employee concerns about leadership misconduct in IO for at least three months by the time you met with Mr. Moley directly, did you express concerns to Secretary Pompeo or any other senior State Department officials about his conduct before meeting with him? How about afterward?

Answer. I asked the then-Acting Under Secretary of State for Political Affairs to work with the bureau to address those concerns. Additionally, on June 28, I referred allegations relating to political retaliation to the Office of the Inspector General and the Office of Special Counsel for independent review.

*Question.* Did you ask Moley to resign? Why not?

Answer. Assistant Secretary Moley has announced his resignation, and he will be leaving the Department on November 29.

*Question.* What steps are you taking to address low morale at the Department and in the IO Bureau?

Answer. Since the release of the OIG report in August, I joined the Under Secretary of State for Political Affairs, who oversees the bureau, in meeting with staff during a town hall. As the Department wrote to you on October 29, the Department will continue to work with IO to reinforce the Department's ethos statement, which calls for all personnel to apply the highest standards of professionalism. As called for in the OIG report, the Under Secretary submitted a comprehensive corrective plan to the OIG within the 60 day timeframe set out in the report. He has put in place measures to ensure the IO bureau is carefully executing the plan.

*Question.* What steps are you and the Department taking to ensure whistleblowers know their rights and are not subject to retaliation for exercising them?

Answer. During my tenure as Deputy Secretary, I have been an advocate for ensuring that all employees are apprised of their rights under the Whistleblower Protection Act and Department policy through Department Notices, messages to personnel overseas, information available through the Bureau of Human Resources and the Office of the Inspector General, and other Department publications. I sent two Department-wide email messages to all personnel regarding rights and protections for whistleblowers. I have personally directed the Department's publication of the rules that protect personnel who report wrong-doing, and continue to encourage personnel to come forward if they believe there are valid instances of waste, fraud, or abuse. If confirmed, I will ensure that my staff apply the Department's clear guidance to our Mission in Russia, including posting these materials in highly visible locations in all buildings.

*Question.* What else can the State Department do to prevent and counter retaliation?

Answer. The Department, in coordination with the Office of the Inspector General's Whistleblower Protection Coordinator, must work diligently to ensure employees are aware of their rights under the Whistleblower Protection Act, as well as to ensure accountability for any retaliation. During my tenure as Deputy Secretary, I sent two Department-wide email messages to all personnel regarding the rights of and protections for whistleblowers. I have personally directed the Department's publication of the rules that protect personnel who report wrong-doing, and continue to encourage personnel to come forward if they believe there are valid instances of waste, fraud, or abuse. If confirmed, I will continue to ensure that employees understand the Department takes seriously any allegation of retaliation, and anyone engaging in retaliation would be subject to disciplinary action, up to and including separation.

#### *Ukraine Policy/Giuliani*

*Question.* What did you know about Rudy Giuliani's involvement in Ukraine policy? What is the basis of that understanding?

Answer. I have not engaged with Mr. Giuliani. What information I had came from conversations with State Department colleagues and from media reports. As I testified at my confirmation hearing, I was aware that Mr. Giuliani had an interest in and negative assessment of our ambassador in Ukraine.

*Question.* When did you first learn that Mr. Giuliani was seeking to meet with Ukrainian officials?

Answer. I have not engaged with Mr. Giuliani. I was aware of Mr. Giuliani's interest in Ukraine but unaware of any particular meetings he sought with Ukrainian officials. I am aware of press coverage on that topic since mid-September of this year.

*Question.* How did you learn that Mr. Giuliani was seeking to meet with Ukrainian officials?

Answer. I have not engaged with Mr. Giuliani. I was aware of Mr. Giuliani's interest in Ukraine but unaware of any particular meetings he sought with Ukrainian

officials. I am aware of press coverage on that topic since mid-September of this year.

*Question.* When did you learn that Mr. Giuliani was seeking to meet with State Department officials about Ukraine?

Answer. I have not engaged with Mr. Giuliani. I was not aware that he sought a meeting with State Department officials. I am aware only of what has been reported in the press since mid-September of this year.

*Question.* How did you learn that Mr. Giuliani was seeking to meet with State Department officials about Ukraine?

Answer. I have not engaged with Mr. Giuliani. I was not aware that he sought a meeting with State Department officials. I am aware only of what has been reported in the press since mid-September of this year.

*Question.* Were you aware of Mr. Giuliani's meetings with Ukrainian officials on or around the dates that they happened?

Answer. No.

*Question.* Are you aware of other meetings between Mr. Giuliani and foreign officials?

Answer. No, only what has been reported in the press.

*Question.* Are you aware of other meetings between Mr. Giuliani and State Department officials?

Answer. No.

*Question.* Did you instruct anyone in the Department to not provide assistance to Mr. Giuliani regarding his meetings with foreign officials?

Answer. No.

*Question.* Did you ever discuss Ambassador Yovanovitch with Rudy Giuliani?

Answer. No.

*Question.* Were you aware that Special Envoy Kurt Volker or Ambassador to the EU Gordon Sondland were engaged with Mr. Giuliani regarding Ukraine? How were you aware?

Answer. As I stated during my hearing, I was not aware of any engagement by Mr. Volker or Ambassador Sondland with Mr. Giuliani until I read media reports beginning in mid-September of this year.

*Question.* Who from the Department received readouts of, met with, or spoke to Mr. Giuliani about his meetings with foreign officials?

Answer. As I told the committee, I have not engaged Mr. Giuliani. I am aware only of what has been reported in the press since mid-September of this year.

*Question.* Were you ever asked to communicate to Ukrainian officials President Trump's desire for assistance in investigating one of his political opponents or unsubstantiated theories related to Ukraine's involvement in the 2016 U.S. election?

Answer. No.

*Question.* Do you have any reason to believe that Ukraine interfered in the 2016 U.S. election? If so, what?

Answer. I have no information regarding Ukrainian interference in the 2016 U.S. election. As you are aware, the Counselor of the Department received a file that I subsequently directed the Office of the Legal Adviser to submit to the Office of the Inspector General (OIG) for its review. I understand from the OIG letter to the Congress that the Inspector General later submitted the file to the FBI for its review.

*Question.* Since you have been in your current role, how many times have you met or communicated with Rudy Giuliani? Please describe the subject and nature of your discussions with him.

Answer. I have not engaged with Mr. Giuliani at all in that time.

*Question.* Were you aware of any attempts by Giuliani to lobby, directly or indirectly, the State Department about any individuals, topics, clients, or countries? If so, whom/what topics? Please provide details.

Answer. Other than what I have testified in my confirmation hearing and in response to questions 29-40, I am not.

*Question.* Were you ever directed by Secretary Pompeo or anyone outside the State Department to meet or communicate with Rudy Giuliani? If so, please describe the circumstances.

Answer. No.

*Question.* When did you first become aware that Mr. Giuliani was working with and directing the actions of State Department officials on U.S. policy toward Ukraine?

Answer. I have not engaged with Mr. Giuliani. I refer to my answers to previous questions.

*Question.* Upon learning of Mr. Giuliani's role with regards to U.S. policy toward Ukraine, did you or anyone at the State Department take any steps to ensure that U.S. policy was not being influenced by Mr. Giuliani's private interests?

Answer. I have not engaged with Mr. Giuliani. Secretary Pompeo has clearly stated the U.S. policy towards Ukraine: provide security and support to Ukraine to push back against Russian aggression, tackle the challenges of corruption that have long plagued the country's march towards democracy and rule of law, and support energy independence. That direction was clear and well understood across the Department.

*Question.* Did you or anyone at the State Department review Mr. Giuliani's business interests for potential conflicts of interest?

Answer. I did not. And I have not engaged with Mr. Giuliani.

*Question.* Are you aware of Mr. Giuliani working with any other State Department officials on any other matters involving countries besides Ukraine?

Answer. I have not engaged with Mr. Giuliani. I am not aware of such activity.

*Question.* Were you aware of any efforts to provide Viktor Shokin with a visa to enter the United States? If so, what did you know and what did you do in response? What did you do to stop it?

Answer. I have learned that Mr. Giuliani advocated for a visa for Viktor Shokin but that the visa was denied. I was not involved in any deliberations in relation to this matter.

*Question.* Since you have been in your current role, has anyone from outside the State Department contacted you regarding Dmitry Firtash? If so, please describe the content of those discussions.

Answer. No.

*Question.* You testified in your nomination hearing that neither you, nor Secretary Pompeo, nor John Bolton ordered Volker, Sondland, and Taylor to coordinate with each other in pressing the Ukrainians for these investigations into Burisma or the origins of the 2016 U.S. elections interference. You also testified that, since you learned of these activities in September, you have not made any attempt to find out where their instructions were coming from. Why did you not seek to find out why people under your control were being given direction from an unknown source? Why did you not try to find out what the policy of the U.S. toward Ukraine was during this time period?

Answer. Secretary Pompeo has clearly stated the U.S. policy towards Ukraine: provide security and support to Ukraine to push back against Russian aggression, tackle the challenges of corruption that have long plagued the country's march towards democracy and rule of law, and support energy independence. That direction was clear and well understood across the Department.

*Question.* Were you ever asked to communicate to Ukrainian officials President Trump's desire for assistance in investigating one of his political opponents or unsubstantiated theories related to Ukraine's involvement in the 2016 U.S. election?

Answer. No.

*Question.* Have you received or are you aware of any requests from Ukraine that the U.S. investigation of oligarch Ihor Kolomoisky, a former business partner and patron of Ukraine President Zelenskyy, for money laundering to be dropped? Are you aware of any discussions of U.S. legal proceedings against Kolomoisky?

Answer. No.

*Question.* Have you or anyone at the State Department undertaken any action in response to the statement from Donald Trump that China should investigate Hunter Biden to pursue the issue with China or with any other country?

Answer. No.

*Zelenskyy Call*

*Question.* When did you first hear concerns from senior officials about the July 25 Trump-Zelenskyy call?

Answer. I learned from press reports in September of this year.

*Question.* Did you speak to any Ukrainian officials between May 1, 2019 and September 12, 2019? If so, what did you discuss?

Answer. I don't believe I did.

*Question.* Did you ever communicate to Ukrainian officials that the President wanted to discuss corruption or investigations in Ukraine?

Answer. Yes. Addressing corruption in Ukraine has been a longstanding policy concern of the United States and this administration. As a general matter, U.S. personnel who meet with Ukrainian officials emphasize U.S. concerns regarding corruption and the need for the United States to see reform efforts by the government of Ukraine. I have had many conversations with Ukrainian officials on this topic during my tenure as Deputy Secretary.

*Security Assistance*

*Question.* When did you first become aware that security assistance to Ukraine would not be immediately obligated? What did you do to ascertain why it was being held up?

Answer. To the best of my knowledge, the first time I learned that security assistance to Ukraine would not be immediately obligated was in late July. I received a letter from OMB in early August informing the Department and USAID that a number of accounts would be temporarily frozen pending further review. I assumed the Ukraine assistance hold was related to the administration's broader foreign assistance review and a potential rescission package.

*Question.* Did you ever discuss assistance for Ukraine with U.S. diplomats based in Ukraine, including but not limited to Ambassador Taylor and Ambassador Yovanovitch?

Answer. Not with Ambassador Taylor. I did with Ambassador Yovanovitch in 2018.

*Question.* Did you discuss assistance to Ukraine with Ambassador Sondland or Special Representative Volker?

Answer. No, I do not recall any such discussions.

*Question.* Sondland testified that he understood all of his actions involving Ukraine to have "the blessing of Secretary Pompeo," and that, "very recently," he received a congratulatory note from Secretary Pompeo saying he was doing great work and encouraging him to "keep banging away." To what extent were you aware of Sondland's actions in Ukraine? Were you aware of Secretary Pompeo's "very recent" note to Sondland? Did Sondland keep you updated on his work relating to Ukraine?

Answer. I was aware that Ambassador Sondland was involved in Ukraine policy and had attended President Zelenskyy's inauguration. I am not aware of any discussions he had with the Secretary. That said, Secretary Pompeo's guidance on Ukraine policy is clear: the United States is providing security and support to Ukraine to push back against Russian aggression, tackling the challenges of corruption that have long plagued the country's march towards democracy and rule of law, and supporting energy independence.

*Question.* When did Sondland start engaging with Ukraine, which, as you know, is not an EU member state? Did you instruct Sondland to engage with Ukraine? When? How?

Answer. I do not know when Ambassador Sondland first engaged on Ukraine policy. I know that he attended President Zelenskyy's inauguration in late May 2019.

*Question.* Did you make any effort, through formal channels or otherwise, to weigh in and reverse the Office of Management and Budget hold on security assistance to Ukraine?

Answer. I was not directly involved in the policy discussions with OMB regarding its review of Ukraine security assistance over the summer. The Department of State has consistently supported security assistance for Ukraine, and this administration took action to make lethal assistance available to Ukraine in its efforts to protect itself against Russian aggression.

*Question.* Other than Ukraine, have you signed off on shutting down assistance to any country until that country addressed any alleged corruption issue in which a U.S. person was said to be involved?

*Answer.* I have not signed off on shutting down assistance to Ukraine or any other country for that stated reason.

*Question.* In your view, what changed from the time the funds were withheld until they were released in early September, other than the fact that the fiscal year was coming to a close? Did the White House communicate any changes to you? Did the State Department provide any analysis about Ukraine's anti-corruption efforts during this time period?

*Answer.* I was not directly involved in the policy discussions with OMB regarding its review of Ukraine security assistance over the summer. The Department of State has consistently supported security assistance for Ukraine, and this administration took action to make lethal assistance available to Ukraine in its efforts to protect itself against Russian aggression.

*Question.* Did you have any role in providing during the period of "interagency review" of security assistance to Ukraine? Was the State Department involved in this interagency review in any manner? Please describe.

*Answer.* I was not directly involved in the policy discussions with OMB regarding its review of Ukraine security assistance over the summer. The Department of State has consistently supported security assistance for Ukraine, and this administration took action to make lethal assistance available to Ukraine in its efforts to protect itself against Russian aggression.

*Question.* Did the State Department take into account the Department of Defense's May 23, 2019 certification of Ukraine's anti-corruption efforts in its analysis?

*Answer.* I was not directly involved in the policy discussions with OMB regarding its review of Ukraine security assistance over the summer. The Department of State has consistently supported security assistance for Ukraine, and this administration took action to make lethal assistance available to Ukraine in its efforts to protect itself against Russian aggression.

*Question.* Sondland testified that the U.S. Mission to the EU's June 4, 2019 event had a main event and then, "Following the main event, a smaller, separate dinner for about 30 people. President Zelenskyy and several other leaders of EU and non-EU member states attended the dinner, along with Secretary Perry, U.S. State Department Counselor Ulrich Brechbuhl on behalf of Secretary Pompeo, and numerous other key U.S. and EU officials." Did you participate in the decision to send Brechbuhl on Pompeo's behalf? When was that decision made?

*Answer.* I was not involved in Ambassador Sondland's diplomatic outreach or the development of his guest list.

*Question.* Sondland testified that "my boss Secretary Pompeo was very supportive of our Ukraine strategy"—speaking about the strategy that Sondland, Secretary Perry, and Ambassador Volker were pursuing. Did you ever hear Pompeo express support of the "Ukraine strategy"? To whom?

*Answer.* Secretary Pompeo's guidance on Ukraine policy is clear: the United States is providing security and support to Ukraine to push back against Russian aggression, tackling the challenges of corruption that have long plagued the country's march towards democracy and rule of law, and supporting energy independence. This is the only guidance on Ukraine policy that I have heard him express, and the only guidance I have.

*Question.* Sondland testified that he encouraged Ambassador Taylor to contact Secretary Pompeo about "concerns that the Ukrainians could perceive a linkage between U.S. security assistance and the President's 2020 reelection campaign." Did Ambassador Taylor contact you about these concerns? When? What did you say?

*Answer.* No, Ambassador Taylor did not contact me regarding his concerns.

*Question.* Taylor testified that he wrote and transmitted a first-person cable to Pompeo relaying his concerns about the "folly" of withholding of military aid to Ukraine on August 29, 2019. Did you see that cable? If so, when? What was your response?

*Answer.* No, Ambassador Taylor's views were consistent with the Department of State's support of security assistance for Ukraine. For this reason, this administration took action to make lethal assistance available to Ukraine in its efforts to protect itself against Russian aggression.

*Trump Organization*

*Question.* Since you have been in your current role, how many times have you met or communicated with individuals from the Trump Organization? Please describe the content of your discussions with them.

*Answer.* I have not engaged in any such discussions.

*Question.* Since January 20, 2017, how much money has the State Department spent at properties owned or licensed by the Trump Organization?

*Answer.* I am aware of instances in which official diplomatic activity took place at a Trump-owned property. As you know, the Department of State has statutory authorization to spend appropriated funds on the “travel of the President, the Vice President, or a Member of Congress to a foreign country, including advance arrangements, escort, and official entertainment.” Once the trip is confirmed, the Department coordinates the execution of required logistical support using appropriated funds. The Department does not track this data.

*The G7*

*Question.* President Trump selected his own property, Trump National Doral Miami, to host the 2020 Group of Seven (G7) leader-level summit. He has since walked back the decision, which raises further concerns about the process by which the Trump administration has been planning the U.S. Chairmanship of the G7 in 2020.

- In the past, the White House would pick the host city and the Department would choose the hotels for the G7 site. Is that the process that was followed leading up to the selection of Doral as the site for the 2020 G7 summit? If not, will it be followed moving forward?

*Answer.* As the G7 is a domestic conference, the State Department’s Office of Presidential Travel Support did not participate in the site selection. State Department employees from the Presidential Travel Support office do not stay at Trump properties when they travel and have never stayed at the Doral in particular.

*Question.* Did you have any role in providing recommendations about, or in selecting the G7 site? If so, describe that role.

*Answer.* No.

*Question.* What was the Department’s role in the initial selection of Doral to host the 2020 G7? Which Bureaus, Offices, and personnel in the Department were involved at any point in the selection process? Which Bureaus, Offices, and personnel in the Department will be involved moving forward? Please provide dates for the selection of the location for the G7 summit, including the date that the site selection process for the 2020 G7 began, the date that an initial solicitation was sent out, when proposals were received, when Doral was selected, when Doral was decided against, when the process of selection began again, and the deadline for a new site to be selected.

*Answer.* I understand that neither the Office of Presidential Travel Support nor the Office of the Procurement Executive were involved in the now-reversed selection of Doral to host the 2020 G7.

*Question.* Was the Department consulted in the decision to rescind the initial selection of Doral to host the 2020 G7? If so, which Bureaus, Offices, and personnel in the Department were involved? When?

*Answer.* I understand that neither the Office of Presidential Travel Support nor the Office of the Procurement Executive were involved in the selection or rescission of Doral to host the 2020 G7.

*Question.* Since the rescinded location decision, has the Department been consulted in the site selection process moving forward for the 2020 G7? If so, which Bureaus, Offices, and personnel in the Department are involved in the process?

*Answer.* I understand that neither the Office of Presidential Travel Support nor the Office of the Procurement Executive have been involved in the site selection process for the 2020 G7.

*Question.* Did President Trump or anyone else at any point suggest hosting any other events associated with U.S. Chairmanship of the G7 in 2020 at any other Trump Organization properties in addition to Doral?

*Answer.* I understand that neither the Office of Presidential Travel Support nor the Office of the Procurement Executive have been involved in the site selection process for the 2020 G7.



*Question.* Does the Department have a total estimated budget for the 2020 U.S. Chairmanship of the G7 in its entirety, including a total estimated budget for the 2020 G7 leader-level summit, and including the Department's portion? How much of that would go directly to the host venue?

*Answer.* As notified in the FY 2019 Diplomatic Programs end-of year Congressional Notification (CN 19-297), the Department provided \$11.3 million in FY 2019 funding within the Office of the Chief of Protocol allocation for G7 preparation activities, including funding of the site selection. The FY 2020 request includes an additional \$10 million. The Department will be able to provide a more detailed estimate after a site is determined and other details become available.

*Question.* Did anyone in the Department seek a legal opinion or guidance about hosting an official summit at Doral? Did anyone in the Department seek a legal opinion or guidance about hosting an official summit at Doral? Did the Office of the Legal Adviser furnish any opinion?

*Answer.* No. The Office of the Legal Adviser provides legal guidance as necessary to bureaus and offices at the State Department to support their decision making and planning for major events such as the G-7. However, the decision about where to hold the G-7 in 2020 was made by the White House, not the State Department.

#### *Climate and the G7*

*Question.* Mulyaney said that "climate change will not be on the agenda" for next year's G7 summit.

- Do you believe that climate change should be on the agenda for the 2020 G7?

*Answer.* I support the White House's proposed "back to basics" G7 Presidency. Climate change is one of many complex global challenges. The United States supports a balanced approach that promotes economic growth and improves energy security while protecting the environment.

*Question.* Given your current position as Deputy Secretary of State, what role has, does, and will the Department play in the agenda-setting process for the 2020 G7, including on decisions such as whether to include climate change?

*Answer.* The Department has been consulted and supports the White House proposed "back to basics" G7 Presidency. Climate change is one of many complex global challenges. The United States supports a balanced approach that promotes economic growth and improves energy security while protecting the environment.

*Question.* Do you believe it is appropriate for the U.S., or even has the authority, to unilaterally strike an issue, like climate change, from the agenda of the G7?

*Answer.* Each G7 President sets priorities and goals for the year.

#### *Foreign Interference*

*Question.* In the wake of President Trump's comments welcoming derogatory information on a U.S. political figure from foreign entities, it is important that the State Department have explicit guidance for all of its personnel on how to deal with this scenario. Guidance on handling interactions that prompt concern about exploitation by a foreign entity, such as FAM Chapter 12, Section 262, does not clearly address this situation.

- Do you agree that any candidate for office in the United States who is presented with information on an opponent from a foreign power should report that to the FBI?

*Answer.* If confirmed, I will follow the Department of State's guidance with regard to reporting such information.

*Question.* If a foreign person or government approaches you or a staffer at the embassy with derogatory information on a U.S. political figure, what is your understanding of official State Department policy on how to handle this specific situation?

*Answer.* If confirmed, I will follow the Department of State's guidance and report that conduct back through appropriate channels. If confirmed, I will work with the Embassy's regional security officer on such reporting.

*Question.* Has a cable with clear guidance on how to handle this specific situation been sent to all U.S. embassies?

*Answer.* Not on this precise topic, but the Department does regularly convey to posts the importance of prompt and accurate reporting and the need to follow all Department policies and procedures.

*Question.* In your current role as Deputy Secretary of State, do you commit to issuing clear guidance to all U.S. embassies on how embassy staff should handle the specific situation of a foreign person or government approaching them with derogatory information on a U.S. political figure? Existing guidance on handling interactions that prompt concern about exploitation by a foreign entity, such as FAM Chapter 12, Section 262, does not clearly address this situation.

*Answer.* I commit to review the existing guidance and to update it and communicate the update to posts as appropriate.

*Question.* If confirmed as U.S. Ambassador to Russia, do you commit to issuing clear guidance on how to handle this specific situation?

*Answer.* Yes. If confirmed, I will work with the Embassy Regional Security Officer to be sure that all personnel are familiar with their responsibilities to report derogatory information of any kind.

#### *Anticorruption*

*Question.* Senator Coons asked you in your nomination hearing about the Trump administration's repeated attacks on U.S. anticorruption funding. Budgets reflect priorities, and the President's budget shows a diminished prioritization of State Department anticorruption efforts. You responded that "the prime obstacle to anticorruption reform in Ukraine is not technical or monetary support by the United States but the will of the Ukrainian government."

- What role do you believe U.S. technical and monetary support plays in U.S. anticorruption efforts?

*Answer.* Given corruption's deleterious impact internationally, including on U.S. foreign policy interests, the United States should draw strategically upon its full range of tools to affect change. Combined with political will of the receiving government, U.S. technical support can play an important role in addressing corruption, as part of a toolkit of other effective measures such as bilateral pressure and public diplomacy, leadership in multilateral bodies, and sanctions.

*Question.* Do you believe combatting corruption should be a U.S. foreign policy priority?

*Answer.* Yes. Combatting corruption should remain a top U.S. foreign policy priority. Corruption facilitates transnational organized crime, hinders economic development, disadvantages U.S. business, undermines democratic governance and the rule of law, and increases instability. Corruption also makes countries more vulnerable to foreign malign influence. To address corruption internationally, the United States should continue bilateral engagement and public diplomacy, exercise leadership in multilateral bodies, deploy targeted sanctions, and support foreign assistance programs that promote reform, build capacity, and increase cooperation across borders.

#### *Alliances*

*Question.* President Trump has made a number disparaging comments about U.N. member states. In tweets, he has referred to Canadian Prime Minister Justin Trudeau as "Very dishonest & weak," called Europe "A total mess!"

- Do you personally agree with these statements? Is this how the U.S. should be conducting diplomacy? How do you plan to keep U.S. alliances strong with some of our closest partners, including those who have been the target of the President's verbal attacks? What do you see as the role of U.S. alliances generally?

*Answer.* The United States has consistently affirmed its support for NATO, including to collective defense under Article 5. The Alliance has been the bulwark of international peace and security for 70 years. Each generation has worked to adapt NATO to face the challenges of its times, and we continue working with our NATO Allies to do just that. As the President said, the NATO of the future must include a focus on terrorism, as well as threats from Russia on NATO's eastern and southern borders.

*Question.* Do you believe that allies are important and integral to U.S. foreign policy?

*Answer.* Yes.

#### *Whistleblower Protection*

*Question.* As you know, those working for the federal government, including civil service, foreign service, and contractors, who possess information they reasonably believe demonstrates a violation of law; gross mismanagement; gross waste of funds;

abuse of authority; a substantial and specific danger to public health or safety; or censorship related to research, analysis, or technical information are protected and entitled under federal law to raise those concerns through authorized channels, including to Congress or Inspectors General, without fear of retribution or reprisal. Even in cases where information is required to be kept secret in the interest of national defense or the conduct of foreign affairs, disclosure to Inspectors General or the Special Counsel is still protected. It is imperative that senior officials throughout government ensure that employees know their rights, and that employees are not discouraged from raising valid concerns.

- Do you agree with the President's statements on whistleblowers, including his reference to them as "spies"?

Answer. If confirmed, I will continue to ensure whistleblower protection in accordance with federal law and Department of State rules and regulations.

*Question.* What are you doing to stand up for career employees, both internally and externally?

Answer. I never cease to be impressed by the skill, dedication, and determination of the Department's employees who serve in the Foreign Service, Civil Service, and as locally employed staff. Throughout my tenure I have sought to support the Department's employees as they further our nation's foreign policy objectives by recognizing and endorsing their work both domestically and on the global stage. If confirmed, I will continue to ensure that all employees with whom I work understand my commitment to our One Team, One Mission ethos, and take every opportunity to promote the strength and skill of our team to our interlocutors at home and abroad.

*Question.* What are you doing to ensure that all State Department personnel know and understand their rights under federal whistleblower laws?

Answer. During my tenure as Deputy Secretary, I have advocated to ensure that all employees are apprised of their rights under the Whistleblower Protection Act and Department policy through Department Notices, messages to personnel overseas, information available through the Bureau of Human Resources and the Office of the Inspector General, and other Department publications. I have personally directed the Department's publication of the rules that protect personnel who report wrongdoing. I have also sent two Department-wide email messages to all personnel on this topic. And I have raised the issue in large and small group meetings.

If confirmed, I commit to ensure that everyone at Mission Russia understands their rights and protections in this regard.

*Question.* What have you done to make sure all employees feel free to report concerns through the proper channels, including to Congress and Inspectors General?

Answer. During my tenure as Deputy Secretary, I have advocated to ensure that all employees are apprised of their rights under the Whistleblower Protection Act and Department policy through Department Notices, messages to personnel overseas, information available through the Bureau of Human Resources and the Office of the Inspector General, and other Department publications. I have personally directed the Department's publication of the rules that protect personnel who report wrongdoing. I have also sent two Department-wide email messages to all personnel on this topic. And I have raised the issue in large and small group meetings.

If confirmed, I commit to ensure that everyone at Mission Russia understands their rights and protections in this regard.

*Question.* Has the U.S. Embassy in Russia issued any communications or documents to staff regarding whistleblower rights or communicating or cooperating with Congress since January 2017? If so, please provide a copy of each such communication or document. If not, do you pledge to issue such a communication if confirmed as Ambassador to Russia?

Answer. All employees, including those at Embassy Moscow, have access to FAM information on whistleblower protections, including prohibited personnel practices. All employees also have access to Department policies that inform employees of protections for those who make protected disclosures to the Office of Inspector General, the Office of Special Counsel, and Congress. If confirmed, I commit to communicating directly with all staff at the Embassy to ensure they know their whistleblower protection rights in accordance with federal law and Department of State rules and regulations.

*Question.* In light of President Trump's efforts to discredit and unmask the identity of a whistleblower, how do you plan to counter the damage to U.S. credibility in pressing for greater whistleblower protections globally?

Answer. Employees are apprised of their rights under the Whistleblower Protection Act and Department policy through Department Notices, messages to personnel overseas, information available through the Bureau of Human Resources and the Office of the Inspector General, and other Department publications.

If confirmed, I commit to communicating directly with all staff at the Embassy to ensure they know their whistleblower protection rights in accordance with federal law and Department of State rules and regulations.

*Question.* How do you plan to advance whistleblower protection at the U.S. Embassy to Russia?

Answer. If confirmed, I commit to communicating directly with all staff at the Embassy to ensure they know their whistleblower protection rights in accordance with federal law and Department of State rules and regulations.

*Yovanovitch*

*Question.* Did you ever personally advocate for a statement of support on behalf of Ambassador Yovanovitch? In your nomination hearing, you said, "At the time of her removal, I did not." Did you do so at any other time?

Answer. I have consistently advocated for Department personnel during my tenure as the Deputy Secretary of State. It has been my honor to lead such a distinguished and professional workforce. With regard to Ambassador Yovanovitch, I sought to be clear and honest with her regarding the President's direction with regard to her tenure as Ambassador to Ukraine and to ensure she was in a position to begin the next phase of her career in the Foreign Service.

*Question.* At what point did you learn that the President had lost confidence in Ambassador Yovanovitch and no longer wished her to serve? Who told you?

Answer. As I testified at my confirmation hearing, the Secretary informed me in discussions over a period of time in the spring of 2019 that the President had lost confidence in Ambassador Yovanovitch.

*Question.* Did you ever discuss Ambassador Yovanovitch with Rudy Giuliani?

Answer. No.

*Question.* What specifically did you do to protect Ambassador Yovanovitch from political retaliation?

Answer. I sought to be clear and honest with Ambassador Yovanovitch regarding the President's direction with regard to her tenure as Ambassador to Ukraine and to ensure she was in a position to begin the next phase of her career in the Foreign Service. I worked with the Director General to secure an appropriate onward assignment for someone of her stature. Ambassador Yovanovitch continues to serve the Department with distinction and is currently teaching the next generation of diplomats at Georgetown University in Washington D.C.

*Question.* How did you defend Ambassador Yovanovitch against efforts by President Trump, Giuliani, and others to discredit her using debunked conspiracy theories?

Answer. I sought to be clear and honest with Ambassador Yovanovitch regarding the President's direction with regard to her tenure as Ambassador to Ukraine and to ensure she was in a position to begin the next phase of her career in the Foreign Service. I worked with the Director General to secure an appropriate onward assignment for someone of her stature. Ambassador Yovanovitch continues to serve the Department with distinction and is currently teaching the next generation of diplomats at Georgetown University in Washington D.C.

*Question.* Ambassador Yovanovitch testified that you told her in your April 2019 conversation that there had been a concerted campaign against her, and that the Department had been under pressure from Trump to remove her since the summer of 2018. At what point did you become aware of the smear campaign against Ambassador Yovanovitch and Mr. Giuliani's role in seeking her removal?

Answer. I was aware of questions raised regarding the Ambassador in mid to late 2018, but did not become aware of more acute issues until the early spring of 2019. All U.S. ambassadors serve at the pleasure of the President. As stated during my confirmation hearing, the President lost confidence in her and I conveyed this to her.

*Question.* Ambassador Yovanovitch testified that you told her in your April 2019 conversation that she had done nothing wrong and this was not like other situations where you had recalled ambassadors for cause. Do you stand by that assessment? Had Ambassador Yovanovitch done nothing wrong?

Answer. Yes. As I told the committee, the President lost confidence in Ambassador Yovanovitch, and she therefore could no longer serve as ambassador.

*Question.* Did you receive instructions from the President, the White House, Rudy Giuliani, or Secretary Pompeo about Ambassador Yovanovitch's removal on or prior to May 7, 2019? If so, what were they?

Answer. As I told the committee, the Secretary informed me in discussions over a period of time that the President had lost confidence in Ambassador Yovanovitch and she therefore could no longer serve as ambassador.

*Question.* After you became aware of Ambassador Yovanovitch's recalling, did you express concern to Secretary Pompeo about the way she was being treated? Did you express concerns before?

Answer. As I told the committee, the President lost confidence in Ambassador Yovanovitch and she therefore could no longer serve as ambassador. I sought to be clear and honest with Ambassador Yovanovitch regarding the President's direction and to ensure she was in a position to begin the next phase of her career in the Foreign Service.

*Question.* Did you speak to Ambassador Taylor about concerns he had about Ambassador Yovanovitch's treatment as he tried to make a final decision on taking the post in Ukraine?

Answer. I was not consulted by Ambassador Taylor in his decision-making regarding acceptance of this position in Kyiv.

*Question.* Taylor testified that the decision of whether to agree to Secretary Pompeo's request to return to Kyiv was "not an easy decision," because of how Ambassador Yovanovitch had been treated. Are you concerned about the implications for U.S. foreign policy if qualified candidates think twice about accepting important positions because of uncertainty that they will be treated fairly?

Answer. I was not consulted by Ambassador Taylor in his decision-making regarding acceptance of this position in Kyiv. It is an honor to represent the United States and to lead the women and men who serve in U.S. embassies overseas.

*Question.* Michael McKinley testified that he left his post over frustration with Pompeo regarding the treatment of Ambassador Yovanovitch. He testified that he asked Pompeo repeatedly to show support for Ambassador Yovanovitch in the past month (September 2019-October 2019) but that he did not respond. Did McKinley ask you to show support for Ambassador Yovanovitch? If so, when?

Answer. No.

#### *Disinformation Packet on Yovanovitch*

*Question.* To the best of your knowledge, how did the Secretary of State come into possession of a packet of disinformation that included claims about Ambassador Yovanovitch?

Answer. As I testified at my confirmation hearing, my understanding is that the Counselor had been given the package by either the Secretary or someone at the White House. The Counselor then provided the file to me, and I directed that it be transmitted to the Office of the Inspector General.

*Question.* Was it mailed? Hand-delivered?

Answer. I believe it was hand-delivered.

*Question.* You testified that the packet of disinformation came "in response to inquiries by the Secretary and others about what our ambassador had done." What were those inquiries?

Answer. I do not have any additional information beyond my testimony that he sought factual information about her performance as ambassador.

*Question.* Did the Secretary ask people inside the State Department for information on what Ambassador Yovanovitch "had done"?

Answer. I do not know. I know the Counselor did.

*Question.* Did the Secretary ask people outside the State Department for information on what Ambassador Yovanovitch "had done"? Who?

Answer. Yes. I am not aware of the names of the people he consulted.

*Question.* What is your understanding of what the Secretary was referring to?

Answer. I understood it to mean any evidence to support removing our Ambassador to Ukraine.

*Question.* What had people told him that she “had done”?

Answer. I do not know, apart from the general assertion that she did not support the President or his foreign policy.

*Question.* You testified that you believe that the Counselor, Ulrich Brechbul, obtained the packet from the White House. What is your understanding of who from the White House gave it to him?

Answer. As I told the committee, my understanding is that the Counselor had been given the package by either the Secretary or someone at the White House. I do not have any additional information.

*Question.* From whom did you receive the packet?

Answer. As I stated during my hearing, I received it from the Counselor.

*Question.* Did you discuss the packet with the Secretary? What specifically did you discuss about it?

Answer. Yes, I informed the Secretary of my recommendation to have the packet referred to the OIG for further review.

*Question.* Did you discuss the packet with Ulrich Brechbul? What specifically did you discuss about it?

Answer. We discussed that it should be provided to the OIG for review.

*Question.* Did you ask the Secretary how he came into possession of the packet?

Answer. As I stated during my hearing, I was under the impression he or the Counselor received it from someone at the White House.

*Question.* You testified that you asked where it came from. What were you told in response?

Answer. I did not have a clear understanding of the origins of the materials, which was one of the reasons I referred it to the Office of the Inspector General.

*Question.* With who else did you discuss the packet?

Answer. The Office of the Legal Adviser.

*Question.* Upon receiving it, were you concerned that someone was seeking to smear Ambassador Yovanovitch?

Answer. I was unsure what the file was and the motivations of those who created it. Hence, I directed that it be provided to the Office of the Inspector General for review.

*Question.* Why did you recommend that the Acting Legal Adviser provide it to the Inspector General?

Answer. The Office of the Inspector General (OIG) serves as an independent body to review allegations of potential wrongdoing. As I stated at the hearing, I was unsure what the file was and the motivations of those who created it. Hence, I directed that it be provided to the OIG for review.

*Question.* You testified that “you [were]n’t aware of all that might be going on in the background.” What did you mean?

Answer. I was unsure what the file was and the motivations of those who created it. Hence, I directed that it be provided to the Office of the Inspector General for review.

*Question.* At the time you received the packet, why did you think that Rudy Giuliani might be involved with the information it contained?

Answer. As I stated at the hearing, I was generally aware of Mr. Giuliani’s concerns about our Ambassador to Ukraine.

*Question.* Is it your understanding that Giuliani gave the packet to the Secretary, or that he caused it to be delivered to the Secretary through the White House? What is your basis for that understanding?

Answer. As I testified, I do not know the provenance of the packet.

#### *Calls with Foreign Leaders*

*Question.* When did you learn of the content of the President’s July 25 call with President Zelenskyy? What action did you take when you learned of the July 25 call?

Answer. I learned of the content when it was released by the White House on September 25. I consulted with my colleagues at the Department about the continuity of our Ukraine policy, which Secretary Pompeo had clearly stated was to: provide

security and support to Ukraine to push back against Russian aggression; tackle the challenges of corruption that have long plagued the country's march towards democracy and the rule of law; and support energy independence.

*Question.* Did you communicate, or are you aware of efforts by any U.S. officials to communicate, to Ukrainian officials the topics that the President wanted to discuss with President Zelenskyy?

Answer. No.

*Question.* Have you received transcripts or summaries of all of the President's calls with foreign leaders?

Answer. No.

*Question.* Did you receive a transcript or summary of the President's call with President Zelenskyy?

Answer. No.

*Question.* Did you receive a transcript or summary of any other calls between the President and a foreign leader in which he raised his political opponents?

Answer. No.

*Question.* Are you aware of any records of communications between the President and foreign leaders that have not been stored on the standard White House system for such calls?

Answer. I have no role in, and am not aware of, the White House storage procedures.

*Question.* Have you or anyone at the State Department undertaken any action in response to the statement from President Trump that China should investigate Hunter Biden to pursue the issue with China or with any other country?

Answer. No.

#### *Social Media*

*Question.* As a U.S. Ambassador, you are charged with representing the interests of the American people and communicating the viewpoints of the U.S. government overseas. This includes on any official social media profiles you have. As a recent review by the State Department Inspector General found, a number of Ambassadors have not complied with the Department's social media policies.

- Have you reviewed the Department's policies?

Answer. Yes. In response to the OIG recommendation, the Department has developed and distributed guidance and illustrative examples of the types of postings appropriate for official and personal social media accounts, as well as types of postings that could lead to a violation of Department policy. Further, the Department is providing employees, including ambassadors and other senior officials, with regular social media policy reminders, and is ensuring that social media policies are adequately addressed during orientation sessions and through regular training. The Department is finalizing a standard operating procedure to assess, address, and, if necessary, recommend disciplinary measures for potential violations of social media policies.

*Question.* Do you commit to following them going forward?

Answer. Yes.

*Question.* What are some examples of the types of posts that you understand would require review by the Department?

Answer. For all Department personnel, any personal capacity public communications must be reviewed if they are on a topic "of Departmental concern." The term "of Departmental concern" is defined to mean "[p]ertaining to current U.S. foreign policy or the Department's mission (including policies, programs, operations or activities of the Department of State or USAID), or which reasonably may be expected to affect the foreign relations of the United States." Further, personal accounts and posts on such accounts must not claim to represent the Department or its policies, or those of the U.S. government, nor may they use any Department or other U.S. government seals or logos.

*Question.* Do you commit to seeking review of any social media posts on a personal account that could be considered a matter of Departmental concern?

Answer. Yes, if confirmed, I commit to reviewing all allegations of potential violations of the Department policy and other applicable rules.

*U.S.-Russia Relations*

*Question.* If confirmed, will you encourage American companies to attend the St. Petersburg International Economic Forum? Will you attend the event?

*Answer.* We support American companies and investors that do business in Russia, consistent with U.S. law. If confirmed, I will commit to doing my best to support American companies without undermining U.S. sanctions policy.

*Question.* In what ways will the State Department work with the NSC and other government departments and agencies to address the arbitrary detention of U.S. citizens who are seemingly being arrested for the purpose of sanctions relief or prisoner trades?

*Answer.* The safety and welfare of U.S. citizens abroad is of the utmost importance to the Department of State and the entire U.S. government. The Department takes seriously its responsibility to assist U.S. citizens who are incarcerated or detained abroad, promote their fair treatment and a fair and transparent judicial process. If confirmed, I will work with all relevant parts of the U.S. government to protect and assist U.S. citizens.

*Question.* What actions will you take to secure Paul Whelan's release? What policy options has the United States put on the table in order to secure his release? Would you consider imposing targeted sanctions if Paul Whelan is not released in a timely manner?

*Answer.* Yes. If confirmed, I will continue to press the Russian government to either release Mr. Whelan or provide a fair public trial for him, including an immediate fair and public hearing without undue delay. The Embassy will also continue to monitor Mr. Whelan's case closely and press for fair and humane treatment, unrestricted consular access, access to appropriate medical care, and due process. I will continue to raise these concerns with the Russian government, if confirmed.

*Question.* Why was Maria Butina released early? In your response, please do not refer me to the Department of Justice for an answer.

*Answer.* Maria Butina served the sentence imposed on her by a federal court, as consistent with relevant federal law. She was then deported to Russia.

*Arms Control and Nonproliferation*

*Question.* Russia remains the only country whose nuclear forces pose an existential threat to the United States. One of the ways the United States has sought to manage this threat is through arms control agreements by limiting the size and capabilities of Russian nuclear forces. These agreements also have sought to provide transparency and stability to our nuclear relations with Russia to ensure we avoid a catastrophic nuclear miscalculation by either side. I'm extremely concerned the administration discounts the vital importance of arms control to U.S. national security and is on course to allow the New START Treaty to expire in February 2021.

- Do you believe it is in the national security interests of the United States to continue legally binding arms control efforts with Russia?

*Answer.* Yes. The United States remains committed to effective arms control that advances U.S., Allied, and partner security; is verifiable and enforceable; and includes partners that comply responsibly with their obligations. President Trump has charged this administration with beginning a new chapter by seeking a new era of arms control that moves beyond the bilateral treaties of the past. Going forward, the United States calls upon Russia and China to join us in this opportunity to deliver real security results to our nations and the entire world.

*Question.* Assuming Russia is in compliance with the New START Treaty do you support a five year extension of it?

*Answer.* The administration has not yet made a decision about a potential extension of the New START Treaty. Central to the U.S. review of potential New START extension is whether an extension is in the U.S. national interest, and how the Treaty's expiration would affect U.S., Allied, and partner security in an evolving security environment.

*Question.* The administration has stated it is seeking a new arms control agreement with Russia and China that include a range of new and complex issues. Who within the State Department is leading these efforts since all of the senior arms control positions at the State Department are now empty?

*Answer.* As Secretary Pompeo has said, "We will continue to work to allow the Treaty to be verified exactly as the verification regime exists. As for its extension, we have agreed that we will gather together teams to begin work not only on New



START and its potential extension, but also on a broader range of arms control issues that each of our two nations have a vested interest in achieving an agreement on." We have a talented group of State Department professionals and senior leaders who continue to implement the President's policies.

*Question.* Do you believe if New START expires, and all limitations on Russian strategic nuclear forces disappear, that Russia will increase its strategic nuclear forces? Will changes to the U.S. nuclear posture be necessary if New START disappears in 16 months? Wouldn't these changes require significant additional funding for U.S. nuclear forces?

*Answer.* While the United States has continued to reduce the number and salience of nuclear weapons, others, including Russia and China, have moved in the opposite direction. They have added new types of nuclear capabilities to their arsenals, increased the salience of nuclear forces in their strategies and plans, and engaged in increasingly aggressive behavior, including in outer space and cyber space. Russia and China must be brought to the arms control table as we evaluate how our arms control agreements contribute to U.S. defense and deterrence requirements, as well as those of Allies and partners.

*Question.* According to various reports, the administration is planning to withdraw from the Open Skies Treaty. It appears the administration is willing to take this step with zero consultation with Congress or U.S. allies. The Open Skies Treaty is an important multilateral arms control agreement and withdrawing would be yet another gift from the Trump administration to Putin. It has been an essential tool for United States efforts to constrain Russian aggression in Ukraine. In December of 2018, the United States conducted an extraordinary flight under Open Skies that the Department of Defense stated was "intended to reaffirm U.S. commitment to Ukraine and other partner nations.?" Has President Trump made a decision to withdraw the United States from the Open Skies Treaty? Yes or No. Was the State Department or the Defense Department consulted before a decision to withdraw was taken?

*Answer.* No. The United States has not withdrawn from the Treaty on Open Skies, and the United States continues to implement this Treaty. A number of Allies have told us they value the Treaty and view it as a key instrument for gathering information on Russian military formations and troop deployments. We continue to work with our Allies and partners on all Treaty related compliance and implementation issues related to the Open Skies Treaty.

*Question.* We have spoken with numerous NATO allies who informed us they deeply value the Open Skies Treaty and that a decision by the United States to withdrawal would adversely impact their security? Did the administration consult with allies before coming to this decision?

*Answer.* The United States has not withdrawn from the Treaty on Open Skies, and the United States continues to implement this Treaty. A number of Allies have told us they value the Treaty and view it as a key instrument for gathering information on Russian military formations and troop deployments. We continue to work with our Allies and partners on all compliance and implementation issues related to the Open Skies Treaty.

*Question.* What is the reasoning behind leaving Open Skies? How will abrogating Open Skies affect U.S. security?

*Answer.* The United States has not withdrawn from the Treaty on Open Skies, and the United States continues to implement this Treaty. We continue to work with our Allies and partners on all compliance and implementation issues related to the Open Skies Treaty.

#### *Russia in Africa*

*Question.* The administration's Africa strategy emphasizes Great Power competition across the continent. As exemplified by the recent Russia-Africa summit in Sochi, Russia is taking concrete steps to expanding its power and influence. At the summit's opening President Vladimir Putin pledged to double trade ties with the continent over the next 5 years. Putin also signaled interest in natural resources, promoting African partnerships with Russian natural gas and mineral resource companies, even meeting individually with several leaders to discuss potential projects. After the summit, the Central African Republic's (CAR) President stated that his country is considering hosting a Russian military base, and he would like Moscow to supply CAR with new weapons.

- What is your understanding of Russia's goals and aims for expanding influence in Africa? If confirmed, how can you help shape the administration's strategy for mitigating Russian influence across the African continent?

Answer. U.S. interests require countering Russian efforts to undermine the post-Cold War global order, including in Africa. The Kremlin's aggressive and opportunistic approach to foreign policy seeks global attention by inserting itself or its proxies to undermine Western efforts at stability, or by offering its false model of "sovereign democracy" as an alternative to transparent democratic institutions and processes. Russia views its outreach to African countries as an avenue to break out of the international isolation generated by its ongoing aggression against Ukraine and gain support in international fora, including the U.N. and the Organization for the Prevention of Chemical Weapons (OPCW). If confirmed, I will work with all relevant U.S. government partners and agencies to support a strategy to counter this malign activity.

A Russian national is a security adviser to CAR's President, Faustin-Archange Touadera and there are reports indicating that Russia's defense ministry intends to establish a five-person team at CAR's defense ministry. Russia has supplied arms to the CAR government, and the Russian private military contractor Wagner is present in the country.

*Question.* What arms and material has the Russian government supplied to CAR? What is your understanding of the nature and purpose of Wagner's role in the Central African Republic? How many personnel do they have in country? To your knowledge, did Wagner play a role in the 2018 murder of three Russian journalists in Central African Republic? Do you see Wagner's role in CAR as positive?

Answer. The United States has serious concerns about Russian efforts to bolster its influence in Africa through arms sales and the use of private military companies (PMCs) and proxy forces, such as the U.S.-sanctioned Wagner, as exemplified in the Central African Republic (CAR). Malign activities such as these run counter to U.S. interests and undermine democratic development on the African continent. We are aware that Russia has supplied small arms and other military equipment to CAR. If confirmed, I will press Russia to work transparently and constructively with the international community to advance peace, security, and good governance in CAR.

*Question.* If confirmed, what concrete actions will you take to ensure transparency in Russia's activities in CAR?

Answer. If confirmed, I will press Russia to work transparently and constructively with the international community to advance peace, security, and good governance in CAR.

*Question.* Assistant Secretary Tibor Nagy was quoted in a recent news article as stating that "there is space for other countries to play a positive role in the [African] region." What positive role is Russia currently playing in Africa? What positive role could it play, and what specifically will you do if confirmed to ensure that Russia's role in Africa is positive?

Answer. Russia's ongoing malign activities in Africa, including arms sales, the use of private military companies (PMCs) and proxy forces, as well as corrupt economic practices, play a negative role and undermine democratic development on the continent. While Russia purports to be a major actor in Africa, its role remains relatively modest. If confirmed, I will press the Russian government to be transparent regarding its activities in Africa.

*Question.* Special Counsel Robert Mueller's report into Russian meddling in the 2016 Presidential elections noted that the Kremlin engaged in a concerted effort to upend the U.S. elections using social media and cyberattacks. To your knowledge did or does the Kremlin have similar plans to affect the outcome of African elections? If so, what impact did these efforts have? Does the Kremlin have a broader malign strategy to undermine democracy in Africa? What steps will you take as Ambassador if confirmed to discourage malign efforts by the Kremlin to impact the expansion of democracy in Africa?

Answer. The Kremlin's aggressive and opportunistic approach to foreign policy seeks global attention by inserting itself or its proxies to undermine Western efforts at stability, or by offering its false model of "sovereign democracy" as an alternative to transparent democratic institutions and processes. The United States has serious concerns about Russian efforts to bolster its influence in Africa through covert, corrupt, and coercive means, including electoral interference. Malign activities such as these run counter to U.S. interests and undermine democratic development on the African continent. If confirmed, I will support continued efforts to counter vigorously this destabilizing Russian activity. Russia in the Middle East The administration's re-

cent withdrawal from northern Syria has put Vladimir Putin firmly in the driver's seat in Syria and helped to reestablish Russia as a significant powerbroker in the Middle East. In Syria, Russia has bombed civilians in order to allow Bashar al-Assad to continue to rule over the rubble. In Libya, Russia has sided with ostensible U.S. allies like Egypt and the UAE to support General Heftar's destructive offensive in Tripoli against the internationally recognized government of National Accord. Throughout the region, Putin has cut energy and weapons deals, often in defiance of Congressional sanctions that this administration appears unwilling to enforce.

*Question.* What are Russia's goals in the Middle East? What countries in the region do you see as priorities for Russia and in what countries should the U.S. prioritize pushing back on Russian influence?

*Answer.* Russia seeks to extend its influence in the Middle East and undermine U.S. credibility, partnerships, and interests. Russia has not shown a willingness, let alone a capability, to organize a collective effort to confront a regional security threat. Russia has sought to play both sides in conflicts across the region to advance its narrow interests. The U.S. vision for the region stands in sharp contrast to the transactional relationships offered by Russia. The United States has a long track-record of working to bring peace, stability, and prosperity to the Middle East. We defend our allies, we are committed to economic growth that provides jobs and prosperity in the United States and around the world, and we value individual freedom and democracy.

*Question.* What steps is the U.S. taking to counter Russian influence in the Middle East? What further steps should the U.S. take?

*Answer.* Russia seeks to extend its influence in the Middle East and undermine U.S. credibility, partnerships, and interests. Russia has not shown a willingness, let alone a capability, to organize a collective effort to confront a regional security threat. Russia has sought to play both sides in conflicts across the region to advance its narrow interests. Our vision for the region stands in sharp contrast to the transactional relationships offered by Russia. The United States has a long record of working to bring peace, stability, and prosperity to the Middle East. We defend our allies, we are committed to economic growth that provides jobs and prosperity in the United States and around the world, and we value individual freedom and democracy.

*Question.* If confirmed, what steps will you take to counter Russian influence in the Middle East?

*Answer.* We will counter Russian influence in the Middle East by continuing to demonstrate that the United States remains the partner of choice to address the region's most pressing challenges. We will work to counter Russian disinformation that distorts the unhelpful role Russia plays in prolonging regional conflicts. In Syria, we will continue to call out Russia for its support of the murderous Assad regime. In Libya, Russia's use of so-called "private" military forces is plain to see. In the Gulf, Russia has reincarnated a failed 20-year old concept to divert attention from more effective efforts such as our International Maritime Security Construct. We have yet to see Russia take a principled stand on human rights in the region.

*Question.* Do you believe that Russia is capable of or politically willing to reduce Iranian influence in Syria?

*Answer.* Both Russia and Iran provide military and political support to the Syrian regime. While Russia and Iran's goals in Syria are not identical, we do not assess that Russia is seeking to limit Iran's influence in Syria.

*Question.* Russia remains a key party to the JCPOA and has made clear its opposition to the maximum pressure campaign against Iran and has been muted in its condemnation of Iranian backsliding in the deal. What common interests does Russia share with the U.S. regarding Iran? What role will you play in engaging with Russia regarding Iran and the JCPOA?

*Answer.* Although we have a shared interest with Russia in ensuring that Iran does not have nuclear weapons, Russia has generally been obstructionist in holding Iran accountable for both its JCPOA and NPT commitments. Every nation, including Russia, has an interest in preventing a nuclear Iran. If confirmed, I will play a supporting role to the Secretary and Special Representative Hook in implementing our Iran policy.

*Question.* Russia continues to push weapons systems and arms sales with various Middle East countries. What specific steps will you take to address this concern and potential threat to U.S. interests in the region?

**Answer.** We take reports of purchases of major Russian weapons systems seriously and engage with host governments on the matter. The Department does not pre-judge such sales before money is exchanged. If the Department identifies a potentially significant transaction for purposes of Section 231, it would review the specific facts of the case with these factors in mind. If a country is contemplating purchasing a major Russian system, we have frank discussions with the host government about the consequences of such sales. We have informed all countries about CAATSA implications for significant Russian arms purchases, and wherever possible we encourage partners to opt for systems from alternate suppliers that will meet their needs.

**Question.** What message does it send to other countries in the Middle East that the United States has yet to fully implement CAATSA sanctions against Turkey for its purchase of the S400 Air Defense system?

**Answer.** The administration is deeply concerned by the delivery of S-400 systems to Turkey, as demonstrated by our swift decision to suspend Turkey from the F-35 program. Our deliberative process on CAATSA sanctions is ongoing, and we are committed to implementing CAATSA. Our message to all our allies and partners around the world remains the same: avoid transactions with Russia's defense and intelligence sectors that could result in sanctions pursuant to CAATSA Section 231. As a result, Russia has lost billions of dollars' worth of deals.

#### *Humanitarian Situation in Northeastern Syria*

**Question.** What steps is the administration/State Department taking to mitigate the humanitarian catastrophe in Northeast Syria?

**Answer.** The State Department and USAID are committed to providing humanitarian assistance to the most vulnerable Syrians in need, regardless of territorial control. Some humanitarian partners, including U.N. partners, are currently operating in Syrian government-controlled areas. Relief organizations that maintain registration with the government of Turkey are able to provide humanitarian assistance to some parts of Syria through Turkey but face many administrative barriers that limit assistance. Seeking registration and permissions to operate in areas controlled by either government is a significant challenge and the types of assistance permitted are often limited.

**Question.** As Russian and Syrian forces take control of territory, there are thousands of Syrian aid workers under immediate threat of harassment, harm, arrest, conscription or worse. Will the USG ensure that funding for the humanitarian response inside Syria be made flexible to cover the costs of evacuation and relocation of these vulnerable Syrians who have supported U.S. efforts and interests? What is the diplomatic strategy for ensuring humanitarian access to those in need in NE Syria via the most direct routes, including cross-border mechanisms authorized under UNSC Resolution 2449?

**Answer.** The U.S. government is committed to providing humanitarian assistance to the most vulnerable Syrians in need, regardless of territorial control, and many of our partners continue to provide assistance in the northeast, in whole or in part, where security allows. We work with partners to ensure flexibility and the protection and safety of their international and national staff. Shifts in lines of control and entities providing administrative control could impact the ability of organizations to provide humanitarian assistance. The U.S. government strongly supports the renewal of UNSCR 2165 which authorizes the use of four border crossings for relief operations. Both State/PRM and USAID offer Duty of Care financial assistance for this very purpose.

#### *Crackdown on Activism in Russia*

**Question.** Please discuss your understanding of U.S. visa policy toward pro-democracy activists from Russia, in light of the fact that many have been criminally convicted by the Russian state as a result of their activism (with criminal charges and facts often fabricated or grossly exaggerated) and the fact that many are not employed, again due to their activism.

**Answer.** Democracy activists are always welcome to apply for visas and, by law, are not refused due to conviction for purely political offenses. Consular officers adjudicate visas consistent with the Immigration and Nationality Act and the CFR, which explicitly exempt "offenses that resulted in convictions obviously based on fabricated charges or predicated upon repressive measures against racial, religious, or political minorities." By U.S. law and Department policy, any visa applicant convicted of any crime is given the opportunity to explain the circumstances of the conviction during a visa interview.

*Question.* Would you support the use of Global Magnitsky sanctions against judges, law enforcement investigators, and prosecutors who actively engage in the fabrication of cases and the criminal prosecution of pro-democracy protestors, and of the parents of youth protestors, often based on false or extremely exacerbated charges?

*Answer.* The Global Magnitsky Act empowers the United States to take significant steps to protect and promote human rights and combat corruption around the world. If confirmed, I will work with all relevant interagency partners to implement Global Magnitsky in accordance with U.S. law, including against those who would use fabricated evidence or false charges against innocent protestors or activists.

*Question.* If confirmed, how would you work as Ambassador with the U.S. State Department and the administration to increase pressure on the Kremlin to release the now more than 300 political prisoners held in the Russian Federation?

*Answer.* I share Congressional concerns about the deteriorating human rights situation in Russia and, if confirmed, I will speak out about the growing number of political prisoners, the erosion of fundamental freedoms, crackdowns on demonstrations, and other concerns. Political prisoners in Russia are reportedly placed in particularly harsh conditions of confinement and subjected to other punitive treatment within the prison system, such as solitary confinement or punitive stays in psychiatric units. If confirmed, I will work to hold violators of human rights accountable, including by using sanctions and visa restrictions, where we are able to identify conduct that meets the required legal thresholds.

*Question.* In early October, U.N. Secretary General Guterres sent a letter to all Member States raising the alarm about the financial situation of the U.N. and calling on States to pay their dues as soon as possible. Due to the U.N.'s financial crisis, the Secretary General has already suspended non-essential travel, stopped hiring, and cancelled or deferred some meetings. The letter indicated that unless States pay up, the U.N. may be unable to cover salaries beginning in November. As of October 30, 2019, has the U.S. paid all its assessed dues to the U.N. in full? If not, please detail what funding is outstanding, why the funding has not yet been obligated, and when the Department expects those funds to be paid.

*Answer.* The Department paid \$180 million toward the calendar year 2019 U.S. assessment for the U.N. regular budget in mid-October. A balance of \$494 million remains outstanding. The Department is in the process of seeking additional funds beyond those available under the current continuing resolution, in order to pay an additional \$200 million in late November.

The Department has paid \$634 million in U.N. peacekeeping assessments this year. Taking into account the application of \$27 million in credits from prior-year contributions, a balance of \$1.6 billion in current-year U.S. assessments remains outstanding. The Department will be paying these assessments at the rate of the 25 percent cap on peacekeeping assessments later this fall.

*Question.* What steps should the Department take to ensure that it pays its U.N. bills in full and on time?

*Answer.* Paying the U.N. regular budget assessment in full and on time would require reversing the long-standing practice of deferring payments for the regular budget until the following fiscal year. That practice has been in place since the early 1980s. The Department paid \$180 million toward the calendar year 2019 U.S. assessment for the U.N. regular budget in mid-October. A balance of \$494 million remains outstanding. The Department is in the process of seeking additional funds beyond those available under the current continuing resolution, in order to pay an additional \$200 million in late November.

The Department is taking steps to pay U.N. peacekeeping assessments on a more timely basis. Paying peacekeeping assessments in full would require either: (a) reducing the actual peacekeeping assessment rate from the current 27.9 percent to 25 percent; or (b) reaching agreement to lift the 25 percent legislative cap on U.S. peacekeeping assessments. The Department has paid \$634 million in U.N. peacekeeping assessments this year. Taking into account the application of \$27 million in credits from prior-year contributions, a balance of \$1.6 billion in current-year U.S. assessments remains outstanding. The Department will be paying these assessments at the rate of 25 percent later this fall.

#### *Foreign Assistance*

*Question.* Do you believe that it is in the U.S. interest to provide development assistance supporting activities that improve economic growth and opportunity, stability, wellness, and security? Do you believe the cuts to foreign assistance the ad-

ministration has consistently proposed for fiscal years 2018, 2019, and 2020, if enacted, would improve the effectiveness U.S. foreign assistance?

Answer. Yes, I support the administration's budget requests. Foreign Assistance can be an effective tool, when deployed correctly and used in concert with diplomacy, to accomplish administration priorities and advance U.S. national security objectives. I look forward to continuing to support the effective and efficient use of every tax dollar appropriated by Congress.

*Question.* During the President's 2018 State of the Union speech and again at the U.N. General Assembly in the Fall of last year, the President made the statement that the U.S. should only provide assistance "to our friends." What is the policy realizing these statements? Who is, and is not, considered "our friends"? What role have you played in developing and implementing this policy? Do you believe that this sort of transactional politics serve as the basis for determining where and to whom receives U.S. foreign assistance?

Answer. With limited resources, it is important to focus our foreign assistance where we can have the greatest impact. And there has been an ongoing foreign assistance review to achieve that goal.

*Question.* Can you explain the policy and process that led to the administration's decision to suspend most foreign assistance to Guatemala, Honduras and El Salvador? Would you please also provide the data that supports or recommends withholding or suspending foreign assistance as effective means towards reducing migration from these countries?

Answer. The President directed the Secretary and the Department to reprogram certain aid that would have gone to El Salvador, Guatemala, and Honduras to send a message that these governments must demonstrate the political will to do more to address outward migration. The Secretary also decided to condition further action on some Fiscal Year 2017 foreign assistance funds until the Department is satisfied that these countries are taking sufficient action to reduce the number of migrants coming to the U.S. border. Reductions in apprehensions of illegal immigrants at our southern border and the recently signed Asylum Cooperation Agreements (ACAs) are testament to the effectiveness of this policy. Some of the foreign assistance to these countries was resumed on October 16, 2019.

*Question.* What are the goals and objectives that administration expects to accomplish through the suspension of foreign assistance to Guatemala, Honduras and El Salvador? Would you please include how these goals and objectives apply to any decision to maintain, carryover, or instate a suspension on foreign assistance to these countries for fiscal year 2020 and beyond?

Answer. Earlier this year, consistent with the President's direction, the Department reprogrammed foreign assistance previously planned for these countries to persuade them to do more to stop illegal immigration through our southern border. Reductions in apprehensions of illegal immigrants at our southern border and the recently signed Asylum Cooperation Agreements (ACAs) are testament to the success of this policy. On October 16, the Department informed Congress of our intent to move forward with some targeted U.S. foreign assistance for El Salvador, Guatemala, and Honduras aimed at advancing our joint efforts to deter illegal immigration from these countries.

*Question.* What role have you played in the decision to suspend most foreign assistance to El Salvador, Honduras, and Guatemala?

Answer. I worked with the Director of the Office of Foreign Assistance to implement the President's decision to reprogram most foreign assistance to these countries.

*Question.* What guidance is the State Department giving the USAID missions to El Salvador, Honduras, and Guatemala on how to plan for the year ahead while the status and availability of the resources remains in question?

Answer. The progress these countries have made toward our mutual goals is a step in the right direction. These programs will complement our joint security plans for each government; augment private sector efforts to create economic opportunity; promote the rule of law, institution building, and good governance; and help these countries develop their capacities to implement the recently signed agreements to build stronger local asylum systems. The Department and USAID look forward to working with Congress in support of foreign assistance programs that aim to decrease outward migration and improve U.S. national security.

*Climate Security*

*Question.* Do you believe the effects of climate change present challenges to U.S. national security that must be accounted for?

*Answer.* I have no reason to take issue with the 2018 Worldwide Threat Assessment of the U.S. Intelligence Community, which identifies the impacts of climate change, among other factors, as likely to fuel economic and social discontent, and notes that extreme weather events in a warmer world have the potential for greater impacts and compound with other drivers to raise risks. National security agencies analyze and take into account all information and factors that could affect national security.

*Question.* Are you aware of efforts, led by the White House (particularly those led by former Senior national security advisor Dr. William Happer, to question or re-evaluate the significance of and utilization of climate science in U.S. national security planning?

*Answer.* I am not. I am also not in a position to comment on internal policy deliberations at the White House, including participation and topics of discussions.

*Question.* What role, if any, did you have in decisions and implementation of policies to diminish the consideration, or question the validity, of applying consensus climate science to national security planning? Have you expressed concerns, or opposed, any of the administration's efforts to diminish the utilization and application of climate science in national security planning?

*Answer.* I have no reason to take issue with the 2018 Worldwide Threat Assessment of the U.S. Intelligence Community, which identifies the impacts of climate change, among other factors, as likely to fuel economic and social discontent, and notes that extreme weather events in a warmer world have the potential for greater impacts and compound with other drivers to raise risks. National security agencies analyze and take into account all information and factors that could affect national security.

*Paris Agreement*

*Question.* Do you believe it is in the U.S. national interest to be the only country not party to the Paris Agreement on Climate Change? How are U.S. interests' better served as a non-party to the Paris Agreement?

*Answer.* When the President announced his intention to withdraw from the Paris Agreement absent the identification of better terms for the American people, he emphasized concerns that the United States had pledged to do much more to reduce emissions under the Agreement than major U.S. economic competitors, and that the United States would put itself at an economic disadvantage. As a Party to the UNFCCC and in other fora, the Department continues to work to ensure that the United States remains engaged in international negotiations and discussions on the issue of climate change to advance and protect U.S. interests.

*Question.* How is the United States, when (or if) it becomes a non-party to Paris Agreement, insulated or shielded from decisions and actions achieved by the parties to Paris Agreement that effect the global economy?

*Answer.* The United States is proud of our record as a world leader in reducing all emissions and fostering resilience at home and abroad. The Department will remain a Party to the U.N. Framework Convention on Climate Change (UNFCCC), and will continue to participate in international climate negotiations to ensure a level playing field and to protect U.S. economic and environmental interests. The United States' approach to environmental protection serves U.S. interests and has unburdened communities, individuals, and industries to develop and implement policies that fit their needs. This approach leverages the ingenuity of our citizens and businesses to protect the environment, ensure our energy security, and grow our economy.

When the President announced his intentions to withdraw the U.S. from the Paris Agreement on June 1, 2017 he mentioned his intention to take a number of alternative and related actions to the U.S.'s withdrawal from the Paris Agreement. In your role as Deputy Secretary of State can you please provide answers, to the best of your knowledge, to the following:

*Question.* What progress has been made by the President to "start to negotiate, and we will see if we can make a deal that's fair"? What involvement and work has the State Department done towards developing a new "fair" "deal"? What efforts has the White House made to "to immediately work with Democrats to either negotiate

our way back into Paris”? Have you received any instruction, or taken any initiative to deliver on this objective as mentioned by the President?

Answer. The U.S. position with respect to the Paris Agreement has not changed. I am not in a position to comment on internal policy deliberations and I would have to refer you to the NSC for more specific information in response to those questions.

*Question.* What is the timeline for delivering outcomes on either of these intended actions?

Answer. The U.S. position with respect to the Paris Agreement has not changed. I am not in a position to comment on internal policy deliberations and I would have to refer you to the NSC for more specific information in response to those questions.

#### *El Salvador*

*Question.* What was the strategic reason and rationale for suspending and reprogramming U.S. foreign assistance to El Salvador?

Answer. The President directed the Secretary and the Department to reprogram certain aid that would have gone to El Salvador to send a message that the government must do more to address outward migration. The Secretary further decided to condition further action on some Fiscal Year 2017 foreign assistance funds until the Department is satisfied El Salvador is taking sufficient action to reduce the number of migrants coming to the U.S. border. On October 16, the President decided to resume certain foreign assistance to El Salvador due to the successful efforts of that government in reducing illegal migration to the United States.

*Question.* Can you tell us when you were informed of the President’s decision to suspend and reprogram U.S. foreign assistance to El Salvador?

Answer. On March 29, 2019.

*Question.* Were you informed of this decision prior to the president’s announcement?

Answer. No, I was not personally informed prior to the decision. Once the decision was made, I supported State Department colleagues in implementing it.

*Question.* What steps did you personally take to carry out this decision?

Answer. Along with the Secretary, I instructed the Department to carry out the President’s decision. I also personally engaged the House Appropriations Committee about the status of the assistance to these countries.

*Question.* What steps did you personally take in the decision to partially reinstate foreign assistance to El Salvador?

Answer. At the President’s direction on October 13, I worked with the relevant offices in the Department and USAID to move forward with targeted assistance to El Salvador.

*Question.* What evaluation did the State Department conduct about the repercussions to U.S. national interests and national security of suspending and reprogramming U.S. foreign assistance to El Salvador? When did such an evaluation start and when did it finish? What were the findings of any such evaluation?

Answer. In April 2019, the Secretary initiated a review of all Department of State and United States Agency for International Development (USAID) Fiscal Year 2017 foreign assistance funding for current agreements and awards for El Salvador, Guatemala, and Honduras. This complex review encompassed \$617 million in planned assistance spanning 707 individual programs and activities for these countries. The review focused on costs that would be incurred by shutting down existing activities. As a result of the review, the Secretary decided in June 2019 that Fiscal Year 2017 funds previously awarded via grants and contracts to implementing partners, would continue. These activities total approximately \$450 million.

*Question.* What specific steps does the United States want El Salvador to take prior to obligating new U.S. foreign assistance for El Salvador? Has El Salvador taken any such steps? What is the potential timeline for reinstating U.S. foreign assistance to El Salvador?

Answer. The President and the Secretary expect the government of El Salvador to take clear action to stem irregular migration to the United States, such as combatting migrant smuggling and human trafficking rings, enhancing border security, dissuading its citizens from illegally immigrating, and receiving and reintegrating its returned citizens. The Department works with DHS to monitor migration flows in the region and actions by the government of El Salvador to reduce irregular immigration. El Salvador has taken important steps, including signing an Asylum Co-



operation Agreement. Because of this successful approach, the President on October 16 reinstated targeted foreign assistance to support such actions.

*Question.* To your knowledge, is the government of El Salvador speaking with any other foreign donors or investors-including, but not limited to the government of China- to offset the impact of the U.S. cuts during this period in which we have suspended foreign assistance?

*Answer.* No, not to my knowledge. Nonetheless, increasing engagement by China and Russia in the region poses a nascent but serious challenge to U.S. national security interests. We actively engage governments on both the risks posed by problematic Chinese assistance as well as the opportunities presented by working with democratic development partners that bring international quality standards, transparency, and respect for human rights. These alternatives include the United States, Japan, South Korea, Taiwan, and multilateral development finance institutions such as the Inter-American Development Bank. Guatemala

*Question.* What was the strategic reason and rationale for suspending and reprogramming U.S. foreign assistance to Guatemala?

*Answer.* The President directed the Secretary and the Department to reprogram certain aid that would have gone to Guatemala to send a message that the government must do more to address outward migration. The Secretary further decided to condition further action on some Fiscal Year 2017 foreign assistance funds until the Department is satisfied Guatemala is taking sufficient action to reduce the number of migrants coming to the U.S. border. On October 16, the President decided to resume certain foreign assistance to Guatemala due to the successful efforts of the government in reducing illegal migration to the United States.

*Question.* Can you tell us when you were informed of the President's decision to suspend and reprogram U.S. foreign assistance to Guatemala?

*Answer.* On March 29, 2019.

*Question.* Were you informed of this decision prior to the president's announcement?

*Answer.* No, I was not personally informed prior to the decision. Once the decision was made, I supported State Department colleagues in implementing it.

*Question.* What steps did you personally take to carry out this decision?

*Answer.* Along with the Secretary, I instructed the Department to carry out the President's decision. I also personally engaged the House Appropriations Committee about the status of the assistance to these countries.

*Question.* What evaluation did the State Department conduct about the repercussions to U.S. national interests and national security of suspending and reprogramming U.S. foreign assistance to Guatemala? When did such an evaluation start and when did it finish? What were the findings of any such evaluation?

*Answer.* In April 2019, the Secretary initiated a review of all Department of State and United States Agency for International Development (USAID) Fiscal Year 2017 foreign assistance funding for current agreements and awards for Guatemala, El Salvador, and Honduras. This complex review encompassed \$617 million in planned assistance spanning 707 individual programs and activities for these countries. The review focused on costs that would be incurred by shutting down existing activities. As a result of the review, the Secretary decided in June 2019 that Fiscal Year 2017 funds previously awarded via grants and contracts to implementing partners, would continue. These activities total approximately \$450 million.

*Question.* What specific steps does the United States want Guatemala to take prior to obligating new U.S. foreign assistance for Guatemala? Has Guatemala taken any such steps? What is the potential timeline for reinstating U.S. foreign assistance to Guatemala?

*Answer.* The President and the Secretary expect the government of Guatemala to take clear action to stem irregular migration to the United States, such as combating migrant smuggling and human trafficking rings, enhancing border security, dissuading its citizens from illegally immigrating, and receiving and reintegrating its returned citizens. We work with DHS to monitor migration flows in the region and actions by the government of Guatemala to reduce irregular immigration. Guatemala has taken important steps, including signing an Asylum Cooperation Agreement. Because of this successful approach, the President on October 16 reinstated targeted foreign assistance to support such actions.

*Question.* Is the government of Guatemala speaking with any other foreign governments-including, but not limited to the government of China-to offset the impact of the U.S. cuts during this period in which we have suspended foreign assistance?

*Answer.* No, not to my knowledge. Nonetheless, increasing engagement by China and Russia in the region poses a nascent but serious challenge to U.S. national security interests. We actively engage governments on both the risks posed by problematic Chinese assistance as well as the opportunities presented by working with democratic development partners that bring international quality standards, transparency, and respect for human rights. These alternatives include the United States, Japan, South Korea, Taiwan, and multilateral development finance institutions such as the Inter-American Development Bank.

#### *Honduras*

*Question.* What was the strategic reason and rationale for suspending and reprogramming U.S. foreign assistance to Honduras?

*Answer.* The President directed the Secretary and the Department to reprogram certain aid that would have gone to Honduras to send a message that the government must do more to address outward migration. The Secretary further decided to condition further action on some Fiscal Year 2017 foreign assistance funds until the Department is satisfied Honduras is taking sufficient action to reduce the number of migrants coming to the U.S. border. On October 16, the President decided to resume certain foreign assistance to Honduras due to the successful efforts of the government in reducing illegal migration to the United States.

*Question.* Can you tell us when you were informed of the President's decision to suspend and reprogram U.S. foreign assistance to Honduras?

*Answer.* On March 29, 2019.

*Question.* Were you informed of this decision prior to the president's announcement?

*Answer.* No, I was not personally informed prior to the decision. Once the decision was made, I supported State Department colleagues in implementing it.

*Question.* What steps did you personally take to carry out this decision?

*Answer.* Along with the Secretary, I instructed the Department to carry out the President's decision. I also personally engaged the House Appropriations Committee about the status of the assistance to these countries.

*Question.* What evaluation did the State Department conduct about the repercussions to U.S. national interests and national security of suspending and reprogramming U.S. foreign assistance to Honduras? When did such an evaluation start and when did it finish? What were the findings of any such evaluation?

*Answer.* In April 2019, the Secretary initiated a review of all Department of State and United States Agency for International Development (USAID) Fiscal Year 2017 foreign assistance funding for current agreements and awards for Honduras, El Salvador, and Honduras. This complex review encompassed \$617 million in planned assistance spanning 707 individual programs and activities for these countries. The review focused on costs that would be incurred by shutting down existing activities. As a result of the review, the Secretary decided in June 2019 that Fiscal Year 2017 funds previously awarded via grants and contracts to implementing partners, would continue. These activities total approximately \$450 million.

*Question.* What specific steps does the United States want Honduras to take prior to obligating new U.S. foreign assistance for Honduras? Has Honduras taken any such steps? What is the potential timeline for reinstating U.S. foreign assistance to Honduras?

*Answer.* The President and the Secretary expect the government of Honduras to take clear action to stem irregular migration to the United States, such as combating migrant smuggling and human trafficking rings, enhancing border security, dissuading its citizens from illegally immigrating, and receiving and reintegrating its returned citizens. We are working with DHS to monitor migration flows in the region and actions by the government of Honduras to reduce irregular immigration. Honduras has taken important steps, including signing an Asylum Cooperation Agreement. Because of this successful approach, the President on October 16 reinstated targeted foreign assistance to support such actions.

*Question.* Is the government of Honduras speaking with any other foreign governments-including, but not limited to the government of China-to offset the impact of the U.S. cuts during this period in which we have suspended foreign assistance?

Answer. No, not to my knowledge. Nonetheless, increasing engagement by China and Russia in the region poses a nascent but serious challenge to U.S. national security interests. The Department actively engages governments on both the risks posed by problematic Chinese assistance as well as the opportunities presented by working with democratic development partners that bring international quality standards, transparency, and respect for human rights. These alternatives include the United States, Japan, South Korea, Taiwan, and multilateral development finance institutions such as the Inter-American Development Bank.

*U.S.-Mexico Joint Declaration and Supplemental Agreement*

*Question.* On August 7, 2019 I sent a letter to the Secretary regarding the U.S.-Mexico Joint Declaration and Supp. Agreement. To date, I have not received a full, accurate, and transparent written response to each question as requested. I have also received the following statements conveyed by the Department to the committee in response to questions originally submitted to the Department on June 8, 2019:

- “We can confirm that we regard the Joint Declaration with Mexico to be an authoritative political agreement that both governments will implement in good faith.”—email from the Bureau of Legislative Affairs (C. Donnelly) to SFRC staff, dated July 12. Acting Legal Adviser String, in his July 24 appearance before SFRC, testified that the JD is an “important, authoritative agreement.”
- “We can now confirm that the United States regards the June 7 Joint Declaration and the Supplementary Agreement with Mexico, which we have previously provided to the committee, collectively to constitute a binding agreement under international law. We will be transmitting these instruments to Congress, in accordance with the Case Act.”—email from the Bureau of Legislative Affairs (C. Donnelly) to SFRC staff, dated July 29, and letter from Assistant Secretary for Legislative Affairs to Ranking Member Menendez, dated August 1.
- “We consider the Joint Declaration and Supplementary Agreement to be, collectively, an executive agreement, concluded in the exercise of the President’s constitutional authority for the conduct of foreign relations.”—email from the Bureau of Legislative Affairs (C. Donnelly) to SFRC staff, dated July 29, and letter from Assistant Secretary for Legislative Affairs to Ranking Member Menendez, dated August 1.

Please explain why the Department characterized the Joint Declaration (JD) as an “authoritative political agreement,” which appears to blur the line between instruments that are binding under international law—generally referred to as legal agreements—and instruments that are not binding under international law—generally referred to as political arrangements or commitments.

Answer. I understand that representatives from the Department of State and the Department of Homeland Security recently have provided detailed briefings to the staff of the Foreign Relations Committee on the agreement. It is my further understanding that the United States regards the Joint Declaration and Supplementary Agreement collectively to constitute a legally binding agreement under international law and that the Department transmitted these instruments to the Congress pursuant to the Case Act on August 6, 2019.

*Question.* Please explain the precise characteristics that lead to the classification of a written instrument or oral commitment as an “authoritative political agreement.”

Answer. As you know, the President announced that the United States and Mexico had entered into this agreement on June 7. Two days later, the Mexican government issued a statement indicating a view that this arrangement was not legally binding.

In the wake of this Mexican statement, we believed it was important to take time to review the status of the arrangement and engage with the government of Mexico before stating a definitive position, and it was during this period that we communicated the position that we viewed this arrangement as an “authoritative political agreement.”

While we recognize the ambiguity of this statement, we believed it was important at that time, given those ongoing discussions.

We have now clearly communicated our view to the government of Mexico that the arrangement is legally binding, consistent with the requirements and timeframe envisioned by the Case Act.

*Question.* Please provide examples of other “authoritative political agreements” in U.S. history. Were such instruments or oral commitments referred to as “authoritative political agreements” at the time they were finalized or concluded? If not,

when were they classified as such? For any examples, please indicate whether they are binding or non-binding for purposes of international law, and whether they were reported under the Case Act (if finalized subsequent to enactment of that statute).

- Does the United States ever enter into political agreements that are not “authoritative?” If yes, please explain why, and please provide examples of such non-authoritative political agreements.
- Does the Department generally transmit to Congress authoritative or non-authoritative political agreements pursuant to the Case Act? If yes, please provide examples. If no, please explain why not.

Answer. My understanding is that the situation presented a number of unique issues. As you know, the President announced that the United States and Mexico had entered into this agreement on June 7. Two days later, the Mexican government issued a statement indicating a view that this arrangement was not legally binding.

In the wake of this Mexican statement, we believed it was important to take time to review the status of the arrangement and engage with the government of Mexico before stating a definitive position, and it was during this period that we communicated the position that we viewed this arrangement as an “authoritative political agreement.”

While we recognize the ambiguity of this statement, we believed it was important at that time, given those ongoing discussions.

We have now clearly communicated our view to the government of Mexico that the arrangement is legally binding, consistent with the requirements and timeframe envisioned by the Case Act.

With respect to the decision to report this under the Case Act, my understanding is that the Department followed the criteria set out at 22 CFR 181.2 in deciding whether any undertaking, oral agreement, document, or set of documents, including an exchange of notes or of correspondence, constitutes an international agreement within the meaning of the Case Act. These include the identity and intention of the parties; the significance of the arrangement; specificity, including objective criteria for determining enforceability; the necessity for two or more parties; and the form of the instrument. It is my understanding that the Department transmitted to Congress the Mexico Joint Declaration and Supplementary Agreement under the Case Act on August 6, 2019.

*Question.* Were the JD and Supplementary Agreement (SA) negotiated and concluded pursuant to C-175 authority?

- If yes, did the C-175 authorization and underlying memorandum of law indicate that the JD, the SA or both, individually or collectively, would constitute a binding agreement under international law? Please explain.
- If yes, please provide the date(s) any such C-175 authority was issued.
- If yes, please provide copies of the authority and underlying memorandum of law.
- If the JD and/or the SA were not negotiated and/or concluded pursuant to C-175 authority, please explain why.

Answer. The Circular 175 process is an internal executive branch process for coordinating and facilitating review and approval of proposed international agreements. I am not in a position to discuss the administration’s internal deliberations regarding the negotiation of the Joint Declaration and Supplementary Agreement. I can assure you, however, that the Joint Declaration and Supplementary Agreement were reviewed and approved prior to their conclusion.

*Question.* Please indicate whether the JD alone is binding under international law.

- Please identify the characteristics of the JD from which it can be concluded that both the United States and Mexico regard the JD as binding under international law.
- Please indicate which specific provisions of the JD impose binding obligations on either the U.S., Mexico, or both.
- Please indicate whether the SA alone is binding under international law.
- Please identify the characteristics of the SA from which it can be concluded that both the United States and Mexico regard the SA as binding under international law.
- Please indicate which specific provisions of the SA impose binding obligations on either the U.S., Mexico, or both.

Answer. I understand that representatives from the Department of State and the Department of Homeland Security recently have provided detailed briefings to the staff of the Foreign Relations Committee on the agreement. It is my understanding that the United States regards the Joint Declaration and Supplementary Agreement collectively to constitute a legally binding agreement under international law.

The two components of this arrangement contain a series of commitments, some of which are legally binding and others of which are not legally binding. The essential objective of this arrangement was to commit the government of Mexico to implement a series of measures designed to stem the flow of migrants into the United States.

As the negotiations unfolded, it became essential to the administration to secure the firmest possible commitment that the government of Mexico would commence the negotiation of a safe third country agreement to ensure that the administration could put such an agreement in place if the other measures identified in the arrangement were unsuccessful in addressing the migrant flow problem.

In our view, it is necessary to read the two components of the arrangement—the Joint Declaration and Supplementary Agreement—together as establishing and identifying the triggering conditions for the Mexican obligation to “take the all necessary steps under domestic law with a view to ensuring that the agreement will enter into force within 45 days.”

We believe that these arrangements have allowed our two countries to make important progress in stemming the flow of migrants.

*Question.* Please identify and explain in detail the specific factors that the Department analyzed in arriving at the position that the JD and SA collectively are binding under international law.

- Please provide a detailed explanation, with relevant examples, of the legal theory by which the Department believes it is possible for a subsequent instrument, such as the SA, to render a change in the legal character of a prior instrument that was not itself previously considered binding under international law.
- Please indicate whether the Department’s analysis of the binding nature of the JD, SA, and the JD and SA collectively is consistent with the practice and precedent of the United States on international agreements and arrangements, or if the analysis departs from the practice and precedent of the United States in this area. If it does differ, please explain the following: how it differs; why the executive branch departed from U.S. practice and precedent; whether the executive branch’s position on the JD, SA, and SA and JD collectively is a one-time departure from U.S. practice and precedent, or whether the departure represents a shift in executive branch practice; and whether the executive branch has made the government of Mexico (GOM) aware of any departure in practice and precedent.
- During the course of the negotiations of the JD and SA, what was the position of the United States on whether the JD, the SA, and the JD and SA collectively were binding under international law?
- Acting Legal Adviser String appeared to indicate in his July 24 testimony that questions of whether the JD and SA were binding under international law were still being considered within the executive branch. If the United States did not have a position on the question of whether the instruments were binding during the negotiation or when the instruments were finalized, please explain why that would be the case. Did the position of the United States on whether the instruments were binding change from the outset of the negotiations to the date the instruments were finalized or at any point between the date the instruments were finalized to the July 29 communication from the Department to SFRC staff. If yes, please explain the substance of the change(s)—i.e. from what to what—and the reason(s).

Answer. I understand that representatives from the Department of State and the Department of Homeland Security recently have provided detailed briefings to the staff of the Foreign Relations Committee on the agreement. It is my understanding that the United States regards the Joint Declaration and Supplementary Agreement collectively to constitute a legally binding agreement under international law.

The two components of this arrangement contain a series of commitments, some of which are legally binding and others of which are not legally binding. The essential objective of this arrangement was to commit the government of Mexico to implement a series of measures designed to stem the flow of migrants into the United States.

As the negotiations unfolded, it became essential to the administration to secure the firmest possible commitment that the government of Mexico would commence the negotiation of a safe third country agreement to ensure that the administration could put such an agreement in place if the other measures identified in the arrangement were unsuccessful in addressing the migrant flow problem.

In our view, it is necessary to read the two components of the arrangement—the Joint Declaration and Supplementary Agreement—together as establishing and identifying the triggering conditions for the Mexican obligation to “take the all necessary steps under domestic law with a view to ensuring that the agreement will enter into force within 45 days.”

We believe that these arrangements have allowed our two countries to make important progress in stemming the flow of migrants.

*Question.* Has the position that the JD and SA collectively constitute a binding agreement under international law been conveyed to the GOM?

- If yes, please indicate when this position was first conveyed to the GOM. If no, please explain why it has not been conveyed to the GOM.
- What is the Department’s understanding of the position of the GOM on the following:
  - Whether the JD is binding for purposes of international law,
  - Whether the SA is binding for purposes of international law, and
  - Whether the JD and SA collectively are binding for purposes of international law.

[Please note that the preceding questions are not a request for the Department to speak on behalf of the GOM; rather we are interested in the Department’s understanding of the GOM’s position.]

*Answer.* I understand that representatives from the Department of State and the Department of Homeland Security recently have provided detailed briefings to the staff of the Foreign Relations Committee on the agreement. It is my understanding that the government of Mexico is aware that United States regards the Joint Declaration and Supplementary Agreement collectively to constitute a legally binding agreement under international law. I have no first-hand information regarding the government of Mexico’s views on this matter.

*Question.* If the GOM does not share (and never has shared) the executive branch position that the JD and SA collectively are binding under international law, would that change the executive branch position that the JD and SA collectively are binding? If no, please explain.

- If the GOM does not share (and never has shared) the executive branch position that the JD and SA collectively are binding under international law, could the GOM be bound by any provision of such instruments? If yes, please explain.
- In light of the executive branch position that the JD and SA collectively are binding under international law and the indication that they will be transmitted to Congress pursuant to the Case Act, does the Department commit to transmitting to Congress, pursuant to the Case Act, all similarly-situated instruments going forward?
- Does the Department generally transmit to Congress authoritative or non-authoritative political agreements pursuant to the Case Act? If yes, please provide examples. If not, why not?

*Answer.* I understand that representatives from the Department of State and the Department of Homeland Security recently have provided detailed briefings to the staff of the Foreign Relations Committee on the agreement. It is my understanding that the United States regards the Joint Declaration and Supplementary Agreement collectively to constitute a legally binding agreement under international law.

With respect to the Department’s reporting practice with regard to the Case Act, my understanding is that the Department follows the criteria set out at 22 CFR 181.2 in deciding whether any undertaking, oral agreement, document, or set of documents, including an exchange of notes or of correspondence, constitutes an international agreement within the meaning of the Case Act, and that it will continue to do so.

*Question.* The Department has indicated that it “consider[s] the Joint Declaration and Supplementary Agreement to be, collectively, an executive agreement, concluded in the exercise of the President’s constitutional authority for the conduct of foreign relations.” Please be more specific concerning the constitutional authority asserted as the basis for the JD and SA. Which specific provisions of the Constitution

does the Department view as providing the domestic legal authority for the JD and SA?

- Prior to the JD and SA, had the United States concluded any international instrument related to immigration or migration and asserted “the President’s constitutional authority for the conduct of foreign relations” or any other constitutional authority of the President as the sole domestic legal basis for the instrument(s)?
- If yes, please provide a list of each instrument that meets these criteria, the date it was concluded, and a statement of the specific constitutional provisions that provide the asserted authority.

Answer. It’s my understanding that the Department transmitted the Mexico Joint Declaration and Supplementary Agreement under the Case Act on August 6, 2019 and that the accompanying report indicated that the legal authority for entering into the agreement was Article II of the U.S. Constitution.

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

Answer. I have consistently sought to advance democracy and human rights over the course of my career and during my tenure as Deputy Secretary, including by meeting with civil society activists and highlighting the cases of individual dissidents. Recently, I was proud to co-host a widely attended and publicized event during the high-level week of the U.N. General Assembly at which Uighur victims and advocates spoke about the horrific abuses being perpetrated by the Chinese government against Uighurs and other Muslim minorities in Xinjiang. This work has brought more countries to bring pressure on China over these abuses. I have also played a primary role in implementing new economic and visa sanctions authorities against serious violators of human rights and corrupt officials under the Global Magnitsky Act and Section 7031(c) of the Appropriations Act of 2019.

*Question.* What issues are the most pressing challenges to democratic development in Russia? These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights and press freedom. Please be as specific as possible.

Answer. The most pressing challenges to democratic development in Russia include impunity for gross violations of human rights such as extrajudicial killings and torture; rampant corruption and weak rule of law; the lack of authentic political competition; violence and discrimination against minorities; and restrictions on civil society, religious freedom, public demonstrations, and the press.

*Question.* What steps will you take—if confirmed—to support democratic development in Russia? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

Answer. The Russian government uses its powerful state propaganda machine to mischaracterize our support for universal human rights as an effort to foment a “color revolution” or “interfere in Russia’s internal affairs.” The Russian government also seeks to deter our diplomatic mission from maintaining routine contacts with civil society and to impose costs on those in Russia who would engage with us. If confirmed, I will ensure that Mission Russia coordinates with likeminded embassies to push back against false propaganda narratives and any actions taken to deter our diplomats from performing their core functions.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

Answer. I believe that the Russian people, like people everywhere, deserve a government that supports an open marketplace of ideas, transparent and accountable governance, equal treatment under the law, and the ability to exercise their rights without fear of retribution. Although the space for civil society and free media in Russia has become increasingly restricted, Russian organizations and individuals continue to express a desire to engage with the United States. As long as this continues to be the case, the United States will support opportunities for direct interactions between Russians and Americans, including through peer-to-peer, educational, cultural, and other regional programs on themes of mutual interest.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human

rights NGOs, and other members of civil society in Russia? What steps will you take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

*Answer.* Yes. The Russian government has launched a crackdown on independent civil society through laws that label NGOs “undesirable foreign organizations” and “foreign agents,” and prevented the political opposition from appearing on the ballot. If confirmed, I will meet with members of Russian, U.S., and other civil society members. I will also work with allies and partners to call on the Russian government, in both public statements and private discussions, to uphold its international obligations and OSCE commitments to promote and protect human rights and fundamental freedoms, including regarding the right to freedom of association.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties? What steps will you take to encourage genuine political competition? Will you advocate for access and inclusivity for women, minorities and youth within political parties?

*Answer.* If confirmed, I plan to meet with a broad spectrum of Russian political leaders, including individual politicians and political parties. Representing America’s democratic values, if confirmed, I will encourage genuine political competition and urge Russian authorities to honor their OSCE commitments to hold free and fair elections and respect the rights of free expression, association, and assembly.

*Question.* Will you and your embassy team actively engage with Russia on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory or other measures? Will you commit to meeting regularly with independent, local press in Russia?

*Answer.* If confirmed, I plan to actively engage with Russia on freedom of the press. I will routinely prioritize meeting with independent and local media.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in the country?

*Answer.* The Department is leveraging public diplomacy and public affairs resources to counter disinformation. This includes promoting positive and truthful narratives. If confirmed, I will continue to support these efforts at Mission Russia.

*Question.* Will you and your embassy teams actively engage with Russia on the right of labor groups to organize, including for independent trade unions?

*Answer.* The Department will engage with Russia on the rights of workers and the fundamental right of free association. I will speak out about violations of the Russian people’s right to free association, including restrictions on independent labor unions.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Russia, no matter their sexual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Russia? What specifically will you commit to do to help LGBTQ people in Russia?

*Answer.* LGBTI persons in Russia face daily discrimination and fear of violence. The Russian Federation should not continue to turn a blind eye to the grave human rights abuses and violations occurring on its soil, including those against LGBTI people. If confirmed, I will call upon Russia to investigate allegations of abuse, particularly in Chechnya. Unfortunately, rather than live up to its international obligations and commitments and its own constitution, Russia appears to support the perpetrators rather than the victims and has failed to address the grave situation in Chechnya.

#### *Responsiveness*

*Question.* Do you commit to respond promptly to all requests for information by Members of this committee?

*Answer.* Yes.

*Question.* Do you commit to appear before this committee upon request?

*Answer.* Yes.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

*Answer.* Yes.



*Administrative*

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

*Answer.* No. I take issues of sexual harassment, discrimination, and inappropriate conduct with the utmost seriousness and have done so throughout my career.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

*Answer.* During my tenure as Deputy Secretary of State, I have immediately addressed any concerns raised to me in accordance with the Department of State's policies, including reporting conduct or allegations to the Department's Office of Civil Rights, the Inspector General, or the Office of Special Counsel, as appropriate.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

*Answer.* Yes, I agree that any targeting of, or retaliation against, career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration is wholly inappropriate. I take allegations of such practices seriously, and if confirmed, I will ensure that all employees under my leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated.

RESPONSES TO FOLLOW-UP QUESTIONS FOR THE RECORD SUBMITTED  
TO HON. JOHN JOSEPH SULLIVAN BY SENATOR ROBERT MENENDEZ

*Documents*

*Question.* In October 2019, Ambassador Michael McKinley testified before the House Permanent Select Committee on Intelligence as part of the House impeachment inquiry. Ambassador McKinley testified that State Department employees had been meeting about collecting documents and data in response to congressional requests for documents on Ukraine. By October 2019, there had been multiple requests for documents about the withholding of U.S. security assistance to Ukraine, including by the House committees leading the impeachment inquiry, and a request I sent on September 24, 2019.

- What efforts have you made to ensure that the documents collected are being produced to Congress?

*Answer.* I searched my records and ensured that my staff searched theirs, and sent any potentially responsive documents to the Bureau of Administration for collection and, when authorized, production.

*Question.* Did you collect documents in response to the House's inquiry?

*Answer.* Yes.

*Question.* If so, when did you collect documents?

*Answer.* In early October 2019.

*Question.* Who instructed you to collect documents?

*Answer.* I collected potentially responsive documents following a tasking issued by the Executive Secretariat, as is standard process in the Department's document collection.

*Question.* To whom did you provide those documents?

*Answer.* As is standard process in the Department's document collection, my staff and I provided the documents to the Bureau of Administration, which compiles the documents for further review.

*Question.* Have you had any further communications with any Department officials about providing those documents to Congress?

*Answer.* No.

*Question.* Have you collected any documents in response to my September 24, 2019 letter?

*Answer.* My document search in early October of this year captured documents also responsive to your September 24, 2019 letter.

*Question.* Have you had any further communications with any Department officials about providing those documents to Congress?

*Answer.* No.

*Question.* Did you have any advance knowledge of the Secretary's October 1, 2019 letter before it was sent to the House Committee on Foreign Affairs?

*Answer.* No.

*Question.* Did you provide any opinion or recommendation as to what that letter should or should not contain?

*Answer.* No.

*Question.* Do you agree with the statements in that letter, including that the House's request "can be understood only as an attempt to intimidate, bully, and treat improperly the distinguished professionals of the Department of State"?

*Answer.* Yes.

Ambassador McKinley also testified that he raised questions about the accuracy of statements that Secretary Pompeo had made to Congress in his October 1, 2019 letter. Are you aware of those concerns? Did they concern you? What, if anything, did you do in response?

He never discussed his concerns with me. I understand from his testimony that he did not read the letter.

*Question.* Ambassador McKinley also testified that he raised questions about the accuracy of statements that Secretary Pompeo had made to Congress in his October 1, 2019 letter. Are you aware of those concerns? Did they concern you? What, if anything, did you do in response?

*Answer.* He never discussed his concerns with me. I understand from his testimony that he did not read the letter.

#### *Kent Memorandum*

*Question.* Ambassador McKinley testified that Deputy Assistant Secretary George Kent wrote a memorandum on or about October 3, 2019 regarding his treatment by other Department officials, including a lawyer in the Legal Adviser's office ("L Bureau"). He testified that he passed that memo on to you. Did you read that memo?

*Answer.* Yes.

*Question.* Did it contain allegations that a State Department lawyer was trying to keep him from sharing information with Congress?

*Answer.* The memo raised concerns about a briefing to European Bureau personnel by a career attorney from the Bureau of Legal Affairs.

*Question.* Did it cause you any concern?

*Answer.* Yes.

*Question.* What did you do upon receiving that memo? Did you discuss it with anyone?

*Answer.* I asked the Acting Legal Adviser to address the concerns raised in the memo directly with those in the Bureau of European Affairs who had received the prior briefing.

#### *Bullying Concerns*

*Question.* Ambassador McKinley also testified that he forwarded allegations to senior officials, including you, about intimidation and bullying of Department employees who had been asked to provide testimony to Congress. Did you read what Amb. McKinley forwarded?

*Answer.* Yes. The memorandum is the same document discussed in the response to the preceding category of questions and raised concerns about a briefing by a career attorney from the Bureau of Legal Affairs to personnel of the European Bureau.

*Question.* Did those allegations concern you?

*Answer.* Yes.

*Question.* What, if anything, did you do in response?

Answer. I asked the Acting Legal Adviser to address the concerns raised in the memo directly with those in the Bureau of European Affairs who had received the prior briefing.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO HON. JOHN JOSEPH SULLIVAN BY SENATOR TODD YOUNG

*Question.* Have you adhered to applicable laws and governing conflicts of interest?

Answer. Yes.

*Question.* Have you assumed any duties or any actions that would appear to presume the outcome of this confirmation process?

Answer. No.

*Question.* Do you agree, if confirmed, to appear and testify before this committee when requested by the Chairman and the Ranking Member?

Answer. Yes.

*Question.* Do you agree to provide documents, and electronic communications in a timely manner when requested by this committee, its subcommittees, and other appropriate committees of Congress and to the requester?

Answer. Yes.

*Question.* Will you ensure that you and your staff complies with deadlines established by this committee for the production of reports, records, and other documents, including responding timely to hearing questions for record?

Answer. Yes.

*Question.* Will you cooperate in providing witnesses and briefers in response to congressional requests?

Answer. Yes.

*Question.* And finally, will those briefers be protected from reprisal for their briefings?

Answer. Yes.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO HON. JOHN JOSEPH SULLIVAN BY SENATOR BENJAMIN L. CARDIN

*Human Rights:*

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

Answer. I have consistently sought to advance democracy and human rights in various ways over the course of my career, including by regularly meeting with civil society activists and highlighting the cases of individual dissidents. Recently, I was proud to host a widely attended and publicized event during the high-level week of the U.N. General Assembly at which Uighur victims and advocates spoke about the horrific abuses being perpetrated by the Chinese government against Uighurs and other Muslim minorities in the Xinjiang region. In organizing this event, we were able to convince a number of other countries to co-sponsor with us. This led to much greater media coverage and pressure on China to change its policy in Xinjiang. I have also played a primary role in increasing the Department's use of the new economic and visa sanctions authorities against serious violators of human rights and corrupt officials under the Global Magnitsky Act and Section 7031(c) of the Appropriations Act of 2019.

*Question.* What are the most pressing human rights issues in Russia? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Russia? What do you hope to accomplish through these actions?

Answer. President Putin has gutted independent institutions, turned the parliament into a rubber stamp, eliminated judicial independence, and taken control of all televised media. The government increasingly restricts free speech in public and online. It has launched a crackdown on independent civil society through laws that

label NGOs “undesirable foreign organizations” and “foreign agents,” and prevented the political opposition from appearing on the ballot. If confirmed, I will work with allies and partners to call on the Russian government, in both public statements and private discussions, to uphold its international obligations and OSCE commitments to promote and protect human rights and fundamental freedoms.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Russia in advancing human rights, civil society and democracy in general?

*Answer.* The Russian government uses its powerful state propaganda machine to mischaracterize our support for universal human rights as an effort to foment a “color revolution” or “interfere in Russia’s internal affairs.” The Russian government also seeks to deter our diplomatic mission from maintaining routine contacts with civil society and to impose costs on those in Russia who would engage with us. If confirmed, I will ensure that Mission Russia coordinates with likeminded embassies to push back against false propaganda narratives and any actions taken to deter our diplomats from performing their core functions.

*Question.* Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in Russia? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

*Answer.* If confirmed, I intend to meet regularly with a broad spectrum of Russian society, including human rights activists, civil society, and religious minorities. I will also ensure that we fully implement the Leahy Law.

*Question.* Will you and your embassy team actively engage with Russia to address cases of key political prisoners or persons otherwise unjustly targeted by Russia?

*Answer.* If confirmed, my team and I will engage with Russian authorities to push for the release of political prisoners and to call for the fair treatment of other persons unjustly targeted by Russia.

*Question.* Will you engage with Russia on matters of human rights, civil rights and governance as part of your bilateral mission?

*Answer.* If confirmed, I will engage with Russian authorities and members of civil society to urge respect for human rights and good governance in Russia.

#### *Diversity*

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

*Answer.* If confirmed, I would make strong mentoring relationships an integral part of the Embassy culture by promoting initiatives that support employee engagement, job satisfaction, development of leadership skills, and increased teamwork. Mentorship and inclusion are basic components of sound leadership.

As Deputy Secretary of State, I have worked with the Department’s Employees Affinity Groups (EAGs) and the Office of Civil Rights to further diversity and inclusion. I host a quarterly Diversity Forum with all EAGs and dedicate my Office’s resources to meeting one-on-one with the EAGs to learn and address their priorities. If confirmed, I would ensure that meaningful discussions to advance diversity and inclusion efforts take place at Mission Russia.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

*Answer.* If confirmed, I will promote a robust Equal Employment Opportunity (EEO) program at post that includes continuous training and sensitization, meet with EEO counselors to gain their perspectives, and ensure that Embassy personnel are aware of the Department of State’s discrimination and harassment policies and how to report violations. I will review current mentoring and support programs, meet with the direct-hire and local staff to determine where inclusivity is perceived as lacking and direct the Mission management team to make needed improvements. In addition, I will review our human resources processes to determine where and how we can mitigate unconscious bias and provide access to training to support these efforts.

These are all components of the best leadership traits that I have observed during my career. If confirmed, I will stress the need for respect (in the workplace and for all colleagues), honesty, and accountability.

*Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules. And I commit to raise any and all concerns that I may have on any ethics or legal issue through appropriate and established channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules. And I commit to raise any and all concerns that I may have on any ethics or legal issue through appropriate and established channels.

*Question.* Do you or do any members of your immediate family have any financial interests in Russia?

*Answer.* No. My investment portfolio includes diversified mutual funds, which may hold interests in companies with a presence overseas, but which are exempt from the conflict of interest laws. I remain committed to ensuring that my official actions will not give rise to a conflict of interest. In addition to those investments from which I have already divested, I will divest any investments the State Department Ethics Office deems necessary to avoid a conflict of interest. I assure the committee that I will remain vigilant with regard to my ethics obligations.

*Corruption*

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Russia specifically?

*Answer.* Political corruption undermines the legitimacy of democratic governments and impedes any democracy's efforts to adhere to the rule of law, respect its citizens' rights, and treat all citizens equally under the law. In Russia specifically, Russian citizens have increasingly criticized political corruption by protesting the results of the 2018 presidential election and the government's efforts to block the registration of legitimate candidates for this year's local elections. Political corruption in Russia has also resulted in a judicial system that is subject to undue influence from politicians, the executive branch, the military, and other security forces; as a result, Russian citizens are increasingly turning to the European Court of Human Rights for independent, transparent rulings.

*Question.* What is your assessment of corruption trends in Russia and efforts to address and reduce it by that government?

*Answer.* Despite Russia's claims to the contrary, corruption continues to be the linchpin of the government's strategy to retain control, provide profit for President Putin's oligarchs, punish political opponents, and enable opaque governance to benefit the ruling elite. Its manifestations include bribery of officials, misuse of budgetary resources, theft of government property, kickbacks in the procurement process, extortion, and improper use of official positions to secure personal profits. Official corruption continues to be rampant in numerous areas, including education, military conscription, health care, commerce, housing, social welfare, law enforcement, and the judicial system.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Russia?

*Answer.* If confirmed, I promise to work with allies and partners to call on the Russian government, in both public statements and private discussions, to uphold the rule of law and create an independent judiciary in order to respect its citizens' rights, and treat all citizens equally under the law.

*Question.* As you know, Russia uses transnational corruption networks to influence politicians, gain access to elite circles, and produce foreign policy outcomes advantageous to both Russia and its authoritarian model. This system uses ill-gotten gains to exert foreign influence.

*Question.* How can the United States combat this weaponization of corruption? How can we be more proactive in engaging in anti-corruption diplomacy?

*Answer.* Our response to Russia's export of corruption to achieve its political objectives continues to be rooted in democratic principles of transparency, accountability, and integrity. We will proactively identify and publicly address Russian corruption and speedily impose sanctions on corrupt foreign officials and agents working on behalf of or aligned with Russia. We will also continue to work with our allies to press Russia to uphold its anticorruption obligations and defend against attempts by Russia to distort the international anticorruption framework. We will use all the tools of diplomacy, including foreign assistance, to insulate our partners from all avenues of Russia's malign influence.

*Question.* Corrupt Russian officials go about conducting all manner of malfeasance to protect their interests, twist the system of governance to their will, and silence rivals, dissidents, activists, journalists, and others who might expose their wrongdoing. They achieve this through a combination of reputation laundering and transnational repression, such as abusive red notices at INTERPOL, defamation lawsuits meant to bankrupt their target, or plain old assassination. How can the United States counter these aspects of Russian foreign policy?

*Answer.* As a democratic country that values freedom of speech, we must continue to respond quickly and publicly to Russian officials' misuse of legitimate institutions to silence their political critics. The U.S. government will continue to work with our allies and partners to quickly identify and address these abuses by corrupt Russian officials and to impose swift punishment through sanctions, visa restrictions, and expulsions. We also will continue to coordinate with our allies to push back against Russia's attempts to undermine or abuse the international framework to combat corruption. One example of progress to this end is INTERPOL's reforms allowing for a legal review of red notices prior to publication.

*Question.* How can the United States and our allies work to diminish our roles as safe havens for Russian illicit wealth? How can we cease to be a complicit element of authoritarian kleptocracy?

*Answer.* The U.S. government must continue its whole-of-government approach in addition to its combined efforts with allies and partners to identify Russian individuals and corporations who attempt to obfuscate their identity and nationality to bring money into the United States illegally and take measures to prevent them from doing so.

#### *Election Security*

*Question.* In July 2019, FBI Director Christopher Wray told the Senate Judiciary Committee that "the Russians are absolutely intent on trying to interfere with our elections," and in October 2019, Facebook reported that it removed a Russia-based network of Facebook and Instagram accounts (together with three Iran-based networks) engaged in a disinformation campaign targeting U.S. presidential candidates. Former DNI Dan Coats said that Russia, among other nations, is "increasingly using cyber-operations to threaten both minds and machine in an expanding number of ways—to steal information and to influence our citizens." Former Special Counsel Robert Mueller found in his recent report that Russia interfered in a "sweeping and systematic fashion" in our 2016 presidential election.

- Do you agree with these assessments from the FBI, DNI, and Special Counsel?

*Answer.* Yes. I agree with the intelligence community's assessment that Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election; one of the objectives of Russia's influence campaign was to erode faith in U.S. democratic institutions. I also agree with the DNI statement in December 2018 that while there was no evidence that U.S. election infrastructure was targeted in the 2018 midterms, the intelligence community saw Russia conduct influence activities and messaging campaigns targeted at the United States to promote their strategic interests. I anticipate that Russia will continue to try to promote Moscow's strategic interests, stoke internal division, and erode faith in U.S. democratic institutions in the lead up to the 2020 elections.

*Question.* Is the United States government doing enough to deter and prevent Russian election interference in the United States or elsewhere? What specific steps would you additionally take to deter Russian interference?

*Answer.* The administration is working on a whole-of-government basis—together with an integrated public-private coalition—to ensure the security of America's elections. This administration has imposed serious sanctions on Russia for prior attempts at election interference, including a new round of sanctions in September

2019. I have been clear in my interactions with senior Russia leaders that there will be serious consequences should Russia or its proxies attempt to interfere in our electoral processes again. If confirmed, I will continue to emphasize in Moscow that Russia will meet swift costs for attempts to interfere in democratic processes. And that if Russia desires improved relations with the United States, it must stop trying to interfere in our elections and in our democracy generally.

*Question.* What are Russia's objectives in seeking to interfere in the 2020 U.S. presidential election?

*Answer.* Russia's influence campaigns seek to promote Moscow's strategic interests, stoke internal division, and erode faith in U.S. democratic institutions, thereby weakening the United States.

*Question.* Last summer, we became aware that a Russian oligarch close to Vladimir Putin became the largest investor in a fund tied to the company that hosts Maryland's statewide voter registration, candidacy, and election management system; the online voter registration system; online ballot delivery system; and the unofficial election night results website. The disclosure to state officials of this change in ownership was made by the FBI and not the company itself. This is why Senators Klobuchar, Van Hollen, and I introduced the Election Systems Integrity Act (ESIA) (S. 3572), which would require disclosure of foreign ownership of election service providers. In 2016, accounts tied to Russia circulated misinformation targeted to African American groups. The messages contained incorrect information about voting, and were designed to sow division. Senator Klobuchar and I have also introduced the Deceptive Practices and Voter Intimidation Prevention Act (S. 1834) which, among other actions, addresses the use of digital platforms to disseminate false information regarding federal elections to U.S. voters.

- Do you believe this legislation would help prevent Russian interference in the 2020 election?

*Answer.* In my role at the Department of State, I have not reviewed this legislation as it is focused on domestic activities. But, as I have testified previously, we do need a robust response to Russian election interference, including the examples cited above. Any effort by the Russian government or its proxies to interfere in our elections is unacceptable. All branches of government, civil society, and the private sector must work together to protect our elections from any type of foreign interference.

*Question.* Will you commit to review both the ESIA and the Deceptive Practices and Voter Intimidation Prevention Act?

*Answer.* Yes. While I will review legislation for potential Russia policy implications, I will defer to my colleagues in the domestic agencies for a review of these proposed statutes and evaluation of the domestic aspects.

#### *Syria*

*Question.* Russia reportedly helped broker the recent agreement between the Kurdish-led Syrian Democratic Forces (SDF) and the Syrian government to deploy government forces to northeastern Syria. On October 15, 2019, the Russian Ministry of Defense stated that Russian military police units were patrolling between Turkish and Syrian military forces near Manbij. On October 22, Russia and Turkey reportedly concluded an agreement providing for Russian assistance in removing Kurdish fighters from a "safe zone" near the Syrian-Turkish border and joint patrols of Russian military police and Turkish forces.

- What is the U.S. position on current Russian activities in Syria?

*Answer.* The United States is very concerned about Russia's support to the Assad regime. Russia uses its veto power in the U.N. to shield the Assad regime from scrutiny over its use of chemical weapons and the continued targeting of civilians. Russia could do more to help reach a political solution in Syria, including curbing Iran's influence. We will continue to use diplomatic and economic leverage—including engagement with other partners in the region—to ensure that Russia cannot dictate Syria's future. We have also imposed a series of sanctions on Russian companies for material support to the Assad regime. Many questions remain for Russia and Turkey regarding their October 22 arrangement in northeast Syria; we are seeking additional information on this matter.

#### *Ukraine*

*Question.* On October 1, 2019, the Ukrainian government said that it agreed to implement the so-called "Steinmeier formula," a refinement of the Minsk Protocols that would provide for internationally monitored and approved elections in Russian-

controlled territories in eastern Ukraine in exchange for granting them “special status.”

- What are Russia’s aims in agreeing to the “Steinmeier formula”? What is the U.S. position regarding the “Steinmeier formula”?

*Answer.* The United States supports efforts to achieve a diplomatic solution to the conflict in eastern Ukraine. President Zelenskyy agreed to the Steinmeier formula, one of Russia’s preconditions for a meeting of the Normandy Quartet. As part of the Minsk agreements, Russia must withdraw its forces and all heavy weapons in the Donbas, disband and end its support to illegal armed formations on Ukraine’s territory, and agree to the reinstatement of Ukraine’s control of its international border. Minsk agreement political measures can be implemented only after there is security on the ground. The Steinmeier Formula merely addresses what would happen after local elections meeting OSCE/ODIHR international “free and fair” standards. It thus complements, but does not alter, Russia’s obligations.

*Question.* With the resignation of U.S. Special Representative Kurt Volker, what is the status of U.S. engagement in the conflict resolution process?

*Answer.* The Department of State remains actively engaged to support a diplomatic solution to the conflict in the Donbas. The United States’ support for Ukraine is unwavering. We steadfastly support Ukraine’s sovereignty and territorial integrity, secure within its internationally recognized borders. We will never recognize Russia’s occupation and attempted annexation of Crimea, and we call for an immediate end to Russia’s aggressive behavior in Ukraine.

*Question.* How do you assess Russia’s views of the new government in Ukraine and its objectives in Ukraine?

*Answer.* Russia’s participation in the prisoner exchange was a positive step, although there were some troubling aspects including at least one of the persons involved in the shoot-down of MH17. Russia’s increased dialogue with the new government in Ukraine has unfortunately not led to any further tangible results. We urge Russia to start implementing its commitments under the Minsk agreements.

*Question.* How does the withdrawal of U.S. forces from Syria affect Russia’s military and diplomatic role in Syria and the broader Middle East?

*Answer.* The United States remains committed to seeking a political solution to the Syria conflict and the enduring defeat of ISIS. We urge Russia to play a more constructive role in seeking peace in the Middle East and to hold the Assad regime accountable for its use of chemical weapons against its own population. The Department will continue to use diplomatic and economic leverage—including our engagement with other partners in the region—to ensure that Russia cannot single-handedly dictate Syria’s future. We actively support the U.N.-led Geneva political process to achieve an enduring solution to the conflict.

#### *Countering Russian Influence Fund*

*Question.* Since FY 2017, Congress has appropriated \$625 million for the Countering Russian Influence Fund, which among other things provides support to countries in Europe and Eurasia to protect electoral mechanisms against cyberattacks, improve the rule of law and combat corruption, and help countries combat disinformation.

- Is the Fund an effective mechanism, in your view? How can it be improved?

*Answer.* The Countering Russian Influence Fund (CRIF) has been effective in addressing the specific levers of Russian malign activity. Foreign assistance funds appropriated under CRIF are a crucial piece of our overall foreign assistance efforts to support the goals of Countering America’s Adversaries through Sanctions Act, and to counter Russian malign influence. CRIF enables the Department and USAID to provide targeted and innovative bilateral and regional programs to enhance defense capacity of allies and partners; improve cyber and energy security; diversify economies; support rule of law, independent media, and civil society; and counter disinformation in coordination with the Global Engagement Center.

#### *Global Activities*

*Question.* Russia has expanded its foreign relations to a worldwide scale, cultivating close relations with China, India, and other countries and organizations around the globe, including across the Middle East, Latin America, and sub-Saharan Africa. In addition to supporting authoritarian regimes that the United States opposes, Russia seeks to develop a wide range of trade and/or investment relationships, particularly in arms, oil and gas, nuclear energy, mining, and foodstuffs (particularly wheat).



- What is your assessment of Russian objectives in expanding its military, economic, and diplomatic activity worldwide, including in places like Venezuela, Libya, and the Central African Republic?

Answer. We are concerned about Russia's unconstructive and aggressive actions around the world and its efforts to undermine the rules-based international order. The Department urges Russia to cease its malign behavior and to work with the United States and other members of the international community to address pressing challenges to international security.

*Political Prisoners/Human Rights*

*Question.* On October 1, Senator Rubio and I sent a letter to Secretaries Pompeo and Mnuchin urging them to impose Magnitsky sanctions against Russian officials responsible for the widespread false imprisonment of political dissidents and rights defenders.

- Why do you think the Kremlin has resorted, as in the Soviet era, to taking more political prisoners, especially when many of their cases are widely known and condemned internationally? Do you foresee more Russian and Ukrainian prisoner exchanges in the future?

Answer. We have seen that the Kremlin is willing to use all possible methods to silence political opponents, including detaining more political prisoners. It is impossible to predict but we hope there will be future Russian and Ukrainian prisoner exchanges.

*Question.* In addition to imposing robust sanctions against officials responsible for politically motivated imprisonment, how else can the U.S. continue to push for the release of political prisoners and ensure accountability for those responsible for human rights abuses?

Answer. If confirmed, I will advocate publicly and privately for the release of political prisoners and support coordination with likeminded allies to press for accountability for human rights violations in international fora such as the U.N. and OSCE. I will explore every possible avenue to ensure accountability for those responsible for human rights abuses, including the use of targeted sanctions and visa ban authorities, in such cases where we can demonstrate that an individual's conduct meets legal standards.

*Question.* How do you assess the state of religious freedom in Russia? How can the United States defend Russian religious minorities against the misapplication of "extremism" laws?

Answer. Religious freedom in Russia continues to deteriorate as the government engages in and tolerates severe violations of religious freedom, including torture, arbitrary arrest, and imprisonment. Widespread suppression of religious practice has led to the imprisonment of over 200 individuals for practicing their faith. Peaceful Jehovah's Witnesses, deemed an "extremist" organization in 2017, have subsequently been targeted. In Crimea, dozens of Muslim Crimean Tartars have been sentenced to long prison sentences after being falsely accused of belonging to a "terrorist" organization. The United States will continue to speak out against Russia's misuse of "extremism" laws against religious minorities.

*Question.* What do you make of the Russian protest movements this past summer ahead of the Moscow municipal elections? Are they similar to protests we have seen before, or do they represent a new movement that could bring about real change?

Answer. The protest movement in 2019 was significant and reflects the Russian people's desire to have their voices heard and their votes counted. If confirmed, I will call on the Russian government to honor its OSCE commitments to hold free and fair elections and respect the rights of free expression, association, and assembly.

*Question.* How can the United States operate in the Russian human rights sphere when Russia has cracked down on "foreign agents" and "undesirable organizations"? How can we best support Russian human rights organizations?

Answer. If confirmed, I plan to meet with a wide range of Russian civil society, work closely with likeminded embassies in Moscow to urge Russian authorities to respect freedom of association, and speak out on behalf of human rights defenders that are under threat.

*Question.* How can the United States support media freedom and the protection of journalists in Russia?

Answer. Russia remains one of the most dangerous countries for journalists to work. During commemorations of International Day to End Impunity for Crimes Against Journalists on November 2, the Department highlighted the case of Svetlana Prokopyeva, who faces up to seven years in jail for suggesting that the Russian government's restrictions on peaceful expressions of dissent may make people more likely to resort to violence. If confirmed, I intend to use Embassy and Department of State platforms to highlight the plight of embattled journalists, promote the fundamental human right of free expression, and continue pressing the Russian government to stop harassing journalists.

#### *Recent Prisoner Exchange*

*Question.* On September 7, Russia and Ukraine conducted a prisoner exchange that resulted in the release of 70 people who had been imprisoned in both countries. Even still, Russia's number of political prisoners is at an all-time high since the collapse of the Soviet Union.

- What else can the U.S. do to bring attention to the plight of political prisoners in Russia?

Answer. I share Congressional concerns about the deteriorating human rights situation in Russia and, if confirmed, I will speak out about the growing number of political prisoners, the erosion of fundamental freedoms, crackdowns on demonstrations, and other concerns. Political prisoners in Russia are reportedly placed in particularly harsh conditions of confinement and subjected to other punitive treatment within the prison system, such as solitary confinement or punitive stays in psychiatric units. If confirmed, I will work to hold violators of human rights accountable, including by using sanctions and visa restrictions, where we are able to identify conduct that meets the required legal thresholds.

*Question.* Does the recent prisoner exchange between Russia and Ukraine signal a new era of Russian willingness to compromise when it comes to political prisoners, or was it simply a one-off event?

Answer. The September 7 prisoner exchange between Russia and Ukraine was a positive step. If confirmed, I will continue to call on Russia to release the over 300 political prisoners it holds, a group that includes journalists, protesters, over 200 members of religious minorities, and dozens of Crimean Tatars and other opponents of the occupation of Crimea.

*Question.* What is the situation surrounding press freedom in Russia? How can the U.S. stand up for journalists like Ivan Golunov, who was arrested and then released after an international outcry?

Answer. Press freedom in Russia is under increasing threat. Journalists are prosecuted for objective reporting, authorities raid independent newsrooms as reprisals for coverage, and government censors block or force the removal of critical content. Russia remains one of the most dangerous countries for journalists to work. The Department was outspoken about the case of Ivan Golunov, including at the OSCE Permanent Council. Domestic and international outcry helped secure Golunov's release. If confirmed, I will engage publicly and privately to highlight the plight of embattled journalists in Russia and defend the fundamental human right of free expression.

#### *Sanctions*

*Question.* Especially since 2014, sanctions have been a central element of U.S. policy to counter Russian malign behavior.

- In your view, how effective have sanctions been in response to Russian activities?

Answer. Sanctions have had a serious negative effect on the Russian economy, but have not achieved our ultimate policy objectives, such as the return of sovereignty of Ukraine over the Donbas and Crimea. We are committed to comprehensive implementation of CAATSA and have imposed sanctions under sections 224, 228, and 231. We have also used the threat of sanctions as leverage to deter sanctionable activity, including through use of CAATSA 231 to deter or disrupt billions of dollars' worth of Russian arms transactions, or Sections 225 and 232 to deter participation in identified areas of Russia's energy sector. The United States has sanctioned more than 300 individuals and entities for their involvement in Russia's malign activities since January 2017.

*Question.* Why has the administration not used the full range of sanctions authorities Congress established in the Countering America's Adversaries Through Sanctions Act (CAATSA)?

**Answer.** We are committed to comprehensive implementation of CAATSA and have imposed sanctions under sections 224, 228, and 231. We have also used the threat of sanctions as leverage to deter sanctionable activity, including through use of CAATSA 231 to deter or disrupt billions of dollars' worth of Russian arms transactions, or Sections 225 and 232 to deter participation in identified areas of Russia's energy sector. Including sanctions imposed pursuant to CAATSA, the United States has sanctioned more than 300 individuals and entities for their involvement in Russia's malign activities since January 2017.

**Question.** Does the administration intend to impose sanctions on Turkey for taking delivery of Russian S-400 missile systems?

**Answer.** Sanctions deliberations on this issue are ongoing. I cannot pre-judge a sanctions decision prior to a determination by the Secretary of State. The Secretary has made clear he is committed to implementing CAATSA. CAATSA deliberations are multi-faceted, complex, and conducted on a case-by-case basis. I cannot preview a timeline for a CAATSA decision on Turkey. The administration is not waiting for the outcome of CAATSA deliberations to take action in response to Turkey's S-400 acquisition. The President's decision to unwind Turkey from the F-35 Joint Strike Fighter program makes clear how seriously we take this issue.

#### *Nuclear Arms Control*

**Question.** White House officials have indicated that the United States does not need to make a decision about an extension of the New START nuclear arms reduction Treaty until next year, as the Treaty does not expire until February 2021.

- Do you support an extension of New START?

**Answer.** The administration has not yet made a decision about potential extension of the New START Treaty. Central to the U.S. review of potential New START extension is whether an extension is in the U.S. national interest, and how the Treaty's expiration would affect U.S., Allied, and partner security in an evolving security environment. As Secretary Pompeo has said, "We will continue to work to allow the Treaty to be verified exactly as the verification regime exists. As for its extension, the Department has agreed that we will gather together teams to begin work not only on New START and its potential extension, but also on a broader range of arms control issues that each of our two nations have a vested interest in achieving an agreement on."

**Question.** Should future strategic arms reductions with Russia be considered? If so, should they cover a wider range of weapons and countries?

**Answer.** Yes. President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved. Bilateral treaties that cover limited types of nuclear weapons or only certain ranges of missiles insufficiently address the threat environment we face today. Russia and China must both be brought to the table as we evaluate how our arms control agreements contribute to U.S. defense and deterrence requirements, as well as those of allies and partners. The Senate in its advice and consent to ratification of the New START Treaty called for negotiations with the Russian Federation to address the disparity between U.S. and Russian stockpiles of nonstrategic nuclear weapons.

**Question.** In your view, what are possible implications of the U.S. withdrawal from the INF Treaty?

**Answer.** On August 2, 2019, the United States terminated the INF Treaty because Russia failed to return to compliance after developing, flight-testing, and then fielding multiple battalions of an intermediate-range missile system in violation of its obligations. Russia is solely responsible for the Treaty's demise. Our NATO Allies fully supported the United States' determination and withdrawal from the Treaty, and we are working closely to ensure NATO's deterrence and defense against the full-range of Russia's capabilities, including the SSC-8. At the same time, President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved.

#### *Paul Whelan's Imprisonment*

**Question.** As you know, Whelan, a former Marine was arrested in December 2018 and has since been held in Russian custody over allegations of espionage. Ambassador Huntsman visited Whelan on October 2, his last working day, in addition to a few other visits. He called for Whelan's immediate release.

- If confirmed, what will you do as Ambassador to secure (or attempt to secure) the release of Paul Whelan?

Answer. The safety and welfare of U.S. citizens abroad is of the utmost importance to the Department of State and the entire U.S. government. The Department takes seriously its responsibility to assist U.S. citizens who are incarcerated or detained abroad. If confirmed, I will continue to urge the Russian government to ensure a fair trial for Mr. Whelan, including a fair and public hearing on his continued detention without undue delay. The Embassy will also continue to monitor Mr. Whelan's case closely and to press for fair and humane treatment, unrestricted consular access, access to appropriate medical care, and due process. I will continue to raise these concerns with the Russian government.

*International Games*

*Question.* Microsoft announced that Russia hacked many anti-doping organizations, including the U.S. Anti-Doping agency. I met with Dr. Grigory Rodchenkov in March 2018, the Russian whistleblower who uncovered Russia's fraud at the Olympics. He still lives his life in fear of retaliation from Putin, despite his major contributions to our knowledge about Russia's malfeasance. It is after him that my colleagues and I have named the Rodchenkov Anti-Doping Act, which would criminalize doping conspiracies in international competitions and demonstrate once and for all that when the Russian FSB pushes Russia's athletes to cheat in international games, we do and will always perceive it as fraud against all U.S. and international athletes competing.

- How do you intend to confront Russia's use of international games for soft-power purposes, its consistent bad behavior in those games and as a member of the organizations that run them, and Putin's cozy relationship with prominent figures in international sports, such as International Olympic Committee President, Thomas Bach?

Answer. State-sponsored hacking and disinformation campaigns pose serious threats to our security and to our open society. As one example of how we are challenging Russia in this space, in 2018, the Department of Justice took actions against seven hackers, all military intelligence officers in the Russian Main Intelligence Directorate (GRU), for litany of crimes, including computer hacking into the World Anti-Doping Agency (WADA) and International Olympic Committee (IOC).

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO HON. JOHN JOSEPH SULLIVAN BY SENATOR JEANNE SHAHEEN

*Question.* White House officials have indicated that the United States does not need to make a decision about an extension of the New START nuclear arms reduction Treaty until next year. Do you agree with the need for the New START Treaty to be extended by February 2021? Are you aware that the Treaty will end if it is not extended by that time?

Answer. The administration has not yet made a decision about potential extension of the New START Treaty, which will expire on February 5, 2021, if the United States and Russian Federation do not agree to extend the Treaty for up to five years. Central to the U.S. review of a potential New START extension is whether an extension is in the U.S. national interest, and how the Treaty's expiration would affect U.S., Allied, and partner security in an evolving security environment.

*Question.* When is the appropriate time to begin negotiations on the New START Treaty extension?

Answer. As the New START Treaty is not scheduled to expire until February 5, 2021, the administration has time to determine whether it is in the U.S. national interest to extend. As Secretary Pompeo has said, "We will continue to work to allow the Treaty to be verified exactly as the verification regime exists. As for its extension, the U.S. government has agreed to gather together teams to begin work not only on New START and its potential extension, but also on a broader range of arms control issues that each of our two nations have a vested interest in achieving an agreement on."

*Question.* Is it appropriate to forego the New START Treaty extension to advance a multilateral or trilateral agreement?

Answer. President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved. Bilateral treaties that cover limited types of nuclear weapons or only certain ranges of adversary missiles are insufficient to address the threat environment

we face today. The administration has not yet made a decision about a potential extension of the New START Treaty.

*Question.* Would it be possible to negotiate a multilateral or trilateral agreement after New START extension by February 2021?

*Answer.* President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved. Russia and China must be brought to the table as we evaluate how our arms control agreements contribute to U.S. defense and deterrence requirements, as well as those of allies and partners. It is important to negotiate a new trilateral arms control agreement that will constrain both Russia and China, and that will thus help prevent a dangerous arms race for far longer than merely the few more years New START would exist even if it were extended.

*Question.* Is it necessary to forego existing constraints on Russia's nuclear arsenal to try for a new Treaty?

*Answer.* President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved. The administration has not yet made a decision about a potential extension of the New START Treaty, which does not expire for over a year. As Secretary Pompeo has said, "We will continue to work to allow the Treaty to be verified exactly as the verification regime exists. As for its extension, we have agreed that we will gather together teams to begin work not only on New START and its potential extension, but also on a broader range of arms control issues that each of our two nations have a vested interest in achieving an agreement on." It is important to negotiate a new trilateral arms control agreement that will constrain both Russia and China, and that will thus help prevent a dangerous arms race for far longer than merely the few more years New START would exist even if it were extended.

*Question.* Can the United States both pursue an extension and a multilateral/trilateral agreement without losing one for the other?

*Answer.* The administration has yet to determine whether New START extension is in the U.S. national interest. Whether we can extend and negotiate a new agreement depends on the willingness of Russia and China to engage us constructively to deliver better security for the world as President Trump has called for. That is why it is so important for the international community to make clear to both Russia and China that it is essential that they negotiate with the United States on a trilateral approach.

*Question.* In your current role, you oversaw a State Department Working Group dealing with Brain Trauma suffered by Foreign Service Officers in Cuba and China. Why did the State Department ultimately determine that these groups remain separate and distinct even though the brain injuries mirrored one another?

*Answer.* We have relied on medical and scientific experts from across the government and from many private medical institutions in making any determinations on this issue. My understanding from the experts who examined and treated all of the patients is that although the constellation of symptoms and the findings on examination were similar between both groups, the histories and physical findings of the patients from China did not match that of the Cuba cohort. That being said, the patients from China received the same level of care and benefits that those from Cuba were afforded.

*Question.* Have all Foreign Service Officers in China and Cuba applied and/or received long-term workers' compensation to deal with their injuries?

*Answer.* While all individuals interested in pursuing workers' compensation claims have applied, several individuals have decided not to apply for workers' compensation. The Department of Labor has approved the overwhelming majority of workers' compensation claims.

*Question.* How many in each cohort have/have not received worker's compensation?

*Answer.* While the Department of Labor has approved the overwhelming majority of workers' compensation claims, some initial workers' compensation claims (two from China, one from Cuba) lacked sufficient detail to be approved and are in the appeals phase. These individuals have not received workers' compensation.

*Question.* Is the threat of Foreign Service Officers receiving these injuries resolved?

*Answer.* No. The safety and security of U.S. personnel, their families, and U.S. citizens is our top priority. Our response continues to be guided by the facts. World-

class specialists and other scientists at the University of Pennsylvania, the University of Miami, the National Institutes of Health, and the Centers for Disease Control and Prevention continue to examine the medical data to gain a better understanding of the nature and mechanism of injury that caused these patients' symptoms.

Our investigation is ongoing, and the U.S. government is working diligently to determine what happened to our staff and their families.

*Question.* Could you describe your perspective of the growing relationship between Russia and Turkey? Please also describe any joint ventures that Turkey and Russia are pursuing together and if confirmed, how you will view these ventures.

*Answer.* We have publicly expressed concerns about the relationship of our NATO Ally, Turkey, with Russia, including the purchase of the S-400 missile system. We are aware of media reports of potential military hardware collaborations, which are not consistent with Turkey's commitments as a NATO member, and are monitoring closely. I will continue to adhere to and implement these policy views if confirmed.

*Question.* Is it your assessment that Russian President Vladimir Putin and Turkish President Erdogan engage in illicit financing operations and money laundering to be able to boost each other's own wealth?

*Answer.* We have publicly expressed concerns about the relationship of our NATO Ally, Turkey, with Russia. We urge both countries to increase their efforts to curb illicit financial flows, safeguard their banking systems, and improve compliance with international standards to combat money laundering.

*Question.* Have you looked into the issue of the Russian government developing ties with U.S. militias and biker groups? What is your view on this situation? If confirmed, how will you address these issues?

*Answer.* I do not have a factual basis to address this question now, but will look into this matter. Russia's efforts to stoke internal divisions and foment violence outside of its borders are of great concern. If confirmed, I will support ongoing U.S. government efforts to counter this dangerous and destabilizing activity. In Moscow, I will remind the Russian government that efforts to undermine stability and security within the United States will not be tolerated.

*Question.* What is your view of the differences between the Russian Federal Security Service (FSB) and Military Intelligence Agency (GRU)? Are you concerned by the increased prevalence of the GRU?

*Answer.* The FSB is the principal security agency of Russia primarily concerned with internal security of the Russian state and counterintelligence. The GRU is the foreign military intelligence agency of the General Staff of the Armed Forces. The United States is concerned about ongoing GRU activity—including malicious cyber activity, involvement in the attempted coup in Montenegro in 2016, and responsibility for the chemical weapon attack on Sergei Skripal and his daughter in Salisbury, UK. We have taken decisive action to respond to this activity.

*Question.* In your testimony, you noted that Russia has been taking back Russian detainees from Syria and Iraq back to Russia and described concerns over the treatment of those that are taken back. Could you further elaborate on your concerns?

*Answer.* Russia's human rights record, in this case especially pertaining to prisoners, causes us concern. The United States does not facilitate the transfer of detainees to any country that has not committed to humane treatment assurances consistent with international law and standards.

*Question.* Approximately, how many Russians have fought for ISIS in Syria and Iraq? How many remain?

*Answer.* The Department is unable to provide details on Russian fighters in an unclassified setting. The Department is happy to promptly provide a classified briefing on this topic.

*Question.* Could you specify the amount of actual ISIS fighters or detainees that Russia has taken back to Russia? Could you also specify the amount of children and family members of ISIS fighters that Russia has taken back?

*Answer.* The Department is unable to provide details on Russian fighters and dependents in an unclassified setting. The Department is happy to, provide promptly a classified briefing on this topic.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO HON. JOHN JOSEPH SULLIVAN BY SENATOR CHRISTOPHER A. COONS

*Question.* In your opening statement, you stated that you “intend to continue to press the Russian government for the release of Paul Whelan.” How specifically will you advocate for his release before and during his trial?

*Answer.* If confirmed, I will continue to urge the Russian government to ensure a fair trial, including an immediate fair and public hearing on Mr. Whelan’s detention before trial. My team will continue to monitor Mr. Whelan’s case closely and to press for fair and humane treatment, unrestricted consular access, access to appropriate medical care, and due process. I take Mr. Whelan’s allegations of mistreatment seriously. I will ask Russian authorities to investigate these allegations and ensure Mr. Whelan’s safety and security. I will continue to raise Mr. Whelan’s case at every opportunity.

*Question.* Will you advocate for the Trump administration to use the full resources of the U.S. government, including sanctions, if appropriate, to push for Mr. Whelan’s release?

*Answer.* The safety and welfare of U.S. citizens abroad is of the utmost importance to the Department of State, the entire U.S. government, and to me personally. The Department takes seriously its responsibility to assist U.S. citizens who are incarcerated or detained abroad, and to use all appropriate means to secure the release of those detained unjustly. If confirmed, I will continue to urge the Russian government to ensure a fair trial for Mr. Whelan, including a fair and public hearing without undue delay. My team will also continue to monitor Mr. Whelan’s case closely and to press for fair and humane treatment, unrestricted consular access, access to appropriate medical care, and due process. I will continue to raise these concerns with the Russian government.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO HON. JOHN JOSEPH SULLIVAN BY SENATOR JEFF MERKLEY

*Question.* Since 2002, the United States, its allies, and partners have conducted over 500 observation missions over Russian territory under the Treaty on Open Skies—one tool we have to reduce mistrust and the threat of war on the continent. Do you believe that U.S. continued implementation of the Treaty on Open Skies is in our national security interest and that of our allies and partners?

*Answer.* The United States continues to implement the Treaty on Open Skies. We continuously review all of our international agreements to ensure they are in our national security interest. We are in full compliance with our obligations under this Treaty, unlike Russia, which has violated certain of its obligations. The Treaty, in force since 2002, provides for manned overflights of the States Parties’ territory in order to build confidence regarding military forces and intentions. As the Secretary has said, “[t]he United States remains committed to effective arms control that advances U.S., allied, and partner security; is verifiable and enforceable; and includes partners that comply responsibly with their obligations.”

*Question.* Has the government of Ukraine and the other 32 States Parties (other than Russia) to the Treaty on Open Skies advocated to you or other senior State Department officials, in recent weeks, urging the United States remain Party to the Treaty, and if so, what arguments have they made to that effect?

*Answer.* The United States has not withdrawn from the Treaty on Open Skies and the United States continues to implement this Treaty. A number of allies have told us that they value the Treaty and view it as a key instrument for gathering information on Russian military formations and troop deployments. We continue to work with our allies and partners on all compliance and implementation issues related to the Treaty on Open Skies.

*Question.* Will you commit that members of the Senate Foreign Relations Committee will be consulted in advance of any decision by the Administration on any changes to the U.S. implementation of the Treaty?

*Answer.* The United States has not withdrawn from the Treaty on Open Skies and the United States continues to implement this Treaty. If that were to change, there would be appropriate consultations with Congress, including with the Senate Foreign Relations Committee.

*Question.* Will you commit that the United States will not proceed with the procurement or deployment of an intermediate or shorter-range missile system to the territory of a European ally without first signing a Memorandum of Understanding with that country agreeing to that deployment as well as a North Atlantic Council consensus decision as to ensure alliance unity?

*Answer.* On August 2, 2019, the United States withdrew from and effectively terminated the Intermediate-Range Nuclear Forces (INF) Treaty solely because Russia failed to return to compliance after developing, flight-testing, and then fielding multiple battalions of an intermediate-range missile system in violation of its obligations. Our NATO allies fully supported the U.S. determination and withdrawal from the Treaty. We are working closely to ensure NATO's deterrence and defense posture remains strong and united against the full-range of Russia's capabilities, including the SSC-8. As the United States has historically complied with the Treaty, we do not have a system that is ready to be deployed. It is far too early to discuss potential deployment.

*Question.* Would the expiration of the New Strategic Arms Reduction Treaty (New START) with Russia on February 5, 2021—in the absence of a replacement Treaty or agreement that enters into force on or before that date—hamper U.S. insight into the location, movement, and disposition of Russian strategic nuclear forces and would such a development be in the U.S. national security interest?

*Answer.* The Administration has not yet made a decision about a potential extension of the New START Treaty. Central to the U.S. review of such an extension is a determination of whether it is in the U.S. national interest and how the Treaty's expiration would affect U.S., allied, and partner security in an evolving security environment.

*Question.* If the United States, Russia, and China cannot agree to a trilateral arms control agreement within the next year, is the Administration prepared to extend the New START Treaty while any trilateral dialogues continue?

*Answer.* President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved. Bilateral treaties that cover limited types of nuclear weapons or only certain ranges of adversary missiles are insufficient to address the threat environment we face today. Russia and China must be brought to the table as we evaluate how our arms control agreements contribute to U.S. defense and deterrence requirements. Central to the U.S. review of a potential New START extension is whether it is in the national interest and how the Treaty's expiration would affect U.S., allied, and partner security in an evolving security environment. That decision has not yet been made.

*Question.* What kinds of Chinese Weapons are the greatest priority to limit in an arms control agreement?

*Answer.* President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved. Bilateral treaties that cover limited types of nuclear weapons or only certain ranges of adversary missiles are insufficient to address the threat environment we face today, in which China will likely double its nuclear forces, including intermediate range weapons systems, over the next decade.

*Question.* I am particularly concerned by Russia's efforts to help North Korea evade sanctions. If confirmed, will you make it one of your top priorities to pressure Russia to be a constructive partner in maintaining pressure on North Korea to work toward denuclearization?

*Answer.* If confirmed, I will continue to press Russia to fully implement and enforce all DPRK-related U.N. Security Council resolutions, particularly those related to North Korean workers and the supply of oil to the DPRK.

*Question.* One of the ways Russia helps North Korea evade sanctions is by hosting approximately 10,000 North Korean workers, even though all countries are required to no longer host these workers by the end of the year. What will you do to press Russia to comply with its obligations on guest workers?

*Answer.* Countries around the world are obliged by the U.N. Security Council resolutions to fully implement and enforce existing sanctions. Russia currently falls short of full implementation of all DPRK-related U.N. Security Council resolutions. If confirmed, I will press Russia to fully implement and enforce all DPRK-related



U.N. Security Council resolutions, particularly those related to North Korean workers.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO HON. JOHN JOSEPH SULLIVAN BY SENATOR CORY A. BOOKER

*Protecting Journalists*

*Question.* According to the Committee to Protect Journalists, Russia is one of the world's worst offenders of violence against journalists. It ranks 11th on the list of countries in which criminal groups, politicians, and government officials turn to violence to stifle critical and investigative reporting. What will you do to push the Russian government to protect journalists?

*Answer.* Russia remains one of the most dangerous countries for journalists to work. During commemorations of the International Day to End Impunity for Crimes against Journalists on November 2, the Department highlighted the case of Svetlana Prokopyeva, who faces up to seven years in prison for suggesting that the Russian government's restrictions on peaceful expressions of dissent may make people more likely to resort to violence. If confirmed, I intend to use Embassy and Department of State platforms to highlight the plight of embattled journalists, promote the fundamental human right of free expression, and continue pressing the Russian government to stop harassing journalists.

*Russian Efforts in Afghanistan*

*Question.* Russia has bolstered its relationships with the Taliban and in 2017 even reportedly supplied equipment and small arms to the group. Russia has also expressed interest in supporting intra-Afghan discussions. Do you view Russian diplomatic efforts as helpful or at cross purposes with the United States?

*Answer.* Russia remains a factor in Afghanistan given its location, history, and interests. Special Representative for Afghanistan Reconciliation, Ambassador Khalilzad, coordinates with his Russian counterpart, Ambassador Kabulov, to enlist Russian support for the U.S. effort to promote a negotiated solution to the Afghan conflict that ensures Afghanistan never again becomes a platform for transnational terrorism. If confirmed, I will work with Ambassador Khalilzad to engage Russia on this issue.

*Question.* Do you view Russia's efforts help or hinder the United States' efforts?

*Answer.* We welcome Russia's willingness to engage in dialogue on this important topic.

*Question.* What are Russia's goals and objectives in Afghanistan?

*Answer.* We understand that Russia seeks to stop the flow of drugs from Afghanistan to Russia and to prevent terrorism from spilling over into Central Asia and Russia.

*Question.* Does Russia continue to supply weapons and equipment to the Taliban?

*Answer.* We are aware of media reports that the Russian government clandestinely supplies arms to the Taliban. We condemn any such actions that would undermine the elected government of Afghanistan and could threaten Afghan civilians and U.S. and coalition forces.

*Question.* Should Russia be trusted as a partner for the United States in Afghanistan?

*Answer.* The United States and Russia share common interests in preventing Afghanistan from serving as a base for transnational terrorism and in promoting a negotiated settlement to the conflict. Our productive coordination with Russia is designed to advance our common interests. We welcome Russia's willingness to engage in dialogue on this important topic.

*Question.* Russia cites concerns about the Islamic State affiliate in Afghanistan (Islamic State-Khorasan Province, aka ISKP or ISIS-K) to justify much of its dealings in Afghanistan. To what extent does the United States share those concerns and how much of a threat does ISKP represent to Russia and/or its regional interests?

*Answer.* ISIS-K remains a serious threat in Afghanistan. If confirmed, I will encourage continued dialogue with Russia to address the threats posed to U.S. and Russian interests by ISIS-K and other terrorist groups in Afghanistan.

*Russian Efforts in Africa*

*Question.* Russia has increased its interest in Africa. There are reports that Russia has increasingly invested in efforts to undermine democratic accountability in connection with upcoming African elections in Ghana, Guinea, Cote d'Ivoire, Burkina Faso and Burundi. How do you review Russian interests in Africa?

*Answer.* U.S. interests require countering Russian efforts to undermine the post-Cold War global order, including in Africa. The Kremlin's aggressive and opportunistic foreign policy approach seeks global attention by inserting itself or its proxies to undermine Western efforts at stability, or by offering its false model of "sovereign democracy" as an alternative to transparent democratic institutions and processes. Russia views its outreach to African countries as an avenue to break out of the international isolation generated by its ongoing aggression against Ukraine and to gain valuable support in international fora, including the U.N. and the Organization for the Prohibition of Chemical Weapons (OPCW).

*Question.* How do you view these activities as threats to the United States' interests in these countries?

*Answer.* The United States has serious concerns about Russian efforts to bolster its influence in Africa through arms sales and the use of private military companies (PMCs) and proxy forces, as exemplified in the Central African Republic. Malign activities such as these run counter to U.S. interests and undermine democratic development on the African continent. Russia has expanded its diplomatic and economic outreach to Africa by rekindling Cold War-era relationships and hosting a large African Economic Conference in Sochi in October 2019, attended by 40 African Heads of State.

*Question.* Do you believe the United States has done enough to counter Russian meddling in democratic elections around the world?

*Answer.* Free and fair elections are essential to democracy. Russian efforts to undermine democratic processes and the sovereignty of its neighbors are unacceptable and require a whole-of-government response. The Department of State works closely with other departments and agencies, as well as with allies and partners, to protect our nations against potential interference in our election processes. If confirmed, I will continue to raise concerns about Russia's destabilizing activity with Russian leadership at every opportunity. Our policy toward Russia will not change until Moscow takes demonstrable steps to end this activity.

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1117

LETTER IN SUPPORT OF JOHN J. SULLIVAN'S NOMINATION TO BE  
DEPUTY SECRETARY OF STATE

October 29, 2019

The Honorable James E. Risch  
Chairman, Foreign Relations Committee  
Committee United States Senate  
290 Russell Senate Office Building  
Washington, D.C. 20510-6050

The Honorable Bob Menendez  
Ranking Member, Foreign Relations  
United States Senate  
224 Dirksen Senate Office Building  
Washington, D.C. 20510-6050

Dear Chairman Risch and Ranking Member Menendez:

We are former executive branch officials who served in the legal, diplomatic, and national security departments or agencies of the government of the United States of America.

Many of us are former Cabinet Department and Agency General Counsel and/or former White House Counsel or U.S. Department of Justice officials who have dedicated much of our career to ensuring the faithful execution of the law. Others of us are former Ambassadors, diplomats or national security officials who have worked to advance U.S. foreign and domestic policy.

While we may differ in outlook and on matters of policy or law on which we focus, we write today with one voice, in united support of the nomination of John J. Sullivan to serve as the United States Ambassador to the Russian Federation.

We have all dedicated a good part of our lives and careers to public service; ensuring the democratic values we cherish are upheld, the law is faithfully executed, and that our fellow Americans are secure from that which may threaten to cause harm, be it international or domestic.

Many of us have had the privilege of serving with Deputy Secretary John Sullivan during one of his many tours of duty in public office—a family tradition for a man whose uncle was a career Foreign Service Officer who served as United States Ambassador to three countries at great personal cost to him and his family, first in Laos during the heart of the Vietnam war, then in the Philippines, and most notably as the last U.S. Ambassador to Iran.

Across decades of distinguished public service, John has earned widespread respect for his capable leadership, unwavering dedication and professionalism, and for his ability to get things done. We believe he is the right person at the right time for what is always a very critical post, but perhaps never more critical as now. We are confident John will deliver the tough messages to hold Russia accountable, while cautiously, yet effectively navigating any opportunities for constructive cooperation.

While our vantage point may be unique, we suspect our perspective is not, which is why Deputy Secretary Sullivan was overwhelmingly confirmed to his current post 94-6 just a little over two years ago.

John's lifelong commitment to public service began in the Judicial Branch in what many consider to be the pinnacle of the legal profession. He held two very senior clerkships. First with the highly respected jurist Judge John Minor Wisdom of the Fifth Circuit and then for Justice David H. Souter of the United States Supreme Court.

He has served three different Presidential Administrations in four different Cabinet Departments.

In addition to having served first as General Counsel and then as Deputy Secretary of the United States Department of Commerce, he served in senior roles at the U.S. Department of Justice and the U.S. Department of Defense and now—in his current role—at the U.S. Department of State.

He also has two decades of experience in private law practice, including as a partner at Mayer Brown LLP, where he was co-chair of the firm's national security practice.

It is obvious that John is a patriot who has built his career around faithfully executing the law, and advancing the economic prosperity, national security, and foreign policy interests of the American people.

He has decades of successful experience to draw from and independent knowledge of how government works, how our adversaries think, and what it takes to achieve success on behalf of the U.S. government.

He has dedicated his life – as did his family before him – to serving this great country and to our national security. We believe that his integrity, legal knowledge and incredible depth and breadth of experience have prepared him for any challenge that lies ahead.

As we all have witnessed, rest assured that John will always put his country first.

We recommend him unreservedly.

Respectfully,

**General (Ret.) James N. Mattis**  
 United States Secretary of Defense  
 (2017-2019)  
 Commander of the United States Central Command  
 (2010 – 2013)  
 Commander of the United States Joint Forces  
 Command (2007 – 2010)

**General (Ret.) Joseph W. Ralston**  
 Supreme Allied Commander, Europe (2000-2003)  
 Commander, US European Command (2000-2003)  
 Vice Chairman, Joint Chiefs of Staff (1996-2000)

**General (Ret.) John (Jack) Keane**  
 United States Department of the Army, Retired  
 (1966-2003)  
 Vice Chief of Staff of the United States Army  
 (1999-2003)

**Admiral (Ret.) Gary Roughead**  
 Chief of Naval Operations (2007 – 2011)  
 Commander, United States Fleet Forces Command  
 (2007)  
 Commander, United States Pacific Fleet Forces  
 (2004 – 2007)  
 Commander, NATO Striking Fleet (2002 – 2003)

**Lieutenant General (Ret.) H.R. McMaster**  
 United States National Security Advisor  
 (2017 – 2018)  
 United States Department of the Army, Retired  
 (1984 – 2018)

**Major General (Ret.) John D. Altenburg**  
 Deputy Judge Advocate General, Department of the  
 Army (1997-2001)

**Ambassador (Fmr.) Nikki Haley**  
 United States Ambassador to the United Nations  
 (2017 – 2018)  
 Governor of South Carolina  
 (2011-2017)

**Ambassador (Ret.) Thomas Shannon**  
 Acting United States Secretary of State  
 (2017)  
 Acting United States Deputy Secretary of State  
 (2017)  
 Under Secretary of State for Political Affairs  
 (2016 – 2018)  
 Counselor of the United States Department of State  
 (2013-2016)  
 United States Ambassador to Brazil  
 (2010 – 2013)

**Ambassador (Ret.) John Negroponte**  
 United States Deputy Secretary of State  
 (2007 – 2009)  
 First Director of National Intelligence  
 (2005 – 2007)  
 United States Ambassador to Iraq  
 (2004 – 2005)  
 United States Ambassador to the Philippines  
 (1993 – 1996)

**Ambassador (Fmr.) Ned L. Siegel**  
 United States Ambassador to the Commonwealth of the  
 Bahamas (2007-2009)  
 Senior Advisor to the U.S. Mission and the United  
 States Representative to the 61st Session of the  
 United Nations General Assembly (2006)  
 Member of the Board of Directors of the Overseas  
 Private Investment Corporation (OPIC) (2003-2007)

**Ambassador (Ret.) Robert M. Kimmitt**  
 Acting United States Secretary of the Treasury  
 (2006)  
 United States Deputy Secretary of the Treasury  
 (2005 – 2009)  
 United States Ambassador to Germany (1991 – 1993)  
 Under Secretary of State for Political Affairs  
 (1989 – 1991)

**Ambassador (Ret.) Thomas R. Pickering**  
 Under Secretary of State for Political Affairs  
 (1997-2000)  
 United States Ambassador to Russia  
 (1993 – 1996)  
 United States Ambassador to India  
 (1992 – 1993)  
 United States Ambassador to the United Nations  
 (1989-1992)

**Ambassador (Ret.) Frank G. Wisner**  
 United States Ambassador to India  
 (1994 – 1997)  
 Under Secretary of Defense for Policy  
 (1993 – 1994)  
 Under Secretary of State for International Security  
 Affairs (1992 – 1993)

**Ambassador (Fmr.) G. Philip Hughes**  
 United States Ambassador to Barbados, Dominica,  
 St. Lucia, and St. Vincent  
 (1990 – 1993)  
 Assistant Secretary of Commerce  
 (1988-1989)  
 Executive Secretary of the National Security Council  
 (1989-1990)

**Ambassador (Ret.) Thomas D. Boyatt**  
United States Ambassador to Colombia (1980-1983)  
United States Ambassador to Burkina Faso  
(1978-1980)

**Theodore Olson**  
Solicitor General of the United States  
(2001 to 2004)  
Assistant United States Attorney General, Office of  
Legal Counsel (1981-1984)

**Heather N. Nauert**  
Spokesperson for the United States Department of  
State (2017-2019)  
Acting Under Secretary of State for Diplomacy and  
Public Affairs (2018)

**Ray W. Washburne**  
President and CEO, Overseas Private Investment  
Corporation (OPIC) (2017-2019)

**Peter Urbanowicz**  
Chief of Staff, United States Department of Health  
and Human Services (2018-2019)  
Deputy General Counsel, United States Department  
of Health and Human Services (2001-2003)

**Nadia Schadlow**  
Deputy Assistant to the President for National  
Security  
Deputy National Security Advisor for Strategy  
(2017-2018)

**Lon Augustenborg**  
Former Senior Executive, Central Intelligence  
Agency (CIA)  
Chief of Station, Europe, Asia and Latin America  
Chief of Operations, CIA Counterintelligence Center  
Expert on Soviet/Russian Affairs

**Daniel N. Hoffman**  
Retired Senior Central Intelligence Agency (CIA)  
Senior Executive Clandestine Services Officer,  
Three-Time CIA Station Chief

**John B. Bellinger III**  
Legal Adviser  
United States Department of State (2005-2009)

**Gus P. Coldebella**  
General Counsel (Acting), United States Department  
of Homeland Security (2007-2009)

**D.J. Gribbin**  
General Counsel, United States Department of  
Transportation (2007-2009)

**Robert F. Hoyt**  
General Counsel, United States Department of the  
Treasury (2006-2009)  
Associate White House Counsel 2005-2006

**David R. Hill**  
General Counsel, United States Department of  
Energy (2005-2009)

**Frank Jimenez**  
General Counsel, United States Navy  
(2006-2009)  
Deputy General Counsel United States Department of  
Defense (2005-2006)

**Benjamin Powell**  
General Counsel, Office of the Director of National  
Intelligence (2006-2009)  
Special Assistant for the President and Associate  
Counsel to the President (2002-2006)

**Frank R. Borchert, III**  
General Counsel, United States Small Business  
Administration (2007-2008)  
Senior Advisor and Counselor to the Secretary,  
United States Department of Housing and Urban  
Development (2008-2009)

**Robert M. Couch**  
General Counsel, United States Department of  
Housing & Urban Development  
(2007-2008)  
President, Government National Mortgage  
Association ("Ginnie Mae") (2006-2007)

**William J. Haynes II**  
General Counsel, United States Department of  
Defense (2001-2008)  
General Counsel, United States Department of the  
Army (1990-1993)

**Marc L. Kesselman**  
General Counsel, United States Department of  
Agriculture (2006-2008)  
Deputy General Counsel, United States Office of  
Management and Budget (2003-2006)  
Senior Counsel, United States Department of Justice  
(2000-2003)

**Daniel Meron**

General Counsel, United States Department of Health and Human Services (2006-2007)  
Principal Deputy Assistant Attorney General, Civil Division  
United States Department of Justice (2003-2006)

**Philip J. Perry**

General Counsel, United States Department of Homeland Security (2005-2007)  
United States Office of Management and Budget (2002-2003)  
Acting Associate United States Attorney General (2001)

**Lee Liberman Otis**

Associate Deputy Attorney General, United States Department of Justice (2005-2007)  
General Counsel, United States Department of Energy (2001-2005)  
Associate Counsel to the President (1989-1993)

**David A. Javdan**

General Counsel, United States Small Business Administration (2002-2006)

**Arnold I. Havens**

General Counsel, United States Department of the Treasury (2003-2006)

**Raul Yanes**

General Counsel, United States Office of Management and Budget (2005-2006)  
Senior Counsel to the United States Attorney General (2005)  
Associate White House Counsel (2003-2005)

**Theodore W. Kassinger**

General Counsel and Deputy Secretary of the United States Department of Commerce (2001 – 2005)

**Richard A. Hauser**

General Counsel, United States Department of Housing and Urban Development (2001 – 2003)  
Deputy Counsel to the President of the United States (1981 – 1986)

**Joe D. Whitley**

General Counsel, United States Department of Homeland Security (2003-2005)

**Douglas R. Cox**

Principal Deputy Assistant Attorney General  
United States Department of Justice, Office of Legal Counsel (1991-1993)

1122

MEMORANDUM OF THE JULY 25, 2019 TELEPHONE CONVERSATION  
BETWEEN PRESIDENT DONALD J. TRUMP AND PRESIDENT  
ZELENSKY OF UKRAINE

~~SECRET//ORCON//NOFORN~~

**UNCLASSIFIED**

[PkgNumberShort]

Declassified by order of the President

September 24, 2019

~~EYES ONLY~~  
~~DO NOT COPY~~

MEMORANDUM OF TELEPHONE CONVERSATION

SUBJECT: ~~(S//NF)~~ Telephone Conversation with President  
Zelenskyy of Ukraine

PARTICIPANTS: President Zelenskyy of Ukraine

Notetakers: The White House Situation Room

DATE, TIME July 25, 2019, 9:03 - 9:33 a.m. EDT  
AND PLACE: Residence

~~(S//NF)~~ The President: Congratulations on a great victory. We all watched from the United States and you did a terrific job. The way you came from behind, somebody who wasn't given much of a chance, and you ended up winning easily. It's a fantastic achievement. Congratulations.

~~(S//NF)~~ President Zelenskyy: You are absolutely right Mr. President. We did win big and we worked hard for this. We worked a lot but I would like to confess to you that I had an opportunity to learn from you. We used quite a few of your skills and knowledge and were able to use it as an example for our elections and yes it is true that these were unique elections. We were in a unique situation that we were able to

CAUTION: A Memorandum of a Telephone Conversation (TELCOM) is not a verbatim transcript of a discussion. The text in this document records the notes and recollections of Situation Room Duty Officers and NSC policy staff assigned to listen and memorialize the conversation in written form as the conversation takes place. A number of factors can affect the accuracy of the record, including poor telecommunications connections and variations in accent and/or interpretation. The word "inaudible" is used to indicate portions of a conversation that the notetaker was unable to hear.

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Derived From: NSC SCG  
Declassify On: 20441231

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2

**UNCLASSIFIED**

achieve a unique success. I'm able to tell you the following; the first time, you called me to congratulate me when I won my presidential election, and the second time you are now calling me when my party won the parliamentary election. I think I should run more often so you can call me more often and we can talk over the phone more often.

~~(S//NF)~~ The President: [laughter] That's a very good idea. I think your country is very happy about that.

~~(S//NF)~~ President Zelenskyy: Well yes, to tell you the truth, we are trying to work hard because we wanted to drain the swamp here in our country. We brought in many many new people. Not the old politicians, not the typical politicians, because we want to have a new format and a new type of government. You are a great teacher for us and in that.

~~(S//NF)~~ The President: Well it's very nice of you to say that. I will say that we do a lot for Ukraine. We spend a lot of effort and a lot of time. Much more than the European countries are doing and they should be helping you more than they are. Germany does almost nothing for you. All they do is talk and I think it's something that you should really ask them about. When I was speaking to Angela Merkel she talks Ukraine, but she doesn't do anything. A lot of the European countries are the same way so I think it's something you want to look at but the United States has been very very good to Ukraine. I wouldn't say that it's reciprocal necessarily because things are happening that are no good but the United States has been very very good to Ukraine.

~~(S//NF)~~ President Zelenskyy: Yes you are absolutely right. Not only 100%, but actually 1000% and I can tell you the following; I did talk to Angela Merkel and I did meet with her. I also met and talked with Macron and I told them that they are not doing quite as much as they need to be doing on the issues with the sanctions. They are not enforcing the sanctions. They are not working as much as they should work for Ukraine. It turns out that even though logically, the European Union should be our biggest partner but technically the United States is a much bigger partner than the European Union and I'm very grateful to you for that because the United States is doing quite a lot for Ukraine. Much more than the European Union especially when we are talking about sanctions against the Russian Federation. I would also like to thank you for your great support in the area of defense. We are ready to continue to cooperate for the next steps specifically we are almost ready to buy more Javelins from the United States for defense purposes.

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3

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~~(S//NF)~~ The President: I would like you to do us a favor though because our country has been through a lot and Ukraine knows a lot about it. I would like you to find out what happened with this whole situation with Ukraine, they say CrowdStrike... I guess you have one of your wealthy people... The server, they say Ukraine has it. There are a lot of things that went on, the whole situation. I think you're surrounding yourself with some of the same people. I would like to have the Attorney General call you or your people and I would like you to get to the bottom of it. As you saw yesterday, that whole nonsense ended with a very poor performance by a man named Robert Mueller, an incompetent performance, but they say a lot of it started with Ukraine. Whatever you can do, it's very important that you do it if that's possible.

~~(S//NF)~~ President Zelenskyy: Yes it is very important for me and everything that you just mentioned earlier. For me as a President, it is very important and we are open for any future cooperation. We are ready to open a new page on cooperation in relations between the United States and Ukraine. For that purpose, I just recalled our ambassador from United States and he will be replaced by a very competent and very experienced ambassador who will work hard on making sure that our two nations are getting closer. I would also like and hope to see him having your trust and your confidence and have personal relations with you so we can cooperate even more so. I will personally tell you that one of my assistants spoke with Mr. Giuliani just recently and we are hoping very much that Mr. Giuliani will be able to travel to Ukraine and we will meet once he comes to Ukraine. I just wanted to assure you once again that you have nobody but friends around us. I will make sure that I surround myself with the best and most experienced people. I also wanted to tell you that we are friends. We are great friends and you Mr. President have friends in our country so we can continue our strategic partnership. I also plan to surround myself with great people and in addition to that investigation, I guarantee as the President of Ukraine that all the investigations will be done openly and candidly. That I can assure you.

~~(S//NF)~~ The President: Good because I heard you had a prosecutor who was very good and he was shut down and that's really unfair. A lot of people are talking about that, the way they shut your very good prosecutor down and you had some very bad people involved. Mr. Giuliani is a highly respected man. He was the mayor of New York City, a great mayor, and I would like him to

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4

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call you. I will ask him to call you along with the Attorney General. Rudy very much knows what's happening and he is a very capable guy. If you could speak to him that would be great. The former ambassador from the United States, the woman, was bad news and the people she was dealing with in the Ukraine were bad news so I just want to let you know that. The other thing, There's a lot of talk about Biden's son, that Biden stopped the prosecution and a lot of people want to find out about that so whatever you can do with the Attorney General would be great. Biden went around bragging that he stopped the prosecution so if you can look into it... It sounds horrible to me.

~~(S//NF)~~ President Zelenskyy: I wanted to tell you about the prosecutor. First of all I understand and I'm knowledgeable about the situation. Since we have won the absolute majority in our Parliament, the next prosecutor general will be 100% my person, my candidate, who will be approved by the parliament and will start as a new prosecutor in September. He or she will look into the situation, specifically to the company that you mentioned in this issue. The issue of the investigation of the case is actually the issue of making sure to restore the honesty so we will take care of that and will work on the investigation of the case. On top of that, I would kindly ask you if you have any additional information that you can provide to us, it would be very helpful for the investigation to make sure that we administer justice in our country with regard to the Ambassador to the United States from Ukraine as far as I recall her name was Ivanovich. It was great that you were the first one who told me that she was a bad ambassador because I agree with you 100%. Her attitude towards me was far from the best as she admired the previous President and she was on his side. She would not accept me as a new President well enough.

~~(S//NF)~~ The President: Well, she's going to go through some things. I will have Mr. Giuliani give you a call and I am also going to have Attorney General Barr call and we will get to the bottom of it. I'm sure you will figure it out. I heard the prosecutor was treated very badly and he was a very fair prosecutor so good luck with everything. Your economy is going to get better and better I predict. You have a lot of assets. It's a great country. I have many Ukrainian friends, their incredible people.

~~(S//NF)~~ President Zelenskyy: I would like to tell you that I also have quite a few Ukrainian friends that live in the United States. Actually last time I traveled to the United States, I stayed in New York near Central Park and I stayed at the Trump

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5 UNCLASSIFIED

Tower. I will talk to them and I hope to see them again in the future. I also wanted to thank you for your invitation to visit the United States, specifically Washington DC. On the other hand, I also want to ensure you that we will be very serious about the case and will work on the investigation. As to the economy, there is much potential for our two countries and one of the issues that is very important for Ukraine is energy independence. I believe we can be very successful and cooperating on energy independence with United States. We are already working on cooperation. We are buying American oil but I am very hopeful for a future meeting. We will have more time and more opportunities to discuss these opportunities and get to know each other better. I would like to thank you very much for your support

~~(S//NF)~~ The President: Good. Well, thank you very much and I appreciate that. I will tell Rudy and Attorney General Barr to call. Thank you. Whenever you would like to come to the White House, feel free to call. Give us a date and we'll work that out. I look forward to seeing you.

~~(S//NF)~~ President Zelenskyy: Thank you very much. I would be very happy to come and would be happy to meet with you personally and get to know you better. I am looking forward to our meeting and I also would like to invite you to visit Ukraine and come to the city of Kyiv which is a beautiful city. We have a beautiful country which would welcome you. On the other hand, I believe that on September 1 we will be in Poland and we can meet in Poland hopefully. After that, it might be a very good idea for you to travel to Ukraine. We can either take my plane and go to Ukraine or we can take your plane, which is probably much better than mine.

~~(S//NF)~~ The President: Okay, we can work that out. I look forward to seeing you in Washington and maybe in Poland because I think we are going to be there at that time.

~~(S//NF)~~ President Zelenskyy: Thank you very much Mr. President.

~~(S//NF)~~ The President: Congratulations on a fantastic job you've done. The whole world was watching. I'm not sure it was so much of an upset but congratulations.

~~(S//NF)~~ President Zelenskyy: Thank you Mr. President bye-bye.

-- End of Conversation --

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~~SECRET//ORCON//NOFORN~~

COMMUNICATION FROM SENATOR ROBERT MENENDEZ TO HON. MIKE  
POMPEO, REGARDING THE MURDER OF JAMAL KHASHOGGI

JAMES E. RISH, IDAHO, CHAIRMAN  
 MARCO RUBIO, FLORIDA  
 MIKE JOHNSON, MISSOURI  
 CORY GARDNER, COLORADO  
 MITT ROBBY, UTAH  
 LINDSEY GRAHAM, SOUTH CAROLINA  
 JOHNNY ISAKSON, GEORGIA  
 JOHN BARRASSO, WYOMING  
 ROB PORTMAN, OHIO  
 RAND PAUL, KENTUCKY  
 TODD YOUNG, INDIANA  
 TED CRUZ, TEXAS  
 ROBERT MENENDEZ, NEW JERSEY  
 BENJAMIN L. CARDIN, MARYLAND  
 JEANNE SHAMHELD, NEW HAMPSHIRE  
 CHRISTOPHER A. COONS, DELAWARE  
 TOM UDALL, NEW MEXICO  
 CHRISTOPHER MURPHY, CONNECTICUT  
 TIM KANE, VIRGINIA  
 EDWARD J. MARKEY, MASSACHUSETTS  
 JEFF MERKLEY, OREGON  
 CORY A. BOOKER, NEW JERSEY

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

February 14, 2019

The Honorable Mike Pompeo  
 Secretary of State  
 U.S. Department of State  
 2201 C Street, N.W.  
 Washington, D.C. 20520

Mr. Secretary:

Last Friday, you sent me a letter that fails to comply with existing federal law or provide Congress the information that the President is statutorily-required to provide. This flagrant violation of the law is deeply troubling, but even more so considering the gravity of the matters at stake—the brutal killing of a journalist and U.S. lawful permanent resident.

As you well know, last year, I along with then Chairman of the Senate Foreign Relations Committee, Bob Corker, triggered the Global Magnitsky Human Rights Accountability Act with a written request that the President determine if a foreign person was responsible for Mr. Khashoggi's murder and whether sanctions should be imposed. We also specifically requested that the President's determination address whether Crown Prince Mohammed bin Salman is responsible. The Global Magnitsky Act requires that, within 120 days of receiving such a request, the President *shall* make the relevant determination and submit a report to Congress with respect to the determination including any plans to impose sanctions.<sup>1</sup> There is nothing in the statute that makes compliance with the law voluntary or conditional.

Your letter exacerbates the fears that this administration continues to hide something when it comes to the murder of Mr. Khashoggi. Despite foreign and international officials investigating this matter who have concluded that senior Saudi officials bear responsibility for Mr. Khashoggi's murder, this administration has been conspicuously reticent to hold senior officials and senior members of the Royal Family accountable.

Now, despite a mountain of credible evidence, this administration seeks to avoid not only the spirit but the very letter of the law. This is wholly unacceptable for a nation built on the rule of law and committed to the protection of human rights.

While I urge you to immediately bring this administration into compliance with the Global Magnitsky Act, it is also clear we cannot rely only on the statements of the administration on this matter. Therefore, I request that the Department immediately provide its legal determination that it is not required to submit a report to the Chairman and Ranking Member of the Senate Foreign Relations Committee pursuant to section 1263(d) of the Global Magnitsky Act.

<sup>1</sup> P.L. 114-328, Sec. 1263(d)(1).

In addition, I request that you provide the following no later than February 28, 2019:

1. All records reflecting or relating to a determination, analysis, or discussion that any foreign person is responsible for the death of Jamal Khashoggi, including any recommendations for making such a determination;
2. All records reflecting or relating to a determination, analysis, or discussion that any senior official in the Government of Saudi Arabia or member of the royal family of Saudi Arabia, including Crown Prince Mohammed bin Salman, is responsible for the death of Jamal Khashoggi;
3. All records reflecting or relating to the cause of or circumstances surrounding the death of Jamal Khashoggi, including any records received from any other agency or third party, including other governments and nongovernmental organizations;
4. All records reflecting or relating to consideration of and efforts to obtain information regarding the death of Jamal Khashoggi from other agencies, countries, and nongovernmental organizations that monitor violations of human rights;
5. All records reflecting or relating to consideration of information submitted by the Chairman and Ranking Member of the Senate Foreign Relations Committee, including the letters of October 10, 2018 and November 21, 2018;
6. All records reflecting or relating to the decision of whether to submit a report to Congress regarding Jamal Khashoggi pursuant to the Global Magnitsky Human Rights Accountability Act;
7. All records reflecting or relating to whether any individual should be subject to sanctions under the Global Magnitsky Human Rights Accountability Act for the death of Jamal Khashoggi;
8. A description of the steps the administration has taken to make any determination(s) that any foreign person is responsible for the death of Jamal Khashoggi and to comply with the Global Magnitsky Human Rights Accountability Act.

The above requests pertain to all records, regardless of source, that are in the Department's possession, custody, or control.

It is my sincere hope that the Department and the administration will immediately and fully comply with the Global Magnitsky Act, and will respond to gross violations of human rights in a manner that the world can and should expect from the United States. In the meantime, I look forward to your full compliance with these requests.

Sincerely,



Robert Menendez  
Ranking Member

COMMUNICATION FROM SENATOR ROBERT MENENDEZ TO HON. JOHN  
J. SULLIVAN, REGARDING FOREIGN ASSISTANCE FUNDING

BOB CORNER, TENNESSEE, CHAIRMAN  
 JAMES E. RISH, IDAHO  
 MARCO RUBIO, FLORIDA  
 RON JOHNSON, WISCONSIN  
 JEFF FLAKE, ARIZONA  
 CORY GARDNER, COLORADO  
 TERRY BLANKENHORN, INDIANA  
 JOHN RANNE, WYOMING  
 JOHNNY ISAKSON, GEORGIA  
 RICH PORTMAN, OHIO  
 RAND PAUL, KENTUCKY  
 ROBERT MENENDEZ, NEW JERSEY  
 BENJAMIN L. CARDIN, MARYLAND  
 JEANNE SHAHEEN, NEW HAMPSHIRE  
 CHRISTOPHER A. COONS, DELAWARE  
 TOM UDALL, NEW MEXICO  
 CHRISTOPHER MURPHY, CONNECTICUT  
 TIM KANE, VIRGINIA  
 EDWARD J. MARKEY, MASSACHUSETTS  
 JEFF MERKLEY, OREGON  
 CORY A. BOOKER, NEW JERSEY

United States Senate  
 COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

March 15, 2018

The Honorable John J. Sullivan  
 Deputy Secretary of State  
 U.S. Department of State  
 2201 C Street NW  
 Washington, DC 20520

Dear Deputy Secretary Sullivan:

I am concerned about delays in the approval and obligation of FY17 foreign assistance funding and, specifically, delays in critical USAID spend plans and country Operations Plans. These delays are troubling, and I fear they are putting important foreign assistance programs at risk of suspension.

The Consolidated Appropriations Act was enacted on May 5, 2017, so it would seem the State Department has had considerable time to negotiate the 653(a) process and obligate FY17 apportioned funds. Although I understand USAID funding is typically two-year funding, I am concerned these delays are burdensome and leave USAID's Bureaus and Missions unable to fulfill incremental funding contracts for programs and projects and cover program-based operating expenses such as maintaining Foreign Service Nationals experts and other program-funded staff. I am also concerned that the delayed apportionment of FY17 funds may require a deferral or invoke impoundment procedures.

Therefore, I respectfully request the following information:

1. Please provide a list of the specific FY17 country, regional and functional operations and spend plans that are still pending approval from the State Department's Office of U.S. Foreign Assistance Resources (F).
2. To what extent has the State Department's F Bureau delayed the obligation of FY17 funds? Were any delays related to policy or political disagreements with respect to congressionally mandated programs?
3. Has the State Department's F Bureau delayed the obligation of any FY17 funds at the request of the Office of Management and Budget?
4. Provide a timeline outlining the F Bureau's steps to apportion and approve operation plans for FY16 and FY17 funds.

1130

5. Explain how, with reference to the various delays in obligating FY17 funding, the Administration is acting consistent with the Congressional Budget and Impoundment Control Act of 1974.

Thank you in advance for your prompt attention to this request. Please be in touch with my staff, Josh Klein, [Josh\\_Klein@foreign.senate.gov](mailto:Josh_Klein@foreign.senate.gov), to further discuss any questions you may have related to this inquiry.

Sincerely,

A handwritten signature in black ink that reads "Robert Mendez". The signature is written in a cursive style with a large, stylized initial "R".

Robert Mendez  
Ranking Member



COMMUNICATION FROM MEMBERS OF THE SENATE TO HON. JOHN J. SULLIVAN, REGARDING RUSSIA'S SALE OF THE S-400 AIR DEFENSE SYSTEM

United States Senate

WASHINGTON, DC 20510

March 16, 2018

The Honorable John J. Sullivan  
Deputy Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Deputy Secretary Sullivan:

We look forward to the Department's continued engagement with the Senate on implementation of the mandatory provisions of the Countering America's Adversaries Through Sanctions Act (CAATSA). As you know, we remain concerned about the lack of progress on the administration's implementation of Section 231, which mandates secondary sanctions on those who conduct significant transactions with the Russian defense and intelligence sectors. Given their responsibility in attacking the 2016 U.S. election process, sanctions in Section 231 are designed to significantly curtail income to these particular sectors.

We are writing today to specifically inquire about reported negotiations between Russia and certain countries over sales of the Russian government's S-400 air defense system and whether these reported deals could trigger mandatory CAATSA sanctions.

Earlier this month, the Congressional Research Service produced a compilation of press reporting on potential Russian government sales of the S-400 weapon system to countries around the world. Recognizing that these reports may not provide the full picture, we request that you provide us with a detailed analysis in classified or unclassified form on the current status of Russian S-400 sales or negotiations with:

- China
- Turkey
- India
- Saudi Arabia
- Qatar
- Any other country

We also request a comprehensive summary of our diplomatic efforts to prevent any S-400 deal from being finalized. Under any circumstance, a S-400 sale would be considered a "significant transaction" and we expect that any sale would result in designations.

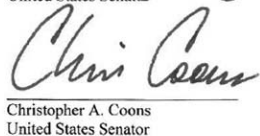
We remain deeply concerned that senior leadership in this administration is not prioritizing diplomatic efforts to implement CAATSA with countries around the world. We expect to be regularly briefed on the State Department's sanctions implementation efforts moving

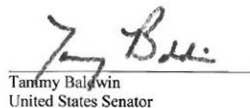
forward. We look forward to your response and our continued dialogue on holding Russia accountable for its malign influence efforts and military aggression in Ukraine.

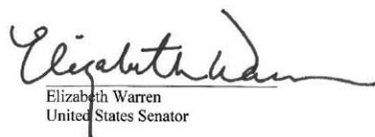
Sincerely,

  
Robert Menendez  
United States Senator

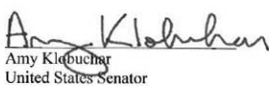
  
Richard Blumenthal  
United States Senator

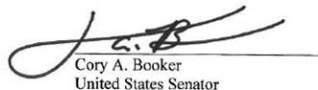
  
Christopher A. Coons  
United States Senator

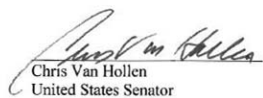
  
Tammy Baldwin  
United States Senator

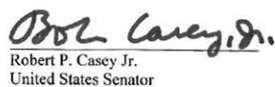
  
Elizabeth Warren  
United States Senator

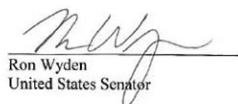
  
Martin Heinrich  
United States Senator

  
Amy Klobuchar  
United States Senator

  
Cory A. Booker  
United States Senator

  
Chris Van Hollen  
United States Senator

  
Robert P. Casey Jr.  
United States Senator

  
Ron Wyden  
United States Senator

COMMUNICATION FROM MEMBERS OF THE SENATE TO HON. JOHN J. SULLIVAN, REGARDING THE RESIGNATION OF JUAN JIMENEZ MAYOR

United States Senate  
WASHINGTON, DC 20510

March 22, 2018

The Honorable John J. Sullivan  
Deputy Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, D.C. 20520

Dear Deputy Secretary Sullivan:

We are writing to express concern about the vacancy left as a result of the recent resignation of Juan Jimenez Mayor as the head of the Organization of American States (OAS) Mission to Support the Fight against Corruption and Impunity in Honduras (MACCIH), and its implications for U.S. efforts to support the rule of law in the country.

His departure comes at a very unfortunate time when MACCIH, under Mr. Jimenez's leadership, had started to make important progress in Honduras. Honduran civil society leaders have praised the recent efforts by MACCIH, including the creation of specialized anti-corruption courts and a vetted unit within the public prosecutor's office to handle highly sensitive investigations.

This crisis now affecting MACCIH is particularly worrisome given a recent provision passed by the Honduran Congress as part of the January 18 General Budget Law that shields public officials from prosecution. This provision seems designed to interfere with an investigation by the Honduran Attorney General's Office into a possible \$55 million dollar embezzlement scheme reportedly involving as many as 60 members of the Honduran Congress.

These developments leave us with serious misgivings about ongoing efforts to combat impunity in Honduras. As such, we respectfully request that the Department of State/USAID:

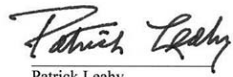
- produce a full report that details the use of U.S. funding allocated to support MACCIH and other anti-corruption efforts;
- work with OAS Secretary General Almagro to immediately appoint a respected and trustworthy replacement for Mr. Jimenez, and address the deficiencies with MACCIH's current management structure, including by ensuring that its director has authority over budgetary, personnel, and operational decisions; and
- send a firm message to OAS Secretary General Luis Almagro and Honduran President Juan Orlando Hernandez of unwavering U.S. support for MACCIH, and the importance of ensuring that MACCIH can operate with absolute independence, neutrality, and transparency as established in Article VII of the agreement between the OAS and the Government of Honduras.

The success of MACCIH is integral to efforts to uphold the rule of law in Honduras. We thank you for your work to promote transparency and combat impunity in Central America.

Sincerely,

  
Robert Menendez  
United States Senator

  
Marco Rubio  
United States Senator

  
Patrick Leahy  
United States Senator

COMMUNICATION FROM JOHN C. ROOD TO SENATOR JAMES E. RISCH,  
REGARDING UKRAINE'S PROGRESS TOWARD COMPLIANCE TO LEGIS-  
LATIVE FUNDING REQUIREMENTS



POLICY

UNDER SECRETARY OF DEFENSE  
2000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-2000

MAY 23 2019

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

Dear Mr. Chairman:

On behalf of the Secretary of Defense, and in coordination with the Secretary of State, I have certified that the Government of Ukraine has taken substantial actions to make defense institutional reforms for the purposes of decreasing corruption, increasing accountability, and sustaining improvements of combat capability enabled by U.S. assistance. An assessment of the actions taken by Ukraine, the remaining areas in need of defense institutional reform, and the methodology used to evaluate this reform are included in this letter. Furthermore, now that this defense institutional reform has occurred, we will use the authority provided by section 1250 of the National Defense Authorization Act (NDAA) for Fiscal Year 2016 (Public Law 114-92), as amended most recently by section 1246 of the John S. McCain NDAA for Fiscal Year 2019 (Public Law 115-232), to support programs in Ukraine further. Implementation of this further support will begin no sooner than 15 days following this notification. This authority will be used to provide appropriate security assistance, including training, equipment, and logistics support, supplies, and services, to the military and other security forces of the Government of Ukraine.

Pursuant to Section 9013 of the Department of Defense (DoD) Appropriations Act, 2019 (division A of Public Law 115-245), we are notifying the committees of this obligation.

Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125 million, and the quantity of items will remain consistent with the stated nature and scope of the program.

The primary methodology used to inform this certification was persistent U.S. engagement with Ukraine, including, but not limited to: 1) the Secretary's meetings with Minister of Defense Poltorak; 2) a visit to Kyiv by the U.S. Deputy Assistant Secretary of Defense for Russia, Ukraine, Eurasia; 3) Lieutenant General (Retired) Keith Dayton's bilateral consultations with and participation in Ukraine's Defense Reform Advisory Board in his role as U.S. Senior Defense Advisor on Ukraine; 4) former Secretary of the Navy Dr. Donald Winter's visit to Kyiv in his role as U.S. Senior Defense Industry Advisor; 5) senior level engagements led by the Department of State, including the U.S.-Ukraine Strategic Partnership Commission; 6) U.S. European Command's efforts through the Multinational Joint Commission on Ukraine; 7) the Joint Multinational Training Group - Ukraine training program; and 8) other advisory efforts through the Ministry of Defense Advisors Program, Defense Governance and Management Team, Cooperative Technology Security Dialogue, and the U.S. Embassy in Kyiv and U.S. Mission to NATO in Brussels.

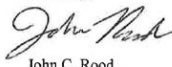


Through these engagements, the United States has effectively helped Ukraine advance institutional reforms through a number of substantial actions to align Ukraine's defense enterprise more closely with NATO standards and principles. The Ukrainian Government adopted legislation to authorize the Ministry of Defense to conduct direct procurement from international manufacturers, including through the Foreign Military Sales program. Furthermore, to strengthen civilian control of the military, the ministry is making progress toward increasing civilian staff, as most prominently illustrated by the fact that the Minister of Defense is now a civilian. Minister Poltorak also initiated an ambitious program to reform the command and control system in line with Euro-Atlantic principles, which will further strengthen civilian control, and to separate force generation from force employment functions, which will improve the management of Ukraine's forces. Lastly, Ukraine committed in writing to defense industry reforms and requested a Senior Defense Industry Advisor to improve the ability of Ukraine's domestic industry to provide critical material to the Ukrainian armed forces and transform the state-owned enterprise.

Although substantial progress has been made on defense reform since 2014, there remain areas that require significant attention. Although Ukraine has made a commitment to defense industry reforms, increased transparency in acquisition and budgeting will require a sustained effort. DoD is supporting Ukraine with the development of a transformation plan to bring its industry in line with global best practices, which will likely be a multi-year effort. The implementation of a modern human resources management system is another area that still requires attention. Moreover, Ukraine, with U.S. advice and mentoring, continues to mature its processes and procedures to ensure technology security, proper accountability, and end-use controls for U.S.-provided equipment. The United States remains committed to assisting with the implementation of these reforms to bolster Ukraine's ability to defend its territorial integrity in support of a secure and democratic Ukraine.

This notification is provided to meet the requirements of section 1250 of the NDAA for Fiscal Year 2016, as amended. Descriptions of the programs and associated training are enclosed. I am sending identical letters to the congressional defense committees and the House Committee on Foreign Affairs.

Sincerely,



John C. Rood

Enclosures:  
As Stated

cc:  
The Honorable Robert Menendez  
Ranking Member

**Ukraine Security Assistance Initiative Notification Summary Table  
In Accordance with Section 9013 of the Department of Defense Appropriations Act, 2019,  
and Section 1250 of the National Defense Authorization Act for 2016, as Amended  
(Tranche 2, \$125 Million)**

Proposal	Program	Component	Combatant Command	Dollars
1	Electronic Warfare and Counter-Mortar Radars	DSCA	USEUCOM	\$26,900,000
2	National Guard	DSCA	USEUCOM	\$9,700,000
3	Ministry of Defense – Land Forces and Special Operations Forces	DSCA	USEUCOM	\$28,300,000
4	Ministry of Defense – Command and Control	DSCA	USEUCOM	\$51,100,000
5	Ministry of Defense – Other	DSCA	USEUCOM	\$9,000,000
	<b>Total</b>			<b>\$125,000,000</b>

DSCA – Defense Security Cooperation Agency  
USEUCOM – U.S. European Command

**Ukraine Security Assistance Initiative (USAI):**  
Electronic Warfare and Counter-Mortar Radars

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine to enhance Ukraine's capabilities to defend against Russian aggression, assist Ukraine in developing the combat capability to defend its sovereignty and territorial integrity, and support Ukraine's efforts to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds 15 Electronic Warfare (EW) systems, including 12 systems to be mounted on command-variant HMMWVs for the Ukrainian Land Forces and three systems for the Ukrainian Navy to be mounted on U.S.-provided Island Class Patrol Boats. This program also provides funding for the upgrade of 56 counter-mortar radar systems to be equipped with a Counter-Unmanned Aerial Vehicle (UAV) capability, 12 Command-variant HMMWVs, and associated training, maintenance, and services. These additional EW systems and upgraded radar systems will enhance the survivability of Ukrainian forces by providing early warning against indirect fire attacks and detecting UAVs to increase situational awareness of enemy activity.

Units selected to receive this assistance will undergo Leahy human rights vetting before such assistance is provided and will be provided human rights training by the Defense Institute of International Legal Studies. U.S. European Command (USEUCOM) assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department's FY 2019 Operation and Maintenance, Defense-wide account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	Articles/Services	Value	Executing Component
1	Radars, Spares, and Supporting Equipment, including: <ul style="list-style-type: none"> <li>• AN/TPQ-49 Counter-UAV Software Upgrades (56)</li> <li>• Spares and Ancillary Items</li> </ul>	\$2,900,000	Army/USMC
2	Electronic Warfare systems and Supporting Equipment, including: <ul style="list-style-type: none"> <li>• TCI Model 903-2 platforms (15)</li> <li>• Associated parts, tools, installation, and accessories</li> </ul>	\$19,300,000	Army/Navy



	Articles/Services	Value	Executing Component
3	<ul style="list-style-type: none"> <li>• Operations and Maintenance Training</li> <li>• Human Rights Training (DIILS)</li> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, Shipping</li> </ul>	\$4,700,000	Army/Navy/USMC
<b>PROGRAM TOTAL</b>		<b>\$26,900,000</b>	

Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125,000,000. The quantity of items will remain consistent with the notified nature and scope of the program.

**Ukraine Security Assistance Initiative (USAI):**  
National Guard

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine in order to enhance Ukraine's capabilities to defend against Russian aggression, assist Ukraine in developing the combat capability to defend its sovereignty and territorial integrity, and support Ukraine's efforts to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds equipment for the National Guard of Ukraine's (NGU) Rapid Reaction Brigade and three training centers (Zolochiv, Kharkiv, and Stare). Equipment includes secure communication equipment, four static electronic warfare systems, and trailer-mounted tent systems to increase capacity at NGU training centers, and secure containers for the storage of Enhanced End-Use Monitoring items provided through USAI.

Units selected to receive this assistance will undergo Leahy human rights vetting and will be provided human rights training by the Defense Institute of International Legal Studies before such assistance is provided. U.S. European Command (USEUCOM) assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department's FY 2019 Operation and Maintenance, Defense-wide account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	<b>Articles/Services</b>	<b>Value</b>	<b>Executing Component</b>
1	Secure Communications, including: <ul style="list-style-type: none"> <li>• VHF Radio Systems (36)</li> <li>• HF Radio Systems (16)</li> <li>• Additional associated spares and ancillaries</li> </ul>	\$3,400,000	Army
2	Electronic Warfare Systems <ul style="list-style-type: none"> <li>• TCI Model-903S (4)</li> </ul>	\$2,100,000	Army
3	Trailer-Mounted Tent Systems <ul style="list-style-type: none"> <li>• Large Tent System (2)</li> <li>• Medium Tent System (3)</li> <li>• Assorted tactical items, containers, metal detectors, associated spares, and accessories</li> </ul>	\$2,500,000	Army, Navy

	Articles/Services	Value	Executing Component
4	<ul style="list-style-type: none"><li>• Operations and Maintenance Training</li><li>• Human Rights Training (DILS)</li><li>• Services, Service Charges, and Technical Support</li><li>• Transportation, Consolidation, Shipping</li></ul>	\$1,700,000	Army
	<b>PROGRAM TOTAL</b>	<b>\$9,700,000</b>	

Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125,000,000. The quantity of items will remain consistent with the notified nature and scope of the program.

**Ukraine Security Assistance Initiative (USAI):**  
Ministry of Defense – Land Forces and Special Operations Forces

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine in order to enhance Ukraine’s capabilities to defend against Russian aggression, assist Ukraine in developing the combat capability necessary to defend its sovereignty and territorial integrity, and support Ukraine’s effort to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds Ukrainian land forces and special operations forces (SOF) equipment and associated critical combat operations training, maintenance, and services. This program funds additional up-armored HMMWVs, maintenance and sustainment equipment and spare parts for night-vision devices, Explosive Ordnance Disposal (EOD) equipment, and secure communications equipment. These items increase survivability of Ukraine’s forces by increasing their capacity and capability to address Improvised Explosive Devices and Unexploded Ordnance threats throughout the Joint Forces Operation area, and increases their lethality with advanced weapon optics.

Units selected to receive this assistance will undergo Leahy human rights vetting before such assistance is provided and will be provided human rights training by the Defense Institute of International Legal Studies. The U.S. European Command (USEUCOM) assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department’s FY 2019 Operation and Maintenance, Defense-wide account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	Articles/Services	Value	Executing Component
1	Tactical Vehicles, including: <ul style="list-style-type: none"> <li>• M1151 HMMWV (20)</li> <li>• M1152 HMMWV</li> <li>Maintenance Contact Vehicle (4)</li> <li>• Associated spares and ancillaries</li> </ul>	\$6,300,000	Army

	<b>Articles/Services</b>	<b>Value</b>	<b>Executing Component</b>
2	Night-Vision Device (NVD) sustainment and maintenance, including: <ul style="list-style-type: none"> <li>• NVD consumable spare parts</li> <li>• NVD repair tools and supplies</li> <li>• Secure storage containers (20)</li> <li>• Associated Spares and ancillaries</li> <li>• Collimator Rifle Sights (1000)</li> <li>• Associated Rifle Handguards, batteries, spares, ancillaries</li> </ul>	\$3,600,000	Army
3	Engineering and Explosive Ordnance Disposal (EOD), including: <ul style="list-style-type: none"> <li>• Husky Demining Vehicle (1)</li> <li>• EOD Robots (20)</li> <li>• EOD Bomb-technician Suits (14)</li> <li>• Associated spares and ancillaries</li> </ul>	\$7,200,000	Navy
4	Non-Commissioned Officer Academy and Yavoriv Training Center Equipment, including: <ul style="list-style-type: none"> <li>• English Language Labs (20)</li> <li>• Simulations software and servers</li> <li>• Associated spares and ancillaries</li> </ul>	\$400,000	Army
5	SOF Secure Communication, including: <ul style="list-style-type: none"> <li>• HF/VHF Radios (124)</li> <li>• Associated Spares and ancillaries</li> </ul>	\$4,200,000	Army
6	SOF Optics, Medical, and Engineering, including: <ul style="list-style-type: none"> <li>• Weapon optics (550)</li> <li>• Secure Storage Containers (6)</li> <li>• EOD equipment</li> <li>• Medical equipment</li> <li>• Water Purification system (8)</li> <li>• Associated Spares and ancillaries</li> </ul>	\$2,500,000	Army/Navy

	Articles/Services	Value	Executing Component
7	<ul style="list-style-type: none"><li>• Operations and Maintenance Training</li><li>• Human Rights Training (DILLS)</li><li>• Services, Service Charges, and Technical Support</li><li>• Transportation, Consolidation, and Shipping</li></ul>	\$4,100,000	Army/Navy
<b>PROGRAM TOTAL</b>		<b>\$28,300,000</b>	

Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125,000,000. The quantity of items will remain consistent with the notified nature and scope of the program.

**Ukraine Security Assistance Initiative (USAI):  
Ministry of Defense – Command and Control**

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine in order to enhance Ukraine's capabilities to defend against Russian aggression, assist Ukraine in developing the combat capability necessary to defend its sovereignty and territorial integrity, and support Ukraine's efforts to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds equipment to develop further Ukraine's ability to communicate securely in the Joint Forces Operation area and emissions and penetration testing equipment to harden communication networks. These systems will improve the Ukrainian Ministry of Defense's communication and cyber capabilities.

Units selected to receive this assistance will undergo Leahy human rights vetting before such assistance is provided and will be provided human rights training by the Defense Institute of International Legal Studies. The U.S. European Command (USEUCOM) assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department's FY 2019 Operation and Maintenance, Defense-wide account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	<b>Articles/Services</b>	<b>Value</b>	<b>Executing Component</b>
1	Secure Communications equipment, including: <ul style="list-style-type: none"> <li>• VHF/UHF radio systems (100)</li> <li>• VHF Dismount System (100)</li> <li>• HF Radio Systems (350)</li> <li>• Associated spares and ancillaries</li> </ul>	\$43,200,000	Army
2	Emissions and Penetration Testing and certification equipment, including: <ul style="list-style-type: none"> <li>• Spectrum Analyzers (23)</li> <li>• Servers, racks, and cabling</li> <li>• Associated spares and ancillaries</li> </ul>	\$1,400,000	Army

	<b>Articles/Services</b>	<b>Value</b>	<b>Executing Component</b>
3	<ul style="list-style-type: none"> <li>• Operations and Maintenance Training</li> <li>• Human Rights Training (DILS)</li> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, and Shipping</li> </ul>	\$6,500,000	Army
	<b>PROGRAM TOTAL</b>	<b>\$51,100,000</b>	

Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125,000,000. The quantity of items will remain consistent with the notified nature and scope of the program.



**Ukraine Security Assistance Initiative (USAI):**  
Ministry of Defense – Other

The Department of Defense (DoD) plans to undertake activities to provide security assistance and intelligence support to military and security forces of the Government of Ukraine in order to enhance Ukraine’s capabilities to defend against Russian aggression, assist in developing the combat capability necessary to defend its sovereignty and territorial integrity, and support Ukraine’s efforts to defend against actions by Russia and Russian-backed separatists that violate the ceasefire agreements of September 4, 2014, and February 11, 2015. All activities notified under this program will be executed pursuant to Section 1250 of the National Defense Authorization Act for Fiscal Year 2016, as amended, and Section 9013 of the Department of Defense Appropriations Act, 2019.

This program funds 10 additional HMMWV ambulances, medical treatment supplies, optics and ancillaries for the Military Police, 10 vehicle-mounted public address systems, and associated training. These programs will continue to enhance Ukraine’s military medical capacity and capability in support of continued U.S.-led medical training in Ukraine designed to develop an organic and self-sustaining military medic program.

Units selected to receive this assistance will undergo Leahy human rights vetting before such assistance is provided and will be provided human rights training by the Defense Institute of International Legal Studies. The U.S. European Command (USEUCOM) assesses that Ukraine will be able to absorb effectively and benefit from the proposed assistance. There will be no adverse effect on U.S. personnel or operations. The funding for this program will come from the Department’s FY 2019 Operation and Maintenance, Defense-wide account.

These efforts support U.S. national security objectives both globally and within the USEUCOM area of responsibility.

DoD intends to provide the following articles or equivalent variants and services:

	<b>Articles/Services</b>	<b>Value</b>	<b>Executing Component</b>
1	Medical Equipment, including: <ul style="list-style-type: none"> <li>• M1152 HMMWV Ambulances (10)</li> <li>• Hospital equipment (30)</li> <li>• Treatment and Training supplies</li> <li>• Associated spares, ancillaries</li> </ul>	\$5,500,000	Army
2	Military Police Equipment, including: <ul style="list-style-type: none"> <li>• Weapon Optics (200)</li> <li>• Range finders (10)</li> <li>• Associated spares and ancillaries</li> </ul>	\$500,000	Army
3	STRATCOM equipment, including: <ul style="list-style-type: none"> <li>• Vehicle-Mounted Public Announcement system (10)</li> <li>• US standard digital media kits (30)</li> <li>• Associated spares and ancillaries</li> </ul>	\$1,600,000	Army

	Articles/Services	Value	Executing Component
4	<ul style="list-style-type: none"> <li>• Operations and Maintenance Training</li> <li>• Human Rights Training (DILS)</li> <li>• Services, Service Charges, and Technical Support</li> <li>• Transportation, Consolidation, and Shipping</li> </ul>	\$1,400,000	Army
	<b>PROGRAM TOTAL</b>	\$9,000,000	

Figures provided in this notification reflect estimated quantities and values. These figures may change based on the final price and availability of individual items, but the overall cost will not exceed \$125,000,000. The quantity of items will remain consistent with the notified nature and scope of the program.

1149

COMMUNICATION FROM SENATOR ROBERT MENENDEZ TO HON. MIKE POMPEO, REGARDING THE LEGAL STATUS OF THE U.S.-MEXICO JOINT DECLARATION AND SUPPLEMENTARY AGREEMENT OF JUNE 7, 2019

United States Senate  
WASHINGTON, DC 20510

August 7, 2019

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, NW  
Washington, D.C. 20520

Dear Secretary Pompeo:

I write concerning the State Department's disturbing and unprecedented reluctance to engage with the Senate Foreign Relations Committee (SFRC) on the legal status of the U.S.-Mexico Joint Declaration and Supplementary Agreement of June 7, 2019. SFRC jurisdiction and oversight responsibility include foreign policy, international agreements, and international law. The Joint Declaration is of particular interest given its recent prominence in the U.S.-Mexico relationship and in the Administration's regional migration "strategy," as well as the humanitarian crisis that "strategy" has created for the most vulnerable persons.

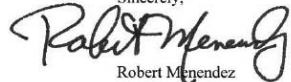
I have been seeking information on this matter since June 8. I have written you directly and have asked Acting Legal Adviser Marik String, when he testified before SFRC on July 24, with limited and unsatisfactory results.

I continue to seek clear answers to the most basic questions about the Joint Declaration: Is it a treaty or is it a political arrangement? Is it binding under international law or not? Regrettably, the Department's terse and tardy responses – provided after 51 days – raise more questions than they answer.

Below please find supplemental questions designed to cut through the confusion on this matter. I request that the Department provide a fulsome, accurate, and transparent written response to each question no later than August 12, 2019.

Thank you for your attention to this matter.

Sincerely,



Robert Menendez  
Ranking Member

**Supplemental Questions**

The supplemental questions are designed to achieve an understanding of the following statements conveyed by the Department to the Committee in response to questions originally submitted to the Department on June 8, 2019:

- “We can confirm that we regard the Joint Declaration with Mexico to be an authoritative political agreement that both governments will implement in good faith.” – email from the Bureau of Legislative Affairs (C. Donnelly) to SFRC staff, dated July 12. Acting Legal Adviser String, in his July 24 appearance before SFRC, testified that the JD is an “important, authoritative agreement.”
- “We can now confirm that the United States regards the June 7 Joint Declaration and the Supplementary Agreement with Mexico, which we have previously provided to the Committee, collectively to constitute a binding agreement under international law. We will be transmitting these instruments to Congress, in accordance with the Case Act.” – email from the Bureau of Legislative Affairs (C. Donnelly) to SFRC staff, dated July 29, and letter from Assistant Secretary for Legislative Affairs to Ranking Member Menendez, dated August 1.
- “We consider the Joint Declaration and Supplementary Agreement to be, collectively, an executive agreement, concluded in the exercise of the President’s constitutional authority for the conduct of foreign relations.” – email from the Bureau of Legislative Affairs (C. Donnelly) to SFRC staff, dated July 29, and letter from Assistant Secretary for Legislative Affairs to Ranking Member Menendez, dated August 1.

1. Authoritative political agreements

- a. Please explain why the Department characterized the Joint Declaration (JD) as an “authoritative political agreement,” which appears to blur the line between instruments that are binding under international law – generally referred to as legal agreements – and instruments that are not binding under international law – generally referred to as political arrangements or commitments.
- b. Please explain the precise characteristics that lead to the classification of a written instrument or oral commitment as an “authoritative political agreement.”
- c. Please provide examples of other “authoritative political agreements” in U.S. history.
  - i. Were such instruments or oral commitments referred to as “authoritative political agreements” at the time they were finalized or concluded? If not, when were they classified as such?
  - ii. For any examples, please indicate whether they are binding or non-binding for purposes of international law, and whether they were reported under the Case Act (if finalized subsequent to enactment of that statute).
- d. Does the United States ever enter into political agreements that are not “authoritative?” If yes, please explain why, and please provide examples of such non-authoritative political agreements.

- e. Does the Department generally transmit to Congress authoritative or non-authoritative political agreements pursuant to the Case Act? If yes, please provide examples. If no, please explain why not.
2. Circular 175 (C-175) authority
    - a. Were the JD and Supplementary Agreement (SA) negotiated and concluded pursuant to C-175 authority?
      - i. If yes, did the C-175 authorization and underlying memorandum of law indicate that the JD, the SA or both, individually or collectively, would constitute a binding agreement under international law? Please explain.
      - ii. If yes, please provide the date(s) any such C-175 authority was issued.
      - iii. If yes, please provide copies of the authority and underlying memorandum of law.
    - b. If the JD and/or the SA were not negotiated and/or concluded pursuant to C-175 authority, please explain why.
  3. Analysis of whether JD and SA are binding under international law
    - a. Please indicate whether the JD alone is binding under international law.
    - b. Please identify the characteristics of the JD from which it can be concluded that both the United States and Mexico regard the JD as binding under international law.
    - c. Please indicate which specific provisions of the JD impose binding obligations on either the U.S., Mexico, or both.
    - d. Please indicate whether the SA alone is binding under international law.
    - e. Please identify the characteristics of the SA from which it can be concluded that both the United States and Mexico regard the SA as binding under international law.
    - f. Please indicate which specific provisions of the SA impose binding obligations on either the U.S., Mexico, or both.
    - g. Please identify and explain in detail the specific factors that the Department analyzed in arriving at the position that the JD and SA collectively are binding under international law.
    - h. Please provide a detailed explanation, with relevant examples, of the legal theory by which the Department believes it is possible for a subsequent instrument, such as the SA, to render a change in the legal character of a prior instrument that was not itself previously considered binding under international law.
    - i. Please indicate whether the Department's analysis of the binding nature of the JD, SA, and the JD and SA collectively is consistent with the practice and precedent of the United States on international agreements and arrangements, or if the analysis departs from the practice and precedent of the United States in this area. If it does differ, please explain the following:
      - i. how it differs;
      - ii. why the executive branch departed from U.S. practice and precedent;
      - iii. whether the executive branch's position on the JD, SA, and SA and JD collectively is a one-time departure from U.S. practice and precedent, or whether the departure represents a shift in executive branch practice;

iv. whether the executive branch has made the Government of Mexico aware of any departure.

4. Position of the United States with regard to the JD and SA
    - a. During the course of the negotiations of the JD and SA, what was the position of the United States on whether the JD, the SA, and the JD and SA collectively were binding under international law?
    - b. Upon finalizing the JD and SA, what was the position of the United States on whether the JD, the SA, and the JD and SA collectively were binding under international law?
    - c. Acting Legal Adviser String appeared to indicate in his July 24 testimony that questions of whether the JD and SA were binding under international law were still being considered within the executive branch. If the United States did not have a position on the question of whether the instruments were binding during the negotiation or when the instruments were finalized, please explain why that would be the case.
    - d. Did the position of the United State on whether the instruments were binding change from the outset of the negotiations to the date the instruments were finalized or at any point between the date the instruments were finalized to the July 29 communication from the Department to SFRC staff. If yes, please explain the substance of the change(s) – *i.e.* from what to what – and the reason(s)?
  5. Position of the Government of Mexico (GOM) with regard to the JD and SA (as understood by the executive branch)
    - a. Has the position that the JD and SA collectively constitute a binding agreement under international law been conveyed to the GOM?
      - i. If yes, please indicate when this position was first conveyed to the GOM.
      - ii. If no, please explain why it has not been conveyed to the GOM.
    - b. What is the Department's understanding of the position of the GOM on the following:
      - i. whether the JD is binding for purposes of international law,
      - ii. whether the SA is binding for purposes of international law, and
      - iii. whether the JD and SA collectively are binding for purposes of international law.
- \*Please note that the preceding questions are not a request for the Department to speak on behalf of the GOM; rather we are interested in the Department's understanding of the GOM's position.
6. Impact of potential differing positions between United States and Mexico
    - a. If the GOM does not share (and never has shared) the executive branch position that the JD and SA collectively are binding under international law, would that change the executive branch position that the JD and SA collectively are binding? If no, please explain.
    - b. If the GOM does not share (and never has shared) the executive branch position that the JD and SA collectively are binding under international law, could the GOM be bound by any provision of such instruments? If yes, please explain.

## 7. Case Act transmittal

- a. In light of the executive branch position that the JD and SA collectively are binding under international law and the indication that they will be transmitted to Congress pursuant to the Case Act, does the Department commit to transmitting to Congress, pursuant to the Case Act, all similarly-situated instruments going forward?

## 8. Domestic legal authority for JD and SA

- a. The Department has indicated that it "consider[s] the Joint Declaration and Supplementary Agreement to be, collectively, an executive agreement, concluded in the exercise of the President's constitutional authority for the conduct of foreign relations."
  - i. Please be more specific concerning the constitutional authority asserted as the basis for the JD and SA. Which specific provisions of the Constitution does the Department view as providing the domestic legal authority for the JD and SA?
  - ii. Prior to the JD and SA, had the United States concluded any international instrument related to immigration or migration and asserted "the President's constitutional authority for the conduct of foreign relations" or any other constitutional authority of the President as the sole domestic legal basis for the instrument(s)?
    1. If yes, please provide a list of each instrument that meets these criteria, the date it was concluded, and a statement of the specific constitutional provisions that provide the asserted authority.

COMMUNICATION FROM SENATOR ROBERT MENENDEZ TO HON. MIKE POMPEO, REGARDING A DELAY OF SECURITY ASSISTANCE TO UKRAINE

JAMES E. RISH, IDAHO, CHAIRMAN

MARCO RUBIO, FLORIDA	ROBERT MENENDEZ, NEW JERSEY
RON JOHNSON, WISCONSIN	BENJAMIN L. CARDIN, MARYLAND
CORY GARDNER, COLORADO	JEANNE SHAWHEEN, NEW HAMPSHIRE
MITT ROMNEY, UTAH	CHRISTOPHER A. COONS, DELAWARE
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JOHN V. DANKO, GEORGIA	CHRISTOPHER MURPHY, CONNECTICUT
JOHN GATHRAGEO, WYOMING	TIM WAINO, VERMONT
RISH P. RYAN, OHIO	EDWARD J. MARKEY, MASSACHUSETTS
RAND PAUL, KENTUCKY	JOFF MERHALEY, OREGON
TODD YOUNG, INDIANA	CORY A. BOOKER, NEW JERSEY
TED CRUZ, TEXAS	

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

September 24, 2019

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Secretary Pompeo:

I write seeking immediate details regarding the State Department's role in delaying security assistance to Ukraine and facilitating meetings between the President's personal attorney and Ukrainian officials to discuss a potential Ukrainian investigation intended to bolster the President's 2020 election prospects. I understand from State Department officials that the White House provided the Department with no official reason for delaying security assistance to Ukraine for almost three months, which is highly disconcerting. The Department has also refused to provide any clarification about its interactions with the President's personal attorney regarding Ukraine.

Executive branch agencies function to carry out the policies of an administration; they do not serve the president as an individual or as a political candidate. It is imperative, particularly under a president that appears willing to usurp the federal government for his own personal and political interests, that our institutions uphold the rule of law and fulfill their appropriate role in a functioning democracy. Yet at the moment, it remains an open question whether the Administration has altered its policy towards Ukraine or demanded specific action from a foreign nation to fulfill the President's expressed wishes about a domestic political opponent.

If the Department is facilitating efforts to condition foreign aid—appropriated by Congress—for reasons other than strategic or foreign policy interests of the United States, the circumstances and details of these efforts must be fully disclosed and explained to Congress. It remains unclear, on what basis, if any, these funds were delayed, as well as what the Department communicated to Ukraine about the delayed funds, which were then reinstated without explanation—and why the Department failed to communicate anything to Congress about this delay.

Similarly, the Department must be crystal clear about its role with regard to the President's personal lawyer, including arranging a meeting with Ukrainian government officials in Madrid last month. The Department has an obligation to make clear to Ukrainian officials, as well as other foreign governments, that the President's personal attorney is not an official representative of the U.S. government. Any perception that the State Department is giving its imprimatur or allowing Mr. Giuliani's private efforts to continue is highly problematic. Foreign governments must know who speaks with authority for our government.




I seek to understand how the Department has upheld these goals. To that end, and to assist the Senate Foreign Relations Committee in conducting its constitutional role in overseeing the State Department and matters of U.S. foreign policy, and to ascertain what legislative action may be necessary in response, please provide the following:

1. When and how you first learned \$141.5 million in foreign military assistance for Ukraine would not be immediately obligated, and the extent of your role in deciding to suspend that assistance;
2. Your understanding of the reasons for that delay, and documentation sufficient to demonstrate that understanding;
3. A detailed explanation of why funds were ultimately delayed, and who made that decision;
4. All records in the Department's custody or control<sup>[1]</sup> related to foreign military or security assistance for Ukraine received, originating from, sent, or created from September 1, 2018, up to and including the date of a complete response;
5. All records in the Department's custody or control related to efforts or requests to investigate any presidential candidates for the 2020 U.S. presidential election;
6. All records in the Department's custody or control between the Department and the White House; the Department and the NSC, and the Department and OMB relating to assistance to Ukraine, the President's personal attorney, or efforts or requests to investigate any presidential candidates for the 2020 U.S. presidential election, from September 1, 2018, up to and including the date of a complete response;
7. All records in the Department's custody or control with or related to the President's personal attorney, including but not limited to records related to any efforts by the Department to support or facilitate any activities and meetings with him, whether in the United States, Ukraine, or elsewhere; and relating to any of his meetings with Ukrainian officials;
8. A list of Department officials who were briefed by the President's personal attorney about his communications or meetings with any Ukrainian government officials; and
9. All records in the Department's custody or control related to the President's July 25 call with President Volodymyr Zelensky.

I appreciate your attention to this matter and request you respond by September 30, 2019.

Sincerely,



Robert Menendez  
Ranking Member

<sup>[1]</sup> The term "record" throughout this request means any written, typed, recorded, graphic, printed, or audio material of any kind, including documents, memoranda, cables, letters, facsimiles, calendar items, spreadsheets; transcripts, notes, or minutes of any meetings, telephone conversations or discussions; and electronic communications and attachments thereto, including emails, text messages, instant messages, direct messages (such as messages over iMessage, WhatsApp, Signal, Viber, Facebook, or Twitter) regardless of whether maintained, sent, or received on a government or non-government (i.e. personal) account.

COMMUNICATION FROM SENATOR ROBERT MENENDEZ TO HON. MIKE POMPEO, REGARDING THE UKRAINE CONTROVERSY

JAMES E. RISCH, IDAHO, CHAIRMAN  
 MARGO RUBIO, FLORIDA  
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 CORY GARDNER, COLORADO  
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 JERRY BRADLEY, GEORGIA  
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 JEANNE SHAMHEEN, NEW HAMPSHIRE  
 CHRISTOPHER A. COONS, DELAWARE  
 TOM UDALL, NEW MEXICO  
 CHRISTOPHER MURPHY, CONNECTICUT  
 TIM KANE, VIRGINIA  
 EDWARD J. MARKEY, MASSACHUSETTS  
 JEFF MERLEY, OREGON  
 CORY A. BOOKER, NEW JERSEY

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

September 27, 2019

The Honorable Mike Pompeo  
 Secretary of State  
 U.S. Department of State  
 2201 C Street, N.W.  
 Washington, D.C. 20520

Secretary Pompeo:

Yesterday's release of a whistleblower complaint brings to light that the State Department not only knew about President Trump's July 25, 2019 phone call with Ukrainian President Zelensky in real time, but that multiple officials were briefed on the call.<sup>1</sup> As we now know, President Trump asked the Ukrainian president to investigate Trump's domestic political opponents and pursue baseless conspiracy theories. This should shake anyone who has taken an oath to support and defend our Constitution. Yet it remains unclear what, if anything, you and the State Department did in response to this unacceptable behavior.

It is now also clear that the President's call was not a single isolated event, but part of the President's months-long effort to elicit promises from a new Ukrainian leader to take action—based on unfounded claims—against one of the President's political rivals. Ukrainian officials apparently understood that a "condition" to any communications with President Trump was a willingness to discuss the President's desired lists of topics.<sup>2</sup>

In his call with President Zelensky, the President repeatedly encouraged a foreign leader to speak with his private personal attorney. Not a government official, not a diplomat, not a representative of the State Department. His personal attorney. A private citizen who had, months prior to that call, said that he was "meddling in an investigation"<sup>3</sup> and has asserted that he was asked by the State Department to "facilitate a meeting between the president and Mr. Zelensky."<sup>4</sup>

As Secretary of State, you are charged with carrying out foreign policy for the United States. Yet it appears that our policy with Ukraine was effectively outsourced to a private individual pursuing the personal vendettas of the President. I call on you to immediately come before the Senate Foreign Relations Committee to explain to Congress and the nation how this perversion

<sup>1</sup> Whistleblower Complaint to the Chairmen of the Senate Select Committee on Intelligence and the House Select Committee on Intelligence, Aug. 12, 2019 at 3, available at [https://intelligence.house.gov/uploadedfiles/20190812\\_-\\_whistleblower\\_complaint\\_unclass.pdf](https://intelligence.house.gov/uploadedfiles/20190812_-_whistleblower_complaint_unclass.pdf).

<sup>2</sup> Patrick Recvett & Lucien Bruggeman, "Ukrainians understood Biden probe was condition for Trump-Zelensky talks, says former Ukrainian adviser," *ABC News*, Sept. 25, 2019.

<sup>3</sup> Kenneth P. Vogel, "Rudy Giuliani Plans Ukraine Trip to Push for Inquiries That Could Help Trump," *The New York Times*, May 9, 2019.

<sup>4</sup> Rudy Giuliani, Interview with Laura Ingraham, *The Ingraham Angle, Fox News*, Sept. 25, 2019, <https://www.youtube.com/watch?v=pPsiSM4H8ZY>.

of U.S. foreign policy—and its undermining of our national security—was allowed to occur for so long. In addition, I request that you respond to the following preliminary questions by October 1:

1. When did you first learn that Mr. Giuliani was seeking to meet with Ukrainian officials?
2. Were you aware of Mr. Giuliani's meetings with Ukrainian officials on or around the dates that they happened?
3. Are you aware of other meetings between Mr. Giuliani and foreign officials?
4. Did you instruct anyone in the Department to not provide assistance to Mr. Giuliani regarding his meetings with foreign officials?
5. Were you aware that Special Envoy Kurt Volker or Ambassador to the EU Gordon Sondland were engaged with Mr. Giuliani regarding Ukraine? If so, did you direct or approve of their efforts?
6. Who else from the Department received readouts of, met with, or spoke to Mr. Giuliani about his meetings with foreign officials?
7. Why was the U.S. ambassador to Ukraine recalled in May 2019? Did you approve that decision?
8. Are you aware of any attempts to retaliate against the former U.S. ambassador to Ukraine, particularly in light of unfounded public attacks on her, including by the President? If so, have you taken any steps to prevent that retaliation?
9. When did you learn of the content of the President's July 25 call with President Zelensky?
10. What action did you take when you learned of the July 25 call?
11. Do you think it is appropriate for the President to enlist the assistance of a foreign leader to investigate his political opponents?
12. Are you aware of the President requesting or encouraging similar efforts of any other foreign officials?
13. Prior to the July 25 call, did you or did the Department communicate to Ukrainian officials that the President wanted to discuss corruption or investigations in Ukraine?
14. Did you communicate, or are you aware of efforts by U.S. officials to communicate, to Ukrainian officials the topics that the President wanted to discuss with President Zelensky?
15. Have you received transcripts or summaries of all of the President's calls with foreign leaders? Are you aware of any records of communications between the President and foreign leaders that have not been stored on the standard White House system for such calls and subsequently distributed to Cabinet-level officials?

I look forward to your immediate answers on these important matters of national security.

Sincerely,



Robert Menendez  
Ranking Member

COMMUNICATION FROM COMMITTEE CHAIRMEN ENGEL, SCHIFF, AND  
CUMMINGS, TO HON. JOHN J. SULLIVAN, REGARDING TESTIMONY  
BY CURRENT AND FORMER STATE DEPARTMENT OFFICIALS BEFORE  
THE HOUSE OF REPRESENTATIVE'S IMPEACHMENT INQUIRY

**Congress of the United States**  
Washington, DC 20515

October 1, 2019

The Honorable John J. Sullivan  
Deputy Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20230

Dear Mr. Deputy Secretary:

We are responding to a letter sent earlier today by Secretary of State Michael Pompeo attempting to block testimony from current and former State Department officials sought by our Committees for depositions as part of the House of Representatives' impeachment inquiry.

We are writing to you because Secretary Pompeo now appears to have an obvious conflict of interest. He reportedly participated personally in the July 25, 2019 call, in which President Donald Trump pressed President Volodymyr Zelensky of Ukraine to investigate the son of former Vice President Joseph Biden immediately after the Ukrainian President raised his desire for United States military assistance to counter Russian aggression.<sup>1</sup>

If true, Secretary Pompeo is now a fact witness in the impeachment inquiry. He should not be making any decisions regarding witness testimony or document production in order to protect himself or the President. Any effort by the Secretary or the Department to intimidate or prevent witnesses from testifying or withhold documents from the Committees shall constitute evidence of obstruction of the impeachment inquiry.

Given the Secretary's own potential role, and reports of other State Department officials being involved in or knowledgeable of the events under investigation, the Committees may infer that he is trying to cover up illicit activity and misconduct, including by the President. This would be a blatant cover-up and a clear abuse of power.

In his letter, Secretary Pompeo claims that Congress lacks the authority to conduct depositions without agency representatives in the room, despite our clear authority and a long precedent of doing so. He argued that "the five officials subject to your letter may not attend any interview or deposition without counsel from the Executive Branch present."<sup>2</sup>

Yet, when Secretary Pompeo served previously as a Member of the House of Representatives—and as one of the key Republican Members of the Benghazi Select Committee—he held exactly the opposite view. The House rule that protects witnesses in

<sup>1</sup> *Pompeo Took Part in Ukraine Call, Official Says*, Wall Street Journal (Sept. 30, 2019) (online at [www.wsj.com/articles/pompeo-took-part-in-ukraine-call-official-says-11569865002](https://www.wsj.com/articles/pompeo-took-part-in-ukraine-call-official-says-11569865002)).

<sup>2</sup> Letter from Secretary of State Michael R. Pompeo, State Department, to Chairman Eliot L. Engel, Committee on Foreign Affairs (Oct. 1, 2019).

The Honorable John J. Sullivan  
Page 2

depositions was adopted by the House of Representatives in January 2019. The same rule has been in place for more than a decade under both Republican and Democratic Chairmen of the Committee on Oversight and Reform, and it was in place during Secretary Pompeo's tenure on the Benghazi Select Committee.<sup>3</sup>

The Constitution authorizes Congress to "determine the Rules of its Proceedings."<sup>4</sup> The regulations that govern House depositions state:

Witnesses may be accompanied at a deposition by personal, nongovernmental counsel to advise them of their rights. Only members, Committee staff designated by the chair or ranking minority member, an official reporter, the witness, and the witness's counsel are permitted to attend. Observers or counsel for other persons, including counsel for government agencies, may not attend.<sup>5</sup>

This rule is intended for exactly these types of circumstances—to prevent an agency head with an obvious conflict of interest, and who is directly implicated in the abuses we are currently investigating, from trying to prevent his own employees from coming forward to tell the truth to Congress.

Such interference may subject Department officials who engage in this obstruction to liability under several federal statutes:

- It is a criminal violation punishable by fine or up to five years in prison to, "by threats or force, or by any threatening letter or communication," influence, obstruct, or impede or endeavor to do so, "the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House."<sup>6</sup>
- Under the Whistleblower Protection Act, employees who speak to Congress have the right not to have adverse personnel actions taken against them. Any retaliatory actions taken against State Department employees who cooperate with Congress may constitute violations of this law.<sup>7</sup>
- Any Department official who "prohibits or prevents" or "attempts or threatens to prohibit or prevent" any officer or employee of the Federal Government from

<sup>3</sup> Deposition Procedures for the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, Congressional Record, H4056 (May 9, 2014) (online at [www.congress.gov/113/crec/2014/05/09/CREC-2014-05-09-pt1-PgH4056.pdf](http://www.congress.gov/113/crec/2014/05/09/CREC-2014-05-09-pt1-PgH4056.pdf)); Rules of the Committee on Oversight and Reform for the 116th Congress (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/COR%20Rules%20-%20passed.pdf>).

<sup>4</sup> U.S. Const., Art. I, sec. 5, cl. 2.

<sup>5</sup> 116th Congress Regulations for Use of Deposition Authority, Congressional Record, H1216 (Jan. 25, 2019) (online at [www.congress.gov/116/crec/2019/01/25/CREC-2019-01-25-pt1-PgH1216-2.pdf](http://www.congress.gov/116/crec/2019/01/25/CREC-2019-01-25-pt1-PgH1216-2.pdf)).

<sup>6</sup> 18 U.S.C. § 1505.

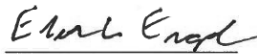
<sup>7</sup> Whistleblower Protection Act, 5 U.S.C. § 2302; *See also* 5 U.S.C. § 7211.

The Honorable John J. Sullivan  
Page 3

speaking with the Committee could have his or her salary withheld pursuant to section 713 of the Financial Services and General Government Appropriations Act.<sup>8</sup>

For all of these reasons, the Department must immediately halt all efforts to interfere with the testimony of State Department witnesses before Congress. If you have any questions, please contact the Committee on Foreign Affairs at (202) 225-5021.

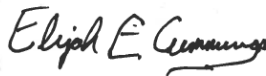
Sincerely,



Eliot L. Engel  
Chairman  
House Committee on Foreign Affairs



Adam B. Schiff  
Chairman  
House Permanent Select Committee  
on Intelligence



Elijah E. Cummings  
Chairman  
House Committee on Oversight and Reform

cc: The Honorable Michael McCaul, Ranking Member  
House Committee on Foreign Affairs

The Honorable Devin Nunes, Ranking Member  
House Permanent Select Committee on Intelligence

The Honorable Jim Jordan, Ranking Member  
House Committee on Oversight and Reform

<sup>8</sup> P.L. 116-6, § 713 ("No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who ... prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee.").

1161

COMMUNICATION FROM SENATOR ROBERT MENENDEZ TO HON. MIKE POMPEO, URGING SECRETARY POMPEO'S RECUSAL FROM ALL UKRAINE-RELATED MATTERS

JAMES E. RISCH, IDAHO, CHAIRMAN  
MARIO RUBIO, FLORIDA  
RON JOHNSON, WISCONSIN  
CORY GARDNER, COLORADO  
MITT ROMNEY, UTAH  
LINDSEY O'HANRA, SOUTH CAROLINA  
JOHN F. CLARKSON, GEORGIA  
JOHN BARRASSO, WYOMING  
BOB PORTMAN, OHIO  
RAND PAUL, KENTUCKY  
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CHRISTOPHER A. COONS, DELAWARE  
TON SOALL, NEW MEXICO  
CHRISTOPHER KLIPFIR, CONNECTICUT  
TIM KANE, VIRGINIA  
EDWARD J. MARKEY, MASSACHUSETTS  
JEFF MERKLEY, OREGON  
CORY A. BOOKER, NEW JERSEY

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

October 2, 2019

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Dear Secretary Pompeo,

I write to urge you to recuse yourself immediately from all Ukraine-related matters. You have a direct conflict of interest given your participation in the now-infamous Trump-Zelensky call, and there are serious questions concerning your role in the leveraging of U.S. security assistance – taxpayer dollars – to advance President Trump's personal and political agenda.

Going forward you must refrain from any direct or indirect participation in or influence over the State Department response to the Ukraine scandal, including congressional requests for documents or to interview State Department personnel. You should also step back from Ukraine policy and foreign assistance decisions. The American people need to have confidence that the Nation's chief diplomat is making decisions based on the national interest — not to advance a partisan political agenda. Recusal is the only option at this point to prevent further erosion of the integrity of US foreign policy.

Sincerely,



Robert Menendez  
Ranking Member

COMMUNICATION FROM THE MINORITY MEMBERS OF THE SFRC TO  
HON. MIKE POMPEO, REGARDING SECRETARY POMPEO'S FAILURE  
TO DEFEND AMBASSADOR MARIE YOVANOVITCH FROM "UNDO PO-  
LITICAL PRESSURE"

JAMES F. RISH, IDAHO, CHAIRMAN

MARCO RUBIO, FLORIDA	ROBERT MENENDEZ, NEW JERSEY
RON JOHNSON, WISCONSIN	BENJAMIN L. CARDIN, MARYLAND
CORY GARDNER, COLORADO	JEANNE SHAMLEN, NEW HAMPSHIRE
MITT ROMNEY, UTAH	CHRISTOPHER A. COONS, DELAWARE
LINDSEY GRAHAM, SOUTH CAROLINA	TOM UDALL, NEW MEXICO
JOHNEY ROSSON, GEORGIA	CHRISTOPHER MURPHY, CONNECTICUT
JOHN HARRIS, KENTUCKY	TIM KANE, VIRGINIA
REID PORTMAN, OHIO	EDWARD J. MARKEY, MASSACHUSETTS
RANDY PAUL, KENTUCKY	JEFF SESSIONS, OREGON
TODD YOUNG, INDIANA	CORY A. BOEKER, NEW JERSEY
TED CRUZ, TEXAS	

United States Senate  
COMMITTEE ON FOREIGN RELATIONS  
WASHINGTON, DC 20510-6225

October 10, 2019

The Honorable Mike Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Secretary Pompeo:

As Secretary of State, you have a responsibility to stand up for and defend all State Department personnel and protect them against unfair attacks and political retaliation. Yet, as an August 2019 State Department's Inspector General report shows, under the Trump administration, dedicated public servants have suffered retaliation and attacks that have damaged their reputations, subjected them to threats, and left their careers in limbo. For months, you have tried to delay and avoid many of our congressional requests related to these actions. This week, the Department blocked employees from speaking, even voluntarily, to Congress. We call on you to stop impeding congressional inquiries, and start standing up for the Department's dedicated public servants.

While we have many questions about the role you and the Department have played in the Trump-Ukraine scandal, an important part of that inquiry is why the former U.S. Ambassador to Ukraine, Marie "Masha" Yovanovitch, was recalled earlier this year. In particular, her early recall raises questions about whether you put the personal interests of the President above the Department's career personnel or U.S. foreign policy.

It also raises the question of what you and the Department did to protect Ambassador Yovanovitch against improper political pressure.

For months, Ambassador Yovanovitch faced political attacks based on disinformation and statements later proven to be false. Based on her work advancing the official position of the U.S. government, she became the target of false accusations by Ukrainian Prosecutor General Yuriy Lutsenko.<sup>1</sup> Although Lutsenko later recanted his statements, Ambassador Yovanovitch remained the target of unfounded conspiracy theories, advanced in part by the President's agent, Rudy Giuliani, and his son, Donald Trump, Jr.<sup>2</sup>

<sup>1</sup> "Ukraine Prosecutor General Lutsenko admits U.S. ambassador didn't give him a do not prosecute list," UNIAN, Apr. 18, 2019, <https://www.unian.info/politics/10520715-ukraine-prosecutor-general-lutsenko-admits-u-s-ambassador-didn-t-give-him-a-do-not-prosecute-list.html>; U.S. State Department, "US-Ukraine Joint Statement," Nov. 2018, <https://us.usembassy.gov/joint-statement-on-u-s-ukraine-strategic-partnership/>.

<sup>2</sup> See Giuliani says State Dept vowed to investigate after he gave Ukraine docs to Pompeo, *NBC News*, Oct. 3, 2019, <https://www.nbcnews.com/politics/trump-impeachment-inquiry/giuliani-says-state-dept-vowed-investigate-after-he->



Throughout these events, you have said nothing publicly in her defense. You have not made a single remark defending Ambassador Yovanovitch or heralding her more than three decades of service to the American people. According to recent reports, you even supported her early removal—which, in the absence of any logical explanation, appears tied to the President's effort to use U.S. policy in Ukraine to pursue his own personal political interests.<sup>3</sup>

Yet, Ambassador Yovanovitch is only the latest example of Department personnel who have paid a heavy price for their continued public service. Recently, the State Department's Inspector General detailed the mistreatment and politically-motivated targeting of career personnel by senior officials at the Department.<sup>4</sup> One of the senior officials the Department found to have engaged in these practices, Assistant Secretary Kevin Moley, has suffered no consequence, while dozens of employees suffered damage to their careers, and worse.

Over the last several weeks, you have been similarly silent about the rights of whistleblowers to come forward about matters of national security. Despite the President's comments equating whistleblowers with "spies," you said nothing. After he made false and misleading statements about the whistleblower, you did not, as the former head of the CIA, point out that this whistleblower did precisely what someone who wants to report an urgent concern about harm to national security should do: follow the law.

As the head of our country's global diplomatic force, your refusal to stand up for career employees and support whistleblowers is disturbing. It is incumbent on you not to further the President's damaging and unfounded attacks, but to send a simple message to everyone who works at the Department of State—that you have their backs.

We hope that you will swiftly, and clearly, send that message far and wide.

**In case there is any confusion: those working for the federal government, including civil service, foreign service, and contractors, who possess information they reasonably believe demonstrates a violation of law; gross mismanagement; gross waste of funds; abuse of authority; a substantial and specific danger to public health or safety; or censorship related to research, analysis, or technical information are protected and entitled under federal law to raise those concerns through authorized channels, including to Congress or Inspectors General, without fear of retribution or reprisal. Even in cases where information is required to be kept secret in the interest of national defense or the conduct of foreign affairs, disclosure to Inspectors General or the Special Counsel is still protected.**

It is imperative that senior officials throughout government ensure that employees know their rights, and that employees are not discouraged from raising valid concerns.

<sup>3</sup> gave-ukraine-n1061931; Donald Trump Jr., @DonaldJTrumpJr, <https://twitter.com/donaldjtrump/status/1109850575926108161>, Mar. 24, 2019.

<sup>3</sup> Rebecca Ballhaus et al., "Trump Ordered Ukraine Ambassador Removed After Complaints From Giuliani, Others," *The Wall Street Journal*, Oct. 3, 2019.

<sup>4</sup> U.S. Department of State, Office of Inspector General, Review of Allegations of Politicized and Other Improper Personnel Practices in the Bureau of International Organization Affairs, Aug. 2019.

Your failure to intervene when the White House or your subordinates targeted career personnel and the Department's efforts earlier this week to prevent Ambassador Gordon Sondland from testifying before Congress send the wrong message. As you know, Ambassador Yovanovitch is scheduled to testify to Congress. We call on you to abide by the ethos you have set for the Department, to stand up for those who serve in the Department and the nation, and not further impede their testimony.


In addition, to assist the Committee with its oversight responsibilities over the Department's operations and treatment of employees, we request that you respond to the following, no later than October 16, 2019.

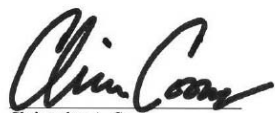
1. What, specifically, has the State Department done to protect Ambassador Yovanovitch from political retaliation?
2. How did you defend Ambassador Yovanovitch in the face of attempts by President Trump, the President's agent Rudy Giuliani, and Donald Trump, Jr. to discredit her by echoing now-debunked conspiracy theories?
3. Following the July 25, 2019 call, did you speak with President Trump about his comments regarding Ambassador Yovanovitch, particularly that she "was bad news" and "[s]he's [Yovanovitch] going to go through some things"?
4. Why was Ambassador Yovanovitch removed early from her post in Kyiv?
5. Did you receive instructions from the President, the White House, or the President's agent Rudy Giuliani regarding Ambassador Yovanovitch prior to her removal on May 7, 2019? If so, what were they?
6. Do you agree with the President's statements on whistleblowers?
7. What are you doing to ensure that all Department personnel know and understand their rights under federal whistleblower laws?
8. Has the Department issued any communications or documents to staff regarding whistleblower rights or communicating or cooperating with Congress since January 2017? If so, please provide a copy of each such communication or document.

We look forward to your immediate responses on this important matter.

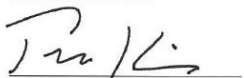
Sincerely,

  
Robert Menendez  
Ranking Member

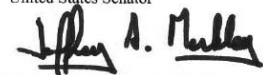
  
Jeanne Shaheen  
United States Senator



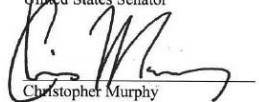
Christopher A. Coons  
United States Senator




Tim Kaine  
United States Senator



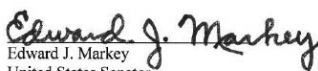
Jeffrey A. Merkley  
United States Senator



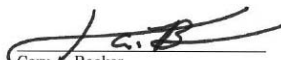
Christopher Murphy  
United States Senator



Tom Udall  
United States Senator



Edward J. Markey  
United States Senator



Cory A. Booker  
United States Senator



Benjamin L. Cardin  
United States Senator



## NOMINATIONS

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THURSDAY, OCTOBER 31, 2019

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

The committee met, pursuant to notice, at 10:08 a.m. in Room SD-419, Dirksen Senate Office Building, Hon. Marco Rubio, presiding.

Present: Senators Rubio [presiding], Gardner, Romney, Young, Cardin, Shaheen, and Kaine.

### **OPENING STATEMENT OF HON. MARCO RUBIO, U.S. SENATOR FROM FLORIDA**

Senator RUBIO. The Committee on Foreign Relations will come to order.

I want to welcome the nominees.

Today we will consider five nominations: Ms. Aneliz Castillo, to be the U.S. Alternate Executive Director of the Inter-American Development Bank; Ms. Alma Golden, to be the Assistant Administrator of the United States Agency for International Development; Mr. Peter Haymond, to be the Ambassador to Lao People's Democratic Republic; Ms. Alina Romanowski, to be the Ambassador to the State of Kuwait; and Ms. Leslie Meredith Tsou, to be Ambassador to the Sultanate of Oman.

If confirmed, you will have important roles and responsibilities in advancing our nation's foreign policy objectives and in protecting our national security interests and values. This is especially true for those countries with concerning records on human rights and democracy and those in which we are working to improve the economy, security, and bilateral relations.

In Laos, Mr. Haymond, the U.S. continues to pursue policies that advance the goal of a free and open Indo-Pacific. So I will be interested to hear how you see Laos fitting into America's strategy and interests in the region.

In Kuwait, it is a strategic partner for the United States that is hosting military personnel and cooperating with us on a host of issues, including countering regional threats. I will be interested today to hear how we will continue to work with the Kuwaitis on counterterrorism financing and find opportunities to bring Kuwait closer to U.S. policy on halting Iran's destabilizing activities in the region.

In Oman, the U.S. should also continue our cooperation, particularly on countering threats posed by the brutal regime in Tehran. We work together with them on many issues, and so I look forward

to hearing views on ways to strengthen the relationship and advance our areas of mutual interest for our nations.

Ms. Golden, on the USAID Global Health, the stakes of this position are high as global health programs consume roughly a third of USAID's budget. These programs and initiatives include maternal and child health, controlling the HIV/AIDS epidemic, combating infectious diseases such as tuberculosis, malaria, and tropical diseases. And doing so is not just a moral imperative. These are matters of national security for our country. Global health crises such as an Ebola outbreak in the DRC quickly become out of control, leaving many dead and creating instability and chaos. I believe it is in our country's interest to help countries build strong health systems and improve global health security. And that is why funding and effective leadership are important, and I look forward to hearing about your priorities.

Finally, in the Inter-American Development Bank, the U.S. has an opportunity to help support economic, social, and institutional development in the region, a region of the world that lies obviously in our own hemisphere and yet I think is too often ignored. While we are one of the wealthiest nations in the world, countries to our south suffer from poverty, weak institutions, violence, political instability, dictatorial regimes, and growing influence and pressure from China and Russia. And so I look forward to hearing from you, Ms. Castillo, how you hope to address many of these issues that are holding back these countries in the region from becoming strong democracies, that respect the rule of law and human rights, and who have achieved economic stability and prosperity as well.

Should each of you be confirmed to your respective positions, you will play important roles in advancing our foreign policy. We are at a critical point in our history where increasingly aggressive governments, such as the Chinese Communist government and the Russian government under Vladimir Putin, are working to weaken America's influence and role in the world. They would love nothing more than to exert their influence by stepping into vacuums left behind by our nation. And for these reasons and many more, the U.S. must remain engaged and play a key leadership role on the global stage, find ways to support young and emerging democracies, and strengthen our bilateral relationships around the world. We have a real opportunity, and that is why your roles will be important.

So, again, I want to thank each of you and your families for your commitment to our nation and your willingness to serve.

To the ranking member.

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

Senator CARDIN. Well, thank you, Chairman Rubio, for calling this hearing. We have five very important nominees for positions in regards to missions in other countries, as well as international organizations.

I welcome all five of the nominees. I thank you for your willingness to serve our nation during these extremely challenging times, and we thank your families because we know that this will be a sacrifice to the families. And we thank you for your service.

As I do with just about every nominee, I will be asking you questions concerning human rights and how you will advance human rights. But today particularly the question that is on the minds of most Americans is what your view was on the Houston manager's decision as it related to the changing of pitching.

[Laughter.]

Senator SHAHEEN. I do not think they have to answer that.

[Laughter.]

Senator CARDIN. I do want to just acknowledge, Mr. Chairman, that until the people of the District of Columbia have their own U.S. Senators in this body, it is incumbent upon the Senators from Maryland and Virginia to speak out on behalf of the people of the District of Columbia. And we will.

And congratulations to the Washington Nats. It was a great victory. I think we are all proud of the way that they conducted their season. They never gave up even though there were times that I think people wondered whether they had a chance. And now, of course, winning the championship we have great pride.

So moving on to this hearing and who we have here, Ms. Castillo, I want to first thank you for your willingness. The Inter-American Development Bank is very important in their leadership in our own hemisphere. As the chairman has pointed out, there are significant challenges that we confront today from the influence of China and Russia in our hemisphere to the challenges that have been brought forward in regards to the migrations from Central America and the challenges from Venezuela.

So we want to know how you will be leading this agency, if confirmed, to provide the help that the Inter-American Development Bank can do in regards to productivity and innovation in our hemisphere, gender equality, dealing with environmental stewardship, and the protection of human rights.

To Ms. Golden, in regards to the Bureau of Global Health, we all understand that global health issues equals stability for us. It is a national security concern, as well as a humanitarian concern. So your leadership here is going to be critically important. We have seen new Ebola outbreaks, as well as measles and cholera, presenting challenges for us.

I will mention that I welcome your thoughts as to how this administration's revised and expanded Mexico City policy is going to affect our mission on dealing with issues such as family planning. Even though no funds of the United States can go for abortion, we know that it is also affecting other programs and capacities within our mission to deal with global health.

And in regards to Mr. Haymond, Ms. Romanowski, and Ms. Tsou, I want to thank all three of you for your career service, diplomatic service. That has been very much challenged in this environment, but you are continuing to serve our nation in critically important roles. Each of the countries that you have been nominated to are critically important to us for national security concerns, the growing influence of China. And I will be asking you as to how you will advance American values, if confirmed, including the protection of human rights of the people of the country in which our mission is located. I look forward to your testimony.

Again, thank you all for your willingness to serve our country.

Senator RUBIO. Thank you very much.

I guess I will start from right to left to introduce our nominees.

Ms. Aneliz Castillo currently serves as the Special Assistant to the President and Deputy Director of Public Liaison and Intergovernmental Affairs in the Office of the Vice President. Of course, she is nominated to be U.S. Alternate Executive Director of the Inter-American Development Bank.

Ms. Alma Golden, to be Assistant Administrator of the United States Agency for International Development. She is the Executive Director of the U.S. Global Development Lab where she oversees the lab and its operations.

Mr. Peter Haymond, to be the Ambassador to the Lao People's Democratic Republic. He is a career member of the Senior Foreign Service and currently serves as charge at the U.S. embassy in Bangkok, Thailand.

Ms. Alina Romanowski to be Ambassador to the State of Kuwait. Ms. Romanowski assumes her post as the Acting Principal Deputy Coordinator for Counterterrorism on November 14th—assumed her post on November 14th as the Principal Deputy Coordinator for Counterterrorism where she oversees coordination and integration of the Department of State and the U.S. government's international efforts to advance specific counterterrorism policies, objectives, and develops, and implements them.

Ms. Leslie Meredith Tsou, to be Ambassador to the Sultanate of Oman. She is a career member of the Senior Foreign Service, is Deputy Chief of Mission at the U.S. mission in Israel, and is the first Deputy Chief of Mission at the U.S. embassy in Jerusalem. Previously she served as the senior advisor on Iran and Director of the Office of Iranian Affairs at the Department of State.

So thank you all for being here. We will start with you, Ms. Castillo. Thank you, and you are recognized for your opening statement.

**STATEMENT OF ANDELIZ N. CASTILLO, OF NEW YORK, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK, VICE ELIOT PEDROSA**

Ms. CASTILLO. Good morning, Chairman Risch, Chairman Rubio, Ranking Members Menendez and Cardin, and members of the Senate Foreign Relations Committee.

I am very honored and humbled that President Trump has nominated me to serve as the U.S. Alternate Executive Director of the Inter-American Development Bank. I am grateful to Secretary Mnuchin and U.S. Executive Director of the Inter-American Development Bank Eliot Pedrosa for their confidence and support throughout this process.

Earlier this year, I was blessed to become a mom to my 7-month-old son, Noah Manuel. It is the toughest yet the most rewarding role I have held thus far. I share this responsibility with my loving husband, Reinaldo Pagan, who is here with me today. I must say that I am an incredibly proud wife of a U.S. veteran. My husband served this country for more than 20 years in the U.S. Army.



My mom Nevis and my stepdad Jorge, who have always supported me with their unconditional love, could not be here today but are watching from home as they care for my son.

And lastly, I would be remiss if I did not recognize my beautiful grandparents, Manuel and Bertha, who are watching from above.

I was born and raised in New York City as a first generation immigrant. My mother, along with her three sisters and my grandparents, fled to the United States settling in New York in pursuit of basic rights and opportunities that were stripped away in their homeland of Cuba. Their experience of losing everything due to communism and authoritarianism taught me early on the value of democracy, economic opportunity, human rights, and freedoms. In addition to my mother's immigrant experience, her ability to successfully raise my brother Alex, my sister Adrianna, and me for several years on her own instilled the principles of self-reliance, hard work, and perseverance.

In my nearly 15 years of professional experience, I have had the great privilege to serve the American people in the legislative and executive branch. I have worked in communications, coalition-building, intergovernmental affairs, and policy. My professional introduction to western hemisphere affairs began in the office of south Florida Congressman Lincoln Diaz-Balart and continued in a greater capacity after joining the House Committee on Foreign Affairs under Chairman Ileana Ros-Lehtinen.

Today in the Vice President's office, although my primary function is to serve as an interface between civil society groups and Vice President Pence, I have worked closely with the western hemisphere national security team on issues to advance democracy and human rights throughout the region. I was fortunate to visit Colombia, Argentina, Chile, and Panama with the Vice President on his first official trip to Latin America.

Outside of government, I led a nonprofit organization as Chief Operating Officer and Chief of Staff for several years. I gained valuable management and operations experience, overseeing a team of nearly 100 full-time employees across 10 States.

If I am fortunate to be confirmed, I look forward to addressing issues that are hindering progress in Latin America and the Caribbean such as poverty, corruption, weak institutions, gang violence, socialism, lack of human capital, and China's growing influence. The shared goal of the United States and of the Inter-American Development Bank is to achieve long-term economic prosperity, political stability, and freedom across the hemisphere, fundamentally to improve the lives of our southern neighbors. I share that vision and commit to working with this administration and Congress, especially members of this committee. I pledge to use the means available to advance democracy and human rights. And as a proud Hispanic woman, I look forward to working towards expanding opportunities for women throughout Latin America and the Caribbean.

Mr. Chairman and Ranking Member and other members of this committee, thank you again for the opportunity to appear before you. I would be pleased to answer any questions you may have.

[The prepared statement of Ms. Castillo follows:]

## PREPARED STATEMENT OF ANDELIZ N. CASTILLO

Chairman Risch, Chairman Rubio, Ranking Members Menendez and Cardin and members of the Senate Foreign Relations Committee: I am very honored and humbled that President Trump has nominated me to serve as the U.S. Alternate Executive Director of the Inter-American Development Bank.

I am grateful to Secretary Mnuchin and U.S. Executive Director of the Inter-American Development Bank Eliot Pedrosa for their confidence and support throughout this process.

Earlier this year, I was blessed to become a mom to my seven month old son, Noah Manuel. It is the toughest, yet the most rewarding role I have held thus far. I share this responsibility with my loving husband, Reinaldo Pagan, who is here with me today. I must say that I am an incredibly proud wife of a U.S. veteran. My husband served this country for more than 20 years in the U.S. Army. My mom Nevis and stepdad Jorge, who have always supported me with their unconditional love, could not be here today but are watching from my home as they care for my son. Lastly, I would be remiss if I did not recognize my beautiful grandparents, Manuel and Bertha, who are watching from above.

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Outside of government, I led a non-profit organization as Chief Operating Officer and Chief of Staff for several years. I gained valuable management and operations experience, overseeing a team of nearly 100 full-time employees across ten states.

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Mr. Chairman and Ranking Member and other members of this committee, thank you again for this opportunity to appear before you. I would be pleased to answer any questions you may have.

Senator RUBIO. Thank you, Ms. Castillo.  
Ms. Golden?

**STATEMENT OF DR. ALMA L. GOLDEN, OF TEXAS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE ARIEL PABLOS-MENDEZ**

Dr. GOLDEN. Senator Rubio, Senator Cardin, and Senator Shaheen, and the other members that will be joining I guess later, I

am honored to be here today as the nominee for the Assistant Administrator for the Bureau for Global Health in the United States Agency for International Development. I am humbled by President Trump's nomination and the confidence of Administrator Green.

I would like to recognize and thank my incredible colleagues in the Global Health Bureau, as well as well as the Global Development Lab as well.

USAID's programs demonstrate the great compassion of the American people, while advancing also the U.S. security priorities and prosperity of our nation. If confirmed, I commit to supporting the mission of the Global Health Bureau to control the HIV epidemic, to prevent child and maternal deaths, and to combat infectious diseases while we advance health security.

I consider myself to be one of the richest women you will meet. My wealth is not in money, but in relationships. I am privileged to be the mother of four children. 4 years ago in one of my last conversations with my eldest son, Dr. Matthew Davis, my trauma surgeon son encouraged me to reenter public service. I honor his inspiration today.

My other children, David Jonathan Davis; Barbara Davis Eppink; Daniel Coe Davis; and Matt's wife, Sharon Davis; and their families are supporting me from Texas.

Today Marina Svistova McCreight is with me. She joined our family as a Freedom Support Act Scholar from Ukraine 25 years ago and has been the daughter of my heart since that time. I am grateful to the Congress for the extraordinary programs like that which bring the world together.

I am the grandmother of 12 amazing grandchildren, 15 if you count Marina's. So I am heavily invested in the future.

Administrator Green's inspiring vision for USAID has been irresistible to this Texas pediatrician. My passion for access to health care has gone back to my childhood. As a child, I was inspired by stories I heard about missionaries who went to other parts of the world to help people in need. Like most young women growing up in the 1960s, I assumed I would enter nursing. However, my father, who was a decorated World War II aviator and who taught me to fly when I was 14, gave me wings of another sort when he asked me, why do you not just become a doctor?

Later as a pediatrician and a single mom in my hometown in Texas, I could not serve overseas, but the needs of my own county captured my heart. While volunteering with the public health clinic, I recognized the absence of affordable, accessible, quality care. I left private pediatrics and I joined the University of Texas Medical Branch where for a decade I ran a network of 16 clinics over a span of about 270 miles in south and east Texas providing health care in rural and underserved communities. This experience of front-line health care informed my 4 years at the Department of Health and Human Services while I worked with the Office of Population Affairs, as well as helped launch PEPFAR. It also has provided important insights while I worked with USAID since October 2017.

If confirmed, I commit to bring not only my passion for access to quality care, but also my experience to the countries where USAID operates.

This administration proudly supports the Global Health Security Strategy, an effective tool to prevent, detect, and respond to infectious disease threats. I have witnessed the complexity of the recent Ebola epidemic firsthand in the DRC, and if confirmed, I commit to supporting and strengthening global health security that builds resilience and responsibility around the world.

USAID prioritizes the empowerment of women and girls, and we must remain engaged in order to stop the harmful practices of child marriage, child exploitation, domestic violence, and other forms of trafficking and abuse. I commit to continuing that fight.

One agent of change in health outcomes that is mostly under-appreciated and inadequately resourced is men. Caring men strengthen diverse health outcomes, including the use of prenatal care, immunizations, school attendance, use of voluntary family planning, and adequate nutrition while lowering rates of domestic violence and exploitation. If confirmed, I commit to identifying current programs and new supports to help male champions of health and well-being.

Global Health is on the threshold of a decade of significant change. We will confront, no doubt, new epidemics, increase in antimicrobial resistance, changing populations and additional man-made crises. But we also have extraordinary possibilities.

Thank you for the opportunity to be here. I look forward to answering your questions.

[The prepared statement of Dr. Golden follows:]

PREPARED STATEMENT OF DR. ALMA CRUMM GOLDEN

Senator Rubio, Senator Cardin, and distinguished members of the committee, I am honored to come before you today as the nominee for Assistant Administrator of the Bureau for Global Health at the United States Agency for International Development (USAID). I am humbled by President Trump's nomination of me to serve in this important role, and am grateful for the confidence Administrator Green has placed in me.

I would like to recognize and thank the incredible leaders in the Global Health Bureau. USAID's Global Health programs demonstrate the great compassion of the American people, while advancing U.S. national security priorities and prosperity here at home. If confirmed, I commit to supporting the mission of the Global Health Bureau to control the HIV/AIDS epidemic, prevent child and maternal deaths, combat infectious diseases, and promote global health security.

I am privileged to be the mother of four children. In one of my last conversations with my late son, Matthew Davis, we discussed new opportunities I had been offered in health policy, which ultimately led me to serve in this administration and sit before you today. Just like the accomplished trauma surgeon that he was, Matt cut to the heart of our conversation and said, "Go for it, Momma! Just go for it!" Now, three and a half years after my son's death, I know he is pleased that I have this opportunity to truly "go for it." I honor his inspiration today.

I consider myself one of the richest women you will meet. My wealth is not in money, but in relationships. I am the grandmother of 12 amazing grandchildren, and I can assure you, I am heavily invested in the future. Today, my youngest son, Daniel Davis, my daughter, Barbara Eppink, my middle son, David Davis, Matt's wife, Sharron, and their families are supporting me from Texas. I am pleased to be joined today by Marina Svistova McCreight. She joined our family as a Freedom Support Act Scholar from Ukraine 25 years ago and has been the daughter of my heart since. I am grateful to Congress for extraordinary programs like that which bring the world together.

Administrator Green's inspiring vision for USAID—ending the need for foreign assistance—is irresistible to this Texas pediatrician. I have had a passion for access to health care for vulnerable populations for as long as I can remember.

As a child with severe asthma, I admired the doctors and nurses who cared for me. This admiration grew into a life-calling after hearing stories at church of self-

less missionaries who were providing medical aid to those in need overseas. Like most young women in the 1960's interested in a career in healthcare, I prepared to enter nursing. However, my father, a decorated WWII aviator who taught me to fly when I was 14, gave me wings of another sort when he asked, "Why don't you just become a doctor?" That question set me on a new path.

After medical school, I became a pediatrician in my hometown of Alvin, Texas. As a working single-mother of four, my capacity to serve overseas was limited, but the needs in my own county captured my heart. While volunteering with a free clinic, the absence of affordable, accessible, and quality health care for children distressed me. I left private practice to work for the University of Texas Medical Branch, where, for a decade, I ran a network of 16 clinics that spanned over 270 miles of rural East and South Texas, and provided maternal and child health care in rural and under-served communities. This experience of front-line health care informed my four years at the U.S. Department of Health and Human Services while directing the Office of Population Affairs and collaborating on the launch of the United States President's Emergency Plan for AIDS Relief (PEPFAR), and has also provided unique insights during my tenure at USAID since October 2017. If confirmed, I commit to bring not only my passion for access to quality care, but also my clinical, community, national and international experience, to the countries in which for women and their families, USAID operates.

USAID's work in global health saves lives at home and abroad. This administration proudly supports the Global Health Security Agenda (GHSA), an effective coalition to prevent, detect and respond to infectious-disease threats, and the International Health Regulations (IHRs). In March, on my second trip to the Democratic Republic of Congo, I witnessed the complexity of the current Ebola epidemic first-hand. If confirmed, I commit to doing everything I can to support and strengthen the implementation of the IHRs, the GHSA, and the administration's Global Health Security Strategy as tools for building resilience and responsibility across nations to protect the United States and the world.

USAID prioritizes the empowerment of women and girls through health care, education, legal protection, and economic empowerment. It is critical that USAID remain engaged in personal, community, national, and international venues to stop the harmful practices of child marriage; the sexual exploitation and abuse of girls and young women; domestic and sexual violence; and trafficking in persons and other forms of modern slavery. Communities thrive when women and girls thrive. If confirmed to lead the Global Health Bureau, I commit to promoting increased interagency collaboration to address these important issues, particularly to the Departments of Health and Human Services and State.

In addition, we must recognize one agent of change in health outcomes that is mostly underappreciated and inadequately resourced: men. Positive male figures, including caring fathers, strengthen diverse health outcomes, such as the use of prenatal care, improved immunization rates, lower rates of domestic violence, higher rates of school completion, greater use of modern forms of voluntary family planning, and lower prevalence of wasting and stunting that reflect adequate nutrition. If confirmed, I commit to identifying synergies with current programs, and to develop new opportunities to promote male champions of the health and well-being of women and children.

The Journey to Self-Reliance is only possible with the engagement of local partners, community groups, faith-based organizations, and the private sector, which together produce long-term and sustainable progress across sectors. Many of these partners have worked with us to yield significant impact around the world for decades. If confirmed, I commit to supporting innovative ways to strengthen USAID's existing partnerships, and to exploring new collaborations.

Global health is at the threshold of significant change. The next ten years will likely bring us unprecedented challenges, including new epidemics, a rise in non-communicable diseases, an increase in antimicrobial resistance, rapidly changing populations, and additional man-made crises. If confirmed, I fully commit before God, this august body, the administration, and the American people to partner with governments, civil society, and the private sector in developing nations to improve health, resilience, opportunities and self-reliance around the world.

Thank you for the opportunity to appear before you today. I look forward to answering your questions.

Senator RUBIO. Thank you, Dr. Golden.  
Mr. Haymond?

**STATEMENT OF PETER M. HAYMOND, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC**

Mr. HAYMOND. Mr. Chairman, Ranking Member, members of the committee, thank you for giving me the honor of this opportunity to appear before the committee today.

I also want to thank the President and the Secretary of State for the confidence they have shown in me by nominating me as the next U.S. Ambassador to the Lao People's Democratic Republic.

I am joined today by my wife Dusadee, my companion and closest partner over the past 30 years, also by my daughter Faye, who knows well the challenges of growing up in the frequent-moving Foreign Service life. Faye had already attended five schools in four countries by the time she reached second grade.

I am proud to have devoted almost 29 years to the service of the American people as a Foreign Service officer. I believe my multiple previous diplomatic assignments in Laos and in two of Laos' most important neighbors, China and Thailand, have prepared me well for this lofty assignment, should the Senate confirm my nomination.

Today I am happy to say that the U.S.-Laos relationship continues to develop beyond the heights reached in 2016 with the announcement of our Joint Comprehensive Partnership. The administration remains steadfast in its commitment to this comprehensive partnership as the road map for furthering deepening ties with Laos. If confirmed, I will diligently explore new ways to deepen this burgeoning relationship with Laos, based on common interests and a shared desire to heal the wounds of the past.

In addition to a growing bilateral partnership with the United States, Laos is a member of the 10-nation Association of Southeast Asian Nations, or ASEAN. The administration's vision for a free and open Indo-Pacific has ASEAN at its core and is built on principles that are widely shared in the region: ensuring the freedom of the seas and skies; insulating sovereign nations from external pressure; promoting market-based economics, open and transparent investment environments, and free, fair, and reciprocal trade. It also supports good governance and respect for human rights. These values and policies have helped the Indo-Pacific region grow and thrive.

Laos itself is the geographic connective tissue of mainland Southeast Asia, sharing over 3,000 miles of land borders with China and four other ASEAN countries, including sub-regional leaders Thailand and Vietnam. Laos is also one of the weakest countries in ASEAN economically, making it potentially more vulnerable to external pressure. If confirmed, working to empower Laos as a sovereign nation will be a top priority.

Our sustained engagement with and support for Laos, including increased senior official visits in recent years, has engendered a greater trust and enabled progress on strategic U.S. priorities.

Together with like-minded partners, we are seeking a Laos that is more prosperous and better governed, protecting and promoting the human rights of those in Laos. We are engaging with emerging

reform-minded leaders, and we are encouraging Laos to maintain its sovereignty and be a constructive member of the rules-based international order.

Although the emerging U.S.-Lao relationship holds promise, significant roadblocks remain. The Lao People's Revolutionary Party remains the ultimate authority in this one-party state, and many of the Indo-China War veteran leaders still in charge of the government first dealt with the United States in a very different and difficult era in our relations. With American help and encouragement, however, we are embarked now on a new and positive era in our ties. As one example, we have been assisting as the Lao government grapples with the many challenges of transnational crime. To fight human trafficking, for instance, Laos last year took notable new steps, although there is still great room for improvement. If confirmed, I will actively work with the Lao in their efforts to more effectively transnational crime in the sub-region.

If confirmed, I would plan to focus on our forward-looking comprehensive relationship with Laos, but I also pledge to continue addressing challenges remaining from the past. I will do everything I can to support the Defense POW/MIA Accounting Agency's efforts to achieve the fullest possible accounting for the remaining 286 U.S. personnel still missing in Laos from the Indochina War. The United States is currently the number one donor in the effort to remove unexploded ordnance, or UXO, that remains from that war, having contributed some \$200 million since 1995. The Lao government has committed to eliminate UXO as a barrier to national development by 2030, and the administration supports that goal and believes it is achievable.

Mr. Chairman, Ranking Member, members of the committee, if confirmed, I will devote all my ability and experience to advancing U.S. objectives in Laos, a country that is an important link in the administration's free and open Indo-Pacific strategy. I look forward to your questions.

[The prepared statement of Mr. Haymond follows:]

PREPARED STATEMENT OF PETER M. HAYMOND

Mr. Chairman, Ranking Member, members of the committee, thank you for giving me the honor of this opportunity to appear before the committee today. I also want to thank the President and the Secretary of State for the confidence they have shown in me by nominating me as the next U.S. Ambassador to the Lao People's Democratic Republic.

I am joined today by my wife Dusadee, my companion and closest partner over the past 30 years. Also by my daughter Faye, who knows well the challenges of growing up in the frequent-moving Foreign Service life—Faye had already attended five different schools in four countries by the time she reached 2nd grade.

I am proud to have devoted almost 29 years to the service of the American people as a Foreign Service Officer. I believe my multiple previous diplomatic assignments in Laos—and multiple assignments in two of Laos' most important neighbors, China and Thailand, most recently as Deputy Chief of Mission and Charge d'Affaires in Bangkok—have prepared me well for this lofty assignment, should the Senate confirm my nomination.

Today, I am happy to say that the U.S.-Laos relationship continues to develop beyond the heights reached in 2016 with Laos' successful tenure as ASEAN chair and the first-ever visit to Laos by a U.S. president, which included the announcement of our Joint Comprehensive Partnership. The administration remains steadfast in its commitment to this comprehensive partnership as the roadmap for further deepening ties with Laos. If confirmed, I will diligently explore new ways to deepen the

burgeoning relationship with Laos, based on common interests and a shared desire to heal the wounds of the past.

In addition to a growing bilateral partnership with the United States, Laos is a member of the 10-nation Association of Southeast Asian Nations, or ASEAN. The administration's vision for a Free and Open Indo-Pacific has ASEAN at its core, and is built on principles that are widely shared in the region: ensuring the freedom of the seas and skies; insulating sovereign nations from external pressure; promoting market-based economics, open and transparent investment environments, and free, fair, and reciprocal trade. It also supports good governance and respect for human rights. These values and policies have helped the Indo-Pacific region grow and thrive.

Laos is the geographic connective tissue of Mainland Southeast Asia, sharing over 3,000 miles of land borders with China and four other ASEAN countries, including sub-regional leaders Thailand and Vietnam. More of the strategic Mekong River flows through and along Laos than through any other Southeast Asian nation. Laos is also one of the weakest countries in ASEAN economically, making it potentially more vulnerable to external pressure. If confirmed, working to empower Laos as a sovereign nation will be a top priority.

Our sustained engagement with and support for Laos, including increased senior official visits in recent years, has engendered greater trust and enabled progress on U.S. strategic priorities. We are currently joining with Japan, Australia, South Korea, and the European Union as partners endeavoring to facilitate Laos' further integration into the ASEAN Economic Community and global economy.

The Lao government is enthusiastic about American investment in energy, which Laos sees as its most promising natural resource. Hydropower dominates the sector, but solar and wind power generation are promising and receiving growing interest from American business. In August, Secretary Pompeo announced an additional \$29.5 million dollars in support of the Japan-U.S. Mekong Power Project or JUMPP to meet growing energy demands in the Mekong.

With timely support from the State Department, USAID, the Department of Commerce, the U.S. Trade and Development Agency (USTDA), and the upcoming Development Finance Corporation, the U.S. government and U.S. companies can help Laos diversify its economic relations and lessen its dependence on any one country.

Together, with like-minded partners, we are seeking a Laos that is more prosperous and better governed, protecting and promoting the human rights of those in Laos; we are engaging with emerging reform-minded leaders; and we are encouraging Laos to maintain its sovereignty and be a constructive member of the rules-based international order.

Although the emerging U.S.-Lao relationship holds promise, significant roadblocks remain. The Lao People's Revolutionary Party remains the ultimate authority in this one-party state, and many of the Indochina War-veteran leaders who are still in charge of the Party and government first dealt with the United States in a very different and difficult era in our relations. With American help and encouragement, however, we are embarked on a new and positive era in our ties. As one example, we have been assisting as the Lao government grapples with the many challenges of transnational crime, including trafficking of narcotics and wildlife; human trafficking; money laundering; and cases of official corruption that have helped enable the other crimes. To fight human trafficking, for instance, Laos last year took notable new steps, though there is still great room for improvement. If confirmed, I will actively work with the Lao in their efforts to more effectively fight transnational crime.

If confirmed I would plan to focus on our forward-looking comprehensive relationship with Laos, but I also pledge to continue addressing challenges remaining from the past. I will do everything I can to support the Defense POW/MIA Accounting Agency's efforts to achieve the fullest possible accounting for the remaining 286 U.S. personnel still missing in Laos from the Indochina War, including acknowledging the Lao government's important role in successfully returning our heroes home. The United States is currently the number one donor in the effort to remove unexploded ordnance (UXO) that remains from the war, having contributed some \$200 million since 1995. U.S. funding supports UXO clearance, risk education, survivor's assistance, and capacity building. The Lao government has committed as part of its strategic development goals to eliminate UXO as a barrier to national development by 2030—the administration supports that goal and believes it is achievable.

Mr. Chairman, Ranking Member, members of the committee, if confirmed, I will devote all my ability and experience to advancing U.S. objectives in Laos, a country that is seeking more engagement with the United States, and is an important link in the administration's Free and Open Indo-Pacific Strategy. I would look to work



closely with the Congress in that effort, and hope to welcome many Members of Congress to Vientiane, should I be confirmed.

I look forward to your questions.

Senator RUBIO. Thank you.

Ms. Romanowski?

**STATEMENT OF ALINA L. ROMANOWSKI, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT**

Ms. ROMANOWSKI. Chairman Rubio, Ranking Member Cardin, and distinguished members of the committee, I am honored to appear before you today as the President's nominee to be the U.S. Ambassador to the State of Kuwait.

With your permission, I would like to submit my full statement for the record.

I am grateful to the President and Secretary Pompeo for placing their trust and confidence in me. If confirmed, I pledge to work closely with this committee to advance U.S. interests, American values, and our strong relationship with Kuwait.

First, I would like to express my deepest gratitude to my parents. I am a first generation American. My father came to the United States from Poland in 1946. He enlisted in the U.S. Army, served in Korea, and became an accomplished professor of high-energy physics. My mother came to the United States from Canada and gave back to our community as a high school French teacher. They instilled in me a strong sense of service, respect, and humility and are always with me in spirit.

I want to thank my family and friends for being here with me today. My husband, Bill Matzelevich, served in the U.S. Navy for 24 years as a submariner and has provided me with steadfast support throughout my career. My two sons, Nicholas and Eric, have brought me tremendous pride and joy. My sister Dominique is watching live stream from California. Without their love and support, I would not be here today.

Mr. Chairman, November marks almost 40 years of my U.S. government service, most of it focused on the Middle East in positions at four different national security agencies. If confirmed, I will draw on that broad experience to advance American objectives in Kuwait and the region, not only on security and economic issues, but also on democracy, human rights, and the rule of law.

Kuwait hosts U.S. military forces that are critical to stability and security in the Middle East and essential to our national security interests. Kuwait is a key member of the Global Coalition to Defeat ISIS and calls for unity among the members of the Gulf Cooperation Council. If confirmed, I will continue building on a partnership that I have directly supported since the 1990 Gulf War.

The U.S. military and diplomatic partnership with Kuwait has been essential to increasing pressure on Iran and containing its malign activities throughout the region. We must work together with key partners such as Kuwait to counter the Iranian threat.

Mr. Chairman, if confirmed, my highest priority will be the safety and security of all Americans in Kuwait. Over 45,000 private

American citizens are working in Kuwait across a range of industries.

Our strong people-to-people ties, however, go both ways. Last year, over 12,000 Kuwaitis registered to study at universities across America. These students inject more than \$1.2 billion into the U.S. economy each year. They take back their understanding of the United States to Kuwait, strengthening the social and cultural ties between our countries.

Kuwait's economy centers on oil. Kuwait currently produces 2.75 million barrels of oil per day and wants to grow this in the near future. To meet this goal, Kuwait is benefiting from the expertise of U.S. oil services companies. This year, Halliburton signed a \$597 million contract to explore oil offshore. If confirmed, advocating for U.S. businesses will be one of my top priorities.

Kuwait must strengthen the rights of its vulnerable populations, namely women, stateless Arab Biddon, and Kuwait's large expat labor force. Our cooperation with Kuwait can drive this change because strong, sustained U.S. advocacy was critical to Kuwait's upgrade to tier 2 status in the 2019 Trafficking in Persons report. Kuwait is already a leader in the region for allowing space for political expression, fostering independent media, and encouraging participatory government. If confirmed, I will make these issues an important part of my dialogue with the Kuwaiti leadership and its citizens.

Although our history with Kuwait is the foundation of the lasting friendship that we have today, our relations must not depend on what we have achieved in the past. The influence of younger Kuwaitis born after the liberation in 1990 grows every day. Together, we must build a foundation for the future rooted in our shared values, interests, and vision. If confirmed, I will work tirelessly to ensure the next generation of Americans and Kuwaitis can be proud of our cooperation and shared values.

Chairman Rubio, Ranking Member Cardin, and distinguished members of the committee, thank you for the opportunity to appear before you today, and I look forward to your questions.

[The prepared statement of Ms. Romanowski follows:]

PREPARED STATEMENT OF ALINA L. ROMANOWSKI

Mr. Chairman, Ranking Member, and distinguished members of the committee: I am honored to appear before you today as President Trump's nominee to serve as Ambassador to the State of Kuwait. I am grateful to the President and to Secretary Pompeo for the trust and confidence they have placed in me to undertake this important role. If confirmed, I pledge to work closely with members of the committee to advance U.S. national security interests and American values in Kuwait and to ensure Kuwait remains a strong regional partner for the United States.

I would first like to express my deepest gratitude to my family and friends. Without their love and support, I would not be here today. As a first generation American, I must recognize my father who came to the United States from Poland in 1946. He enlisted in the U.S. Army, served in Korea, and became an accomplished professor of high-energy physics. My mother came to the United States from Canada and gave back to our community as a high school French teacher. They instilled in me a strong sense of service, respect, and humility and are always with me in spirit.

I would also like to recognize my husband and my children who are here with me today. My husband, Bill Matzelevich, served in the U.S. Navy for 24 years as a submariner and has provided me with steadfast support throughout my career. Our two sons, Nicholas and Eric, have brought tremendous pride and joy to me. My sister, Dominique, could not be here today, but is watching the live stream from

California. I also thank the many friends and colleagues who have played important roles in my career—some of them are here today.

Mr. Chairman, this November will mark almost 40 years of my service with the U.S. government, almost half of it as a career Senior Executive focused on the Middle East in positions with the Departments of State and Defense, the U.S. Agency for International Development, and the intelligence community, where I began my career. If confirmed, I will draw on that broad experience and my leadership to continue to advance American objectives in Kuwait and the region, focusing not only on security and economic issues, but also on democracy, human rights, and the rule of law.

Kuwait hosts U.S. military forces that are critical to stability and security in the Middle East and essential to our national security interests. If confirmed, I look forward to building on a partnership I have directly supported since the 1990 Gulf War to advance U.S. national security interests.

The U.S. military and diplomatic partnership with Kuwait has been essential to increasing pressure on Iran and containing its malign activities throughout the region. Through its proxies, Iran has sown violence against U.S. allies and U.S. interests across the Middle East and beyond. The September 14 attacks against critical oil infrastructure in Saudi Arabia represent a dangerous escalation in Iran's behavior. Iranian attacks against international oil tankers in the Gulf threaten freedom of navigation in one of the world's most critical seaways. Through its support of the Houthis in Yemen, Bashar al Assad's regime in Syria, and Hezbollah in Lebanon, Iran is working to destabilize the entire region. We must work together with key partners such as Kuwait to counter this threat.

Mr. Chairman, if confirmed, my highest priority will be the safety and security of all Americans in Kuwait. Over 45,000 U.S. citizens are working in Kuwait as military contractors, teachers, and businesspeople, in addition to U.S. government and military personnel.

Our strong people-to-people ties, however, go both ways. Last year over 12,000 Kuwaitis registered to study at universities across the United States—from Idaho to New Jersey to Utah to Connecticut. These students come to the United States on scholarships fully funded by the Kuwaiti government and represent an injection of more than \$1.2 billion into the U.S. economy each year. These students bring their life and cultural experience to the United States, and take back their knowledge and understanding of the United States to Kuwait. This exchange greatly strengthens the social and cultural ties between our two countries. This is a strong bond that we continue to build from generation to generation, with the recognition that relationships with our partners need to be nurtured and tended. Kuwait's economy centers on oil. Kuwait currently produces 2.75 million barrels of oil per day and want to increase production to as much as 4 million in the near future. To meet this goal, Kuwait is benefitting from the technical expertise of U.S. oil services companies, as many countries in the region have. One recent example is the \$597 million contract that Halliburton signed to explore for offshore oil, a first for the Kuwait Petroleum Company. Significant opportunities for U.S. businesses to provide services and equipment also exist in the petroleum refining, petrochemicals, power generation and transmission, and water desalination industries. If confirmed, advocating for U.S. businesses will be one of my top priorities. Kuwait must strengthen the rights of members of vulnerable populations in the country, namely: women, stateless Arabs known colloquially as the Bidoon, and Kuwait's large expatriate labor force. The United States can help. We know that our cooperation with Kuwait can drive this change because strong, sustained U.S. advocacy and partnership were critical to Kuwait's upgrade to Tier 2 status in the 2019 Trafficking in Persons report. Kuwait is already a leader in the region for allowing space for political expression, fostering an independent media, and encouraging participatory government. Kuwaitis have a well-functioning and empowered elected parliament. If confirmed, I will make these issues an important part of my discussions with Kuwaiti leadership, and I will continue a regular dialogue with Kuwaitis as they pursue advances in democratic, economic, and social development, as well. Kuwait's importance to the United States goes beyond our bilateral relationship. Under the leadership of the Amir, His Highness Sheikh Sabah AlAhmad Al-Jaber Al-Sabah, Kuwait's foreign policy has encouraged peace and cooperation between our partners in the region. Kuwait has worked to develop stronger economic ties across its border with Iraq, as evidenced by its effort to normalize trade relations and modernize the primary border crossing at Safwan. Kuwait is a key member in the Coalition to Defeat ISIS. Together with the United States, Kuwait has demonstrated sustained leadership in calling for unity among Gulf Cooperation Council countries and to set aside the divisions between its members that only benefit the regime in Iran. While our history with Kuwait is the foundation of the lasting friendship that we have today, our rela-

tions must not depend on what we have achieved in the past. Together, we must build a foundation for the future. The influence of younger generations of Kuwaitis, born after the liberation in 1990, grows every day. Our relationship must continue to be rooted in our shared values, interests, and vision for the future. Since 2016, the U.S.-Kuwait Strategic Dialogue has served as the framework to expand the strategic partnership between our countries and strengthen our political, economic, cultural, and military ties. We will continue to strengthen cooperation across our governments in education, healthcare, transportation, and cybersecurity. If confirmed, I will ensure the United States continues to plan for what we can accomplish together in the years to come. The United States and Kuwait enjoy an important strategic partnership that has withstood the test of time. We must continue to work together to confront the very real threats to the region from the Iranian regime and terrorist groups. If confirmed, I will work tirelessly to ensure the next generation of Americans and Kuwaitis can be proud of our cooperation and shared values.

Mr. Chairman, Ranking Member, and distinguished members of the committee, thank you for the opportunity to appear before you today. I look forward to taking your questions.

Senator RUBIO. Thank you.  
Finally, Ms. Tsou.

**STATEMENT OF LESLIE MEREDITH TSOU, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SULTANATE OF OMAN**

Ms. TSOU. Chairman Rubio, Ranking Member Cardin, and distinguished members of the committee, I am honored to appear before you today as President Trump's nominee to serve as U.S. Ambassador to the Sultanate of Oman.

I thank the President and the Secretary for the trust they have placed in me and I am grateful for their confidence. If confirmed, I pledge to work closely with you to advance U.S. national security interests and values in Oman.

Here with me today are my father, Edward Tsou, a physician and first generation American, also a retired U.S. Air Force officer who served with the 101st Airborne Division in Vietnam, and my mother Carol Tsou, a former registered nurse who holds master's degrees in liberal studies and theological studies. My sister Wendy Berg is here today, as well as my nieces, Alexa and Haley Strunk. I value their love and support more than they know.

If confirmed as Ambassador to Oman, I will focus on three core priorities.

My first priority will be the safety and security of all Americans in Oman, those at the embassy, as well as the many U.S. citizens living, working, studying, and traveling there.

My second priority will be to build on our already strong cooperation with Oman to confront threats to regional security and to U.S. national interests. I will focus intensively on countering the threat from Iran, promoting safety and security of navigation through the Strait of Hormuz, pushing for a political solution to the conflict in Yemen, and combating terrorism in all its forms.

As we have recently seen in Saudi Arabia, Iran's malign activities throughout the region pose a threat to international stability. Oman has a policy of open communications with its neighbors, including Iran, with which it borders the Strait of Hormuz. Approximately 40 percent of the world's exported oil and gas passes through the Strait of Hormuz, most through internationally ap-

proved shipping lanes in Oman's territorial sea. Unlike Iran, Oman is committed to the safety and security of navigation through the strait. It shares our concern about Iranian behavior. We hold regular discussions with the government of Oman on our Iran sanctions policy, and Oman is committed to ensuring that its banks and companies fully comply with U.S. sanctions. If confirmed, I will prioritize in my consultations with Omani leaders our government's work to counter Iran's destabilizing activity in the region.

Across Oman's southwestern border, the conflict in Yemen has entered its fifth year. Oman is deeply concerned about it and has continuously called for a political solution. It fully supports the U.N. process led by Special Envoy Martin Griffiths to bring the conflict to an end. The U.S. government is working with Oman to secure its border with Yemen and specifically to prevent Iran from shipping weapons, advisors, and dual-use technology to the Houthis. Our comprehensive border security assistance program with Oman aims to deepen our engagement with Omani defense and law enforcement and to strengthen Oman's capacity to effectively protect its borders.

If confirmed, I will commit myself to continuing and strengthening these efforts. Iran has zero legitimate national interests inside Yemen apart from inflaming regional tensions, prolonging the conflict, inflicting damage on the Yemeni population and precluding meaningful political negotiation.

Secretary Pompeo visited Oman most recently in January, during which he praised what he called "Oman's unique capacity to create opportunities for dialogue on difficult issues at challenging times, including by separately hosting both Palestinian Authority President Abbas and Israeli Prime Minister Netanyahu in Oman in October 2018." Oman made history in October 2018 when the Sultan invited Israeli Prime Minister Bibi Netanyahu to Muscat, the first time an Israeli prime minister has visited a Gulf country in over 2 decades. Through its unique role, Oman has also helped bring the Houthis into the U.N. peace process. In the past few years, it has played a pivotal role in securing the safe release and return of about a dozen U.S. citizens held in Yemen and continues to offer its good offices to secure the release of other Americans unjustly held in Yemen, Iran, and Syria.

Ultimately, safety and stability in Oman and Oman's ability to play a productive role in regional stability will depend on its ability to transform its economy and bring prosperity to the Omani people.

That is why, if confirmed, my third priority will be to expand our economic partnership with Oman. The United States and Oman signed a Free Trade Agreement in 2009. In the 10 years since, the value of American exports to Oman has tripled and the value of Omani exports to the United States has doubled. This is a solid basis from which to expand trade even further.

Chairman Rubio, Ranking Member Cardin, members of the committee, you have my commitment that, if confirmed, I will promote American values and U.S. national security interests in every engagement that the U.S. embassy has with the government of Oman and its people.

Thank you for the opportunity to testify before you, and I look forward to taking your questions.

[The prepared statement of Ms. Tsou follows:]

PREPARED STATEMENT OF LESLIE MEREDITH TSOU

Chairman Rubio, Ranking Member, distinguished members of the committee, I am honored to appear before you today as President Trump's nominee to serve as U.S. Ambassador to the Sultanate of Oman. I thank the President and the Secretary for the trust they have placed in me and am grateful for their confidence. If confirmed, I pledge to work closely with you to advance U.S. national security interests and values in Oman.

Here with me today are my father, Edward Tsou, a first-generation American and retired U.S. Air Force officer who served with the 101st Airborne Division in Vietnam, and my mother, Carol Tsou, a former registered nurse who holds Masters Degrees in Liberal Studies and Theological Studies. My sister Wendy Berg is here, as well as my nieces Alexa and Haley Strunk. I value their love and support more than they know.

If confirmed as Ambassador to Oman, I will focus on three core priorities.

My first priority will be the safety and security of all Americans in Oman—those at the Embassy as well as the many U.S. citizens living, working, and traveling there.

My second priority will be to build on our already strong cooperation with Oman to confront threats to regional security and to U.S. national interests. I will focus intensively on countering the threat from Iran, promoting safety and security of navigation through the Strait of Hormuz, pushing for a political solution to the conflict in Yemen, and combatting terrorism in all its forms.

As we have recently seen in Saudi Arabia, Iran's malign activities throughout the region pose a threat to international stability. Oman has a policy of open communication with its neighbors, including Iran, with which it borders the Strait of Hormuz. Approximately 40 percent of the world's exported oil and gas passes through the Strait of Hormuz, most through internationally-approved shipping lanes in Oman's territorial sea. Unlike Iran, Oman is committed to the safety and security of navigation through the Strait. It shares our concern about Iranian behavior. We hold regular discussions with the government of Oman on our Iran sanctions policy, and Oman is committed to ensuring that its banks and companies fully comply with U.S. sanctions. If confirmed, I will prioritize in my consultations with Omani leaders our government's work to counter Iran's destabilizing activity in the region.

Across Oman's southwest border, the conflict in Yemen has entered its fifth year. Oman is deeply concerned about it and has continuously called for a political solution. It fully supports the U.N. process led by Special Envoy Martin Griffiths to bring the conflict to an end. The U.S. government is working with Oman to secure its border with Yemen, and specifically to prevent Iran from shipping weapons, advisers, and dual-use technology to the Houthis. Our comprehensive border security assistance program with Oman aims to deepen our engagement with Omani defense and law enforcement, and to strengthen Oman's capacity to effectively protect its borders. Recent border security assistance efforts include provision of equipment and training to expand Oman's intelligence, surveillance, and reconnaissance capabilities along the Oman-Yemen border; training sessions for Omani law enforcement personnel on management of border security checkpoints, rural border patrol operations, and response plans to counter crossborder threats; and training to improve Oman's ability to detect and interdict weapons, explosives, WMD materials, and dual-use technology.

If confirmed, I will commit myself to continuing and strengthening these efforts. Iran has zero legitimate national interests inside Yemen, apart from inflaming regional tensions, prolonging the conflict, inflicting damage on the Yemeni population, and precluding meaningful political negotiation.

Secretary Pompeo visited Oman most recently in January, during which he praised what he called "Oman's unique capacity to create opportunities for dialogue on difficult issues at challenging times, including by separately hosting both Palestinian Authority President Abbas and Israeli Prime Minister Netanyahu in Oman in October[2018]." Oman made history in October 2018 when the Sultan invited Israeli Prime Minister Bibi Netanyahu to Muscat, the first time an Israeli Prime Minister has visited a Gulf country in over two decades. Through its unique role, Oman has also helped bring the Houthis into the U.N. peace process. In the past few years, it has played a pivotal role in securing the safe release and return of about a dozen U.S. citizens held in Yemen, and continues to offer its good offices to secure the release of other Americans unjustly held in Yemen, Iran and Syria.

Ultimately, safety and stability in Oman, and Oman's ability to play a productive role in regional stability, will depend on its ability to transform its economy and bring prosperity to the Omani people.

This is why, if confirmed, my third priority will be to expand our economic partnership with Oman. The United States and Oman signed a Free Trade Agreement in 2009. In the 10 years since, the value of American exports to Oman has tripled, and the value of Omani exports to the United States has doubled. This is a solid basis from which to expand trade even further. U.S. and Omani companies have only scratched the surface on potential benefits from our Free Trade Agreement and our Science and Technology Cooperation Agreement, which we signed in 2016.

Oman is already taking steps to diversify its economy. The ambitious Port of Duqm project is creating a new logistical and shipping hub in the region to link Asia, the Middle East, and Africa. U.S. companies can be a part of this, and, if confirmed, I will make sure American firms understand the opportunities available to them at Duqm Port and the surrounding Special Economic Zone.

Chairman Rubio, Ranking Member, members of the committee, you have my commitment that if confirmed, I will promote American values and U.S. national security interests in every engagement that the U.S. Embassy has with the government of Oman and its people.

Thank you for the opportunity to testify before you. I look forward to taking your questions.

Senator RUBIO. Okay, great. We will begin with Senator Shaheen.

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

And congratulations to each of you on your nominations. Mr. Haymond, Ms. Romanowski, and Ms. Tsou, we especially appreciate all of the career Foreign Service officers and thank you all very much for your service. Dr. Golden and Ms. Castillo, we very much appreciate your willingness to consider coming in and doing public service, Dr. Golden again and Ms. Castillo again, and taking on these challenging assignments.

Dr. Golden, I especially appreciated our conversation yesterday, and I wanted to go back to a couple of things that we talked about. As I said to you, I am very concerned about the way this administration has implemented and expanded the Mexico City policy. And I have heard from representatives of organizations that it is having a chilling effect on family planning programs, as well as the broader the Global Health program from HIV and the PEPFAR program to other areas where I think we would all agree that it is important that we support what organizations are doing around the world and encourage them to address global health issues.

And I know that you talked to me about the work that you have done in Texas especially with those who are most at risk. So I especially appreciate your interest in ensuring that people get the support they need.

But will you commit to ensuring that USAID provides unbiased and apolitical information to prime and sub-recipients of U.S. foreign assistance who are not clear about how to best comply with the expanded Mexico City policy?

Dr. GOLDEN. Thank you. I enjoyed very much our visit yesterday, and I thank you for the opportunity to get together.

I think you know from our discussion that I am genuinely committed to access to care for people around the world.

As you know, the United States has the largest bilateral support of family planning in the world, and we are grateful that we have an opportunity where we work with not only large organizations, but local organizations as well to address the needs that are there.

As you are aware, there has been no reduction, not even a single dollar, of our support for foreign assistance for family planning, whether Mexico City is in force or not.

So consequently, even though the vast majority of our organizations, our NGOs, that we work with have agreed to the policy, those few that have not signed up to continue under the PLGHA, the dollars and the services have been transitioned to other partners. So we are monitoring that carefully. USAID is an experienced transitioner of contracts and partners, and we have everything fully in place right now so that we can assure that the money and the services can continue.

We are working with the interagency. Because this is an all-of-government activity, we are working with the interagency to finalize reviews and to monitor in an ongoing manner.

Senator SHAHEEN. Dr. Golden, I am going to interrupt you and ask that maybe—we will submit a question for the record and hopefully you could delineate some of those other areas. I am running out of time and I have some other questions.

Dr. GOLDEN. Sorry. Thank you so much.

Senator SHAHEEN. Thank you very much.

Dr. GOLDEN. I commit to doing that. Thank you.

Senator SHAHEEN. Ms. Castillo, I appreciate that in your testimony you highlighted the importance of the Inter-American Development Bank to better the lives particularly of women in Latin America and the Caribbean. And if confirmed, how would you use the weight of the U.S. and our role at the IDB to promote loans directed at women's rights and empowerment?

Ms. CASTILLO. Thank you, Senator, for the question.

As you said and I mentioned in my opening statement, it would be a priority of mine. If I am fortunate to be confirmed, I would be extremely supportive of loans that would provide access for vocational training, for instance, or for those women who are entrepreneurs, also reducing the gender gap. I would be extremely supportive of those.

Senator SHAHEEN. Thank you.

Mr. Haymond, since 1982, the Laos government has been largely supportive of accounting for U.S. personnel who have gone missing in Laos. These are very important efforts to address the uncertainty and end the lack of information that so many American families have. There are 268 unaccounted for Americans who were lost during the Vietnam War in Laos. We think they are in Laos.

Can you talk about whether there is any way we can help improve our ability to work with the Lao government to get the return of those remains and find out what happened to those service members?

Mr. HAYMOND. Thank you, Senator.

As I mentioned, this will be my third time working in Laos. In each of those assignments, the search for the POW/MIA remaining personnel was one of our key goals in the embassy. It would certainly be so, if I am confirmed and if I were to go to Vientiane again.

The Lao government in recent years has shown some increasing flexibility in allowing larger teams to come in and search, in allowing more flexibility in where those teams are based. I would con-



tinue to press the Lao government to increase that flexibility and help us gain access to any remaining witnesses from that period. This has been, as I say, a lead issue in our relationship for many years, and I am very much committed to pushing that forward towards the most successful conclusion possible.

Senator SHAHEEN. Thank you.

And finally, Ms. Tsou and Ms. Romanowski, you are both, if confirmed, going to countries in the Middle East that have been relatively stable, at least for the last several decades, and are in very strategic locations to be more engaged in helping to address some of the conflicts in that part of the world.

Are there ways in which you see that we can encourage that? I very much appreciate what you said about Oman and their interest in addressing the war in Yemen, but are there other things that we can do to encourage them to get more engaged in helping to resolve some of these conflicts? I would ask either or both of you to respond.

Ms. TSOU. Thank you, Senator. I will go first.

Oman has this knack of being able to find a way to straddle some of the divides in the area, religious and otherwise, and to play a positive role. We work with them on a range of issues, as you know. We have for years. I think Yemen is a place where they have been particularly helpful.

Since my last post was in Israel, I was very heartened by their stance towards the Israelis and the Palestinians. I thought that that was a great move that they did and maybe we can build on that as well.

They have been very responsive to what we have asked. So I would be happy to work with any of you on the committee to think of ways perhaps that can be helpful. And if I am confirmed and I am out there, I will be looking for ways to utilize that.

So thank you for that question.

Senator SHAHEEN. Thank you.

Ms. Romanowski?

Ms. ROMANOWSKI. Thank you, Senator, for the question.

Kuwait has been, as I mentioned, a strategic partner for a long time for us and provides us some incredible access for us to achieve our objectives in trying to resolve the conflict, but also it has been a really solid counterterrorism partner with us.

The Emir has been an early mediator in the Gulf rift and works with us very closely on trying to find new and creative ways to bring the GCC members together. We are continuously talking and speaking with the Kuwaitis on responding to the ever-changing environment with terrorists in the region. We do have a very close dialogue with them. The strategic partnership dialogue that we do have affords us an incredible platform to talk about ways in which we can advance and broaden the work that we do together.

So if I am confirmed, I have many opportunities and platforms to ensure that the Kuwaitis remain really good partners with us on seeking resolution and solutions and advancing our challenges in the region. Thank you.

Senator SHAHEEN. Thank you all.

Thank you very much, Mr. Chairman.

Senator RUBIO. Senator Kaine?

Senator Kaine. Thank you, Mr. Chair.

And congratulations to each of you.

So I have a question for Ms. Romanowski and Ms. Tsou about Kuwait because I understand you were in Kuwait at an earlier point in your career. And this is really to educate us about why sectarian conflict has traditionally been so low in Kuwait.

In June of 2015, ISIS carried out a set of attacks on the same day in Kuwait, Tunisia, Sudan, and France. And the attack in Kuwait that ISIS carried out was the bombing of a Shia mosque in the heart of town. And in response to that bombing, the country's Sunni leaders came to the mosque immediately, and then the funeral for the Shia who had been killed at Friday prayers was held in the primary Sunni mosque in Kuwait City.

I happened to be leading a CODEL to the region, and we were there the day of the funeral by coincidence and we went to pay our respects. But it was a very notable statement that Sunni leadership and clerical leadership opened up the Sunni Mosque for the funeral for these 27 Shia victims of the ISIS bombing.

And Kuwait has had that as part of its DNA for some time, whereas other nations, Bahrain, Yemen, Syria, you see very significant tensions between Sunni, Shia or between groups like the Alawites that have had a traditional connection to the Shia or the Houthis have had a traditional connection to the Shia.

So what is it about Kuwait that has enabled them to deal with the sectarian divide which is so corrosive in other nearby countries? And what can we learn from it, and how might we promote it more broadly?

Ms. Romanowski. Senator, let me take that question first and I will turn to my colleague, Leslie.

I think there are a number of reasons why the Kuwaitis have been more successful. They have, I think early on, integrated the 30 percent of Shia population into the political life and the social and cultural life of Kuwait. They also have a national assembly that is much more active in encouraging public debate in dealing with these issues. And I think it is the leadership in Kuwait that has demonstrated that there is a way to integrate minorities and other streams and ideas in their country. And I think the Kuwaitis continue to do that, and I think as you pointed out, the response in 2015 of that terrorist incident is an indication of exactly how they go about making sure that they minimize or at least manage whatever sectarian problems they have.

Senator Kaine. Ms. Tsou?

Ms. Tsou. Thank you, Senator. It has been a long time since I have been in Kuwait.

But I remember that Shia mosque very well. It was quite prominent and the Kuwaitis seemed to have no problem with that, unlike other countries I have served in.

Oman is also an example of a place where different sects live side by side. The government does not keep statistics, but some NGOs speculate that a little under half of the population of Oman is Ibadi, which is a different type of religion—sect of Islam, which you do not see in very many places in the world. But there is also the same number of Sunni Muslims who live there and they live

side by side. Inside the government, they have representatives from each.

I think that comes from Oman's commitment to have communication with all of its neighbors regardless of religion, regardless of political affiliation. It is part of the country's ethos, if you will.

Senator KAINE. Well, I encourage you both to do all you can to promote that example, should you be confirmed. I believe you both will be confirmed.

I think one of the tragedies of the region is the horrible proxy war throughout the region between Saudi Arabia and Iran. I have voted for Iran sanctions many times and do not like many of the things they are doing. I also am very disturbed at Saudi behavior, the sort of kidnapping of the Lebanese Prime Minister a couple years ago and now that government has fallen. There is an effort by both of these countries to engage in proxy activity across the region, and as I travel there, people talk about feeling crushed by a proxy war between Saudi Arabia and Iran. Now, that is not purely Sunni/Shia. It is sort of Sunni/Shia and Arab/Persian and revolutionary guard and monarchy and economic competitors.

Neither of these nations are going anywhere. They are going to be dozens of miles apart forever, and unless or until they figure out a path to, over time, deescalate the tensions between themselves—we could solve every other problem in the region and there would still be significant problems there.

So both Oman and Kuwait have the ability I think to hold themselves as an example, but also be part of dialogue that might bring down the proxy war and I would encourage you in that.

Dr. Golden, I was interested in one aspect of your testimony. You talked about one great agent of change in health outcomes is men, and I think that that is very true, support of men. And you used a phrase that kind of struck me when you said it, greater use of modern forms of voluntary family planning. The word "voluntary"? I guess I did not expect to hear. I would have probably not even registered had you said "family planning." Why the word "voluntary"?

Dr. GOLDEN. I think the term "voluntary" has actually been in place for most of the government programs for the last 50 or more years because we recognize that we do not want compulsory environments where people feel constrained or forced into doing something that is against their conscience or their belief or against the needs of their family themselves. So, yes, it has been a definite part of family planning throughout the USAID history, as well as the other parts of the government.

Senator KAINE. I think that is really important. One of the reasons why there is such strong objection by members of the committee to the gag rule, to the Mexico City policy, is we feel like it is a violation of that very principle, the voluntary principle, just as we would oppose governments that have a one-child policy or things like that because, as you say, you do not want to have people feel coerced or constrained in making their own family planning choices. And I think you just said it so well. We should not allow governments, including our own, to coerce people, nor should we allow governments, including our own, to constrain people in making the decisions that is best for them.

So I hope you true to that longstanding mission. And I think that you are going to have members of this committee continue to advocate against policies that we think actually violate that principle of voluntariness by constraining people or coercing their choices.

Thank you, Mr. Chair.

Senator RUBIO. The ranking member.

Senator CARDIN. Once again, let me thank all of our nominees.

Ms. Golden, I want to follow up on Senator Shaheen and Senator Kaine. I strongly disagree with the administration's expansion of the Mexico City policy and the gag rule and recognize that is not your decision. I recognize it, but it affects you carrying out your mission. And the impact on global health—you mentioned that the funding is the same although there are organizations that are now not participating. And we have had a policy for a long time on the use of federal funds for abortion. That is a policy that is not really in debate right now. It is the expansion of the Mexico City policies that have caused angst among health care organizations globally.

And the issue I really want to talk about is that we want to be prepared for pandemics. We have to respond. We recognize that, but our best line of defense is adequate preparation. My concern, I think a concern of many people, is that the gag rule, the expanded gag rule, is going to affect our ability to be prepared, to have in place the health care facilities and infrastructure globally.

The last 6-month review report that was prepared by this administration on the impact of the expanded Mexico City policy was February 2018. We have not had any further review by the administration.

So can you share with us what you believe the impact of the expanded Mexico City policy will have on your ability to carry out your mission to protect global health?

Dr. GOLDEN. Thank you, Senator Cardin. I am glad to respond.

First of all, I think it is important to note that there are many people with many different perspectives on what is part of family planning and what is not. I will have to go back to my roots. I am a pediatrician. I have been an advocate for children whether they were born or not for a very long time. Abortion as a form of family planning has never been something that I could be comfortable with personally. That is why it has been comfortable for me to advocate for the protecting life and global health assistance. I am a strong advocate and always have been of voluntary family planning, working alongside family planning progress for over 20 years—30 years I guess now.

But I do believe, considering the vast majority of the organizations that sign on and are more than happy to not only provide family planning but also other coordinated services and also promote prevention techniques toward strengthening health systems, I think we can still certainly meet our goals without using U.S. tax dollars to support the NGOs that provide or promote abortion. So I thank you for your question.

You also asked about the review. I have not been in the Bureau for Global Health for the last 7 months, but I can tell you that there have been active activities to monitor all of our family planning, as well as our other activities, and that we are following not only what our partners are doing but we are sharing that informa-

tion with the interagency. And I am confident that when I get back to Global Health, I will have an opportunity to check on what the status of the review is, and I will be glad to get back to you at that time.

Senator CARDIN. I appreciate that.

Also as to the balance, as to how we use resources to deal with pandemic preparation. We have to respond. I recognize that. But preparation is a key ingredient sometimes that we overlook that could prevent the next pandemic from being out of control.

Dr. GOLDEN. I agree. I have been in the northeast part of the DRC now twice, and one of the impressions I had was that if we had stronger systems of health whereby you could do more active prevention or even introduce more things like just preventive hand washing or immunizations or building up a communication framework that is in the community, that we could actually address and respond much more quickly.

I think that the framework that we have with the Global Health Security Agenda of prevention, detection, and response is one that I am very excited about working with.

Thank you very much.

Senator CARDIN. Thank you.

Ms. Castillo, the challenges we have talked about—we have in Central America the challenge of migration. Good governance is critically important. You mentioned the anti-gang activity is very important in that part in order to provide stability in those countries, and also, by the way, to deal with the migration issue.

Plan Colombia. We have a lot of hope in Plan Colombia. There are challenges in getting that plan implemented. But now we have an additional crisis in the region with Venezuela, which puts tremendous pressure on Colombia with migrants coming into that country.

How do you see the role of the Bank in helping us to deal with stability in Colombia, dealing with the crisis in Venezuela, and dealing with Central America?

Ms. CASTILLO. Thank you, Senator, for the question.

I share, obviously, your concerns with what is happening in Venezuela. A country that was once the richest country in Latin America has seen its economy collapse and fall into dictatorial rule.

With regards to supporting the neighboring countries that have received over 4 million Venezuelan migrants—actually that is globally—it is my understanding that the bank has set up a fund to try to help offset the financial impact of those migrants.

If I am fortunate to be confirmed, I look forward to continuing to support a fund like that, as well as being part of the reconstruction and rebuilding of Venezuela when Maduro is no longer in power and working with Juan Guaido's administration as well.

Senator CARDIN. I would hope that would be a high priority. We have invested so much in that region in Plan Colombia and now Peace Colombia. We got to make sure it succeeds. And in Central America, again we have invested a great deal, and there are still challenges. And investment is going to be critically important.

I want to get to the three career ambassadors and the posts, if I might. I always ask questions of every ambassador, even if it is to a very, very friendly developed democratic state, what they are

going to do to advance American values on human rights of its citizens.

But the three countries here do have challenges. You have all addressed it in your statements before us, the human rights issues. And you talk with pride about the progress that has been made in all of the countries. And that is true. There has been progress made.

So Laos. Yes, they have improved their trafficking and they are no longer Tier 3, but they are Tier 2 Watch, which is nothing to brag about. They still have a way to go. And protection for civil society is still a challenge in that country.

That is also true in regards to Kuwait. Civil society does not have the freedoms that we would like to see in democratic states. Yes, they are better than their neighbors, but there is still a way that they need to advance in order to protect their human rights.

In regards to Oman, yes, they have made some advances on dealing with Iran, but there is still trafficking of weapons in to the Houthis in Yemen which is creating one of the most serious humanitarian crises of our time.

So I would like to hear your commitment to make American values and basic rights a top priority, if you are confirmed, and how you will work with this committee and work with this Senator as to how we can advance the rights of civil society, of the people of their country to be able to speak out, the freedom of the press, those types of protections, and certainly to make further advancements on trafficking in persons in each of the countries involved. So I will give you each a chance.

Mr. HAYMOND. Thank you, Senator.

To say a tier 2 watch list is nothing to brag about, we are looking at a positive trend line, and my commitment would be to do my best to assist the Lao, urge the Lao to continue that trend line to increase. It is not satisfactory at this point. It is better than it was. We will look forward to helping them make it better further.

As you note correctly, there are many challenges for civil society and basic human rights in Laos. I am happy to commit to prioritizing pushing forward American values and support for human rights both because it is the right thing and because I would look forward to making the case to the Lao government that working with civil society is the best way to build trust between a people and its government, and that is going to be the best way to help Laos maintain its sovereignty as a stronger nation in the face of influence growing from some of its larger neighbors.

So I would look forward to working with your office and with the committee on both of those issues and the broader question of human rights support.

Ms. ROMANOWSKI. Senator, I will say in Kuwait, I think we have been engaging the Kuwaiti leadership and its own people and its small, nascent civil society organizations on human rights. We have made progress with the upgrade to tier 2, and that was really a result of sustained engagement on the U.S. embassy's part and our part on that. It is a positive trend line. There is a lot more to do, and we can do more to do that.

Engaging with Kuwaiti citizens on American values is important. We have a good foundation to build on the student program that

comes here, which I am committed to ensure that it continues and grows with the Kuwaitis.

When we learn of problems in human rights or allegations, we engage again the Kuwaiti leadership and their justice system and the law enforcement system.

So I think we can make progress, but it needs sustained engagement, and if confirmed, I commit that I will be working very hard to keep that forward trend going.

Ms. TSOU. Senator, Oman's human rights record is better than many in the region, but there is obviously work to be done there. Trafficking in persons is one area where I think we can make some concrete progress. Oman is also on the tier 2 watch list, but they understand what they need to do. A lot of the problems that they have is that they have made oral commitments to abiding by the trafficking in persons standards that we have laid out with them and discussed with them, but they have not actually done anything through their parliament, and I think that that is something that we can help them with and we will work very extensively towards so that we can hopefully get them off of the tier 2 watch list and even into tier 1. Bahrain is an example of a country in the Gulf that is on tier 1, and I know the Omanis are interested in that as well.

You raised a real concern about Oman's possible role in allowing the Iranians to provide military assistance, advisors, weapons across their border to the Houthi in Yemen. We have been very clear with Omani government that they cannot permit Iran to use Omani territory to do this. They said they are doing the best they can not to, but that is probably not good enough. We are providing them border security assistance, concrete training so that they can recognize, for example, if some kind of cargo is being transported across the border, what is it, how do you detect whether it is what it says it is or whether it is actually a weapon of some sort, strengthening their border guard, et cetera. But that is a real concern of mine. It is a concern of our entire government and something that I will really commit myself to.

Also, I want to say I am very happy to talk to you or any of the rest of the committee about ideas you might have in this regard and also on the human rights so that we can work on this together.

Senator CARDIN. Thank you all. I appreciate your response.

Senator RUBIO. Senator Gardner?

Senator GARDNER. Thank you, Mr. Chairman.

Thank you to the nominees before us today. Thank you for your service.

Mr. Haymond, we had the opportunity to visit in the office here last week. We talked about your experiences in Thailand. How do you think the experiences that you have gained in Thailand, your previous service as well in the Foreign Service—how can you apply that to your new position in Laos, particularly as it relates to China and the developments in those relationships?

Mr. HAYMOND. Thank you, Senator. I did enjoy the conversation we had last week.

The Indo-Pacific strategy under the administration, free and open Indo-Pacific strategy, is based on ASEAN as a core, as a centerpiece. And so the strength of ASEAN is going to be an important

part of having that be a successful strategy. Laos is one of the weakest members in ASEAN, but it is also a country that is not looking to be a satellite of any country, China or any other.

I have spent the last 3 years in Thailand working with the Thai on initiatives to help bring together the five countries of the Lower Mekong to strengthen themselves as a unit and as half of ASEAN so as to make the best deals possible for infrastructure, other proposals that come through, to support each other as a greater unit managing the resources of the Lower Mekong, which our Lower Mekong Initiative has been working on for these last 10 years. Going across the river to Laos, I would look to work with the Lao government and encourage the Lao government to work with their ASEAN neighbors, particularly Thailand and Vietnam, the stronger economies, as well as with other like-minded countries that are looking to help Laos maintain its sovereignty, maintain its independence, and grow and strengthen integration within the ASEAN community.

Senator GARDNER. We had the opportunity as well to talk about the Asia Reassurance Initiative Act, which states that human rights and democracy promotion are key to U.S. national security interests. You are committed to these values, and I want to make sure that we are doing everything we can to help further advocate for those values in Laos.

What are your impressions of the treatment of the Hmong people and other minorities in Laos?

Mr. HAYMOND. Laos—it has been some years since I have been there. There have been challenges in the past with the Lao government, its relationship with the Hmong, particularly those who were still mounting some resistance to the government dating back to the war and suspicions between the Lao government and the Lao Hmong diaspora. My understanding is that that situation has improved somewhat in the recent years. If confirmed, I would commit to work with the Lao government to make sure that all of its ethnic minorities, certainly the Hmong, are treated equally along with other Lao citizens and would look to build stronger ties and positive relations between Laos and the Lao diaspora in the United States.

Senator GARDNER. And following up on that question, same line of question really, does U.S. assistance help create space for civil society within Laos, perhaps a greater role? Does it create room for dialogue and improvements in human rights discussions and efforts?

Mr. HAYMOND. The civil society is also nascent in Laos, but the assistance we are providing, particularly that through our USAID office, which we hope next year will become a new mission, is aimed at helping the Lao with health, education, counter-trafficking in persons, other issues and prefers, wherever possible, to work with civil society groups within Laos. And as I mentioned to Senator Cardin, if confirmed, I would look to make the case to the Lao government that civil society can be a strength for Laos going forward and help it to maintain that sovereignty that it certainly wants.

Senator GARDNER. Well, very good. And as I have talked to every nominee going into the Indo-Pacific region, talking about the tools



that ARIA provides, the funding that has been provided by this Congress, should that be signed into law, is significant. And so I hope that we can continue to count on implementation of the goals of that legislation. I look forward to you doing just that. Congratulations on the nomination.

And thank you, Mr. Chairman.

Senator RUBIO. Thank you.

So I do not ask you a question that somebody has already asked, the question I was going to ask you, particularly you, Ms. Tsou—I think almost all the questions I was going to ask have been asked and answered.

So I always tell people when they are nominated, the less people who show up the hearing and the shorter it is, the better the news is. Like if I am ever nominated for something and I have to appear in front of these guys, I do not want anybody showing up and I want it to be like 5 minutes long. That is a very good sign.

[Laughter.]

Senator RUBIO. It is always a good sign. You feel bad, then you realize.

Ms. Castillo, I think we are all really concerned about predatory lending practices of the Chinese all over the world, but we are starting to see it in the western hemisphere. One really good example is the Coca Coda Sinclair Dam in Ecuador. According to press reports, only 2 years after opening, there are thousands of cracks. They are splintering the dam's machinery. Its reservoir is clogged with silt, sand, and trees, and the only time engineers tried to throttle up the facility completely, it shook violently and shorted out the national electricity grid. That is like a bad dam. Right? But again financing this sort of method.

So how can the Inter-American Development Bank help? I mean, is there a concerted effort to help members of the community avoid these predatory lending practices where they owe all this money, the leverage that is created, and they are stuck with a dam that you cannot operate because—I have never heard of a dam shaking. I am not an engineer, but my sense is that is not good engineering. But how can we help nations avoid falling into that trap? What can the Inter-American Development Bank do and what is it doing now?

Ms. CASTILLO. Sure. Thank you for the question, Senator.

As you mentioned, that is an example of a result of working with the Chinese. And we have seen them in other countries as well like Venezuela. Working with the Chinese may include a short-term gain, but at the end of the day, it is in exchange for long-term dependency.

And if I am fortunate to be confirmed at the bank, I would work closely with the U.S. executive team to work with our counterparts on education and informing them on how an Inter-American Development Bank goes through a robust process, working with civil society groups and state and local elected officials, taking in consideration environmental and social impacts on the approval loan process. But at the end of the day, loans from the bank lead towards long-term sustainability.

Senator RUBIO. My only point on that is these are developing countries for the most part or countries whose leaders are under

tremendous pressure to deliver. A case in point, El Salvador. The new president really formed his own party to win. He does not really have a governing majority in the legislative branch. So he needs some victories. Other places—you know, the Bahamas now have some significant needs on two of the islands for rebuilding. They have to deliver. This happens all over the world.

And then here come the Chinese with the promise of easy money in exchange for some project they cut a ribbon on. It looks good. And from time to time, by the way, some people get bribed along the way to land some of these deals.

And my only hope is that the Inter-American Development Bank will make it a priority to sort of identify countries that have legitimate needs, political leaders that need to deliver for purposes of the expectations that are upon them, and whose only option appears to be—we cannot do anything about the bribe part, but the only option appears to be a financing deal for something that is not going to work. Jamaica got stuck with a crazy highway that they owe money to. Argentina. There are multiple countries. And I hope that becomes a priority.

Something that is a priority for me, Dr. Golden, is maternal mortality. I am actually startled at the numbers in the U.S. are as high as they are. One of the reasons I am really sensitive to it my father's mother did not die in child birth, but she died when he was 9 years old. And it basically defined so many of the challenges he faced the rest of his life.

Now, according to USAID, in the last 20 years, the number of maternal deaths per 100,000 live births decreased by more than 50 percent in the 25 priority countries that it had identified. Yet and still, the World Health Organization reports that 830 women die every day from preventable causes related to pregnancy, and 99 percent of these deaths, of course, are happening in developing countries. And I imagine that is a combination of postpartum hemorrhage. I would imagine it also includes preeclampsia that is not treated or not monitored and so forth.

I guess I do not think I have to ask you about your commitment to that cause because I know it is significant. What I do think is important is for always to justify what it means to a country societally, what happens to a society and to a country and to a nation where so many women are dying in child birth, what it means for their children. In many cases, they already have other children who are left without a mother. What happens to a country? Because that tells us how important prioritizing maternal mortality prevention programs are.

Dr. GOLDEN. Senator Rubio, thank you for that question, and it does go to the core of who I am and what I have done for several decades now.

I think that one of the things that I am grateful for is that we have made progress in identifying high impact, efficient systems to help countries and organizations and even individual communities to approach maternal-child health more holistically.

However, I think that the next step, in terms of really building the journey to self-reliance, as we often use in USAID, is to really equip each country to have the capacity to set up the systems that are necessary, back to Senator Cardin's concept too, that we have

coordination and collaboration so that when we have maternal-child health, we also can relate to our malaria, our TB, our family planning, our HIV programs so that we do treat people more holistically since malaria also is another significant cause of infant death.

So we want to be sure that we are doing collaborative programs, that we support directly the maternal-child health, but we have the surrounding health services that also help bring to the forefront the possibility of preventing maternal-child death.

I think by analysis of some of the monitoring and evaluation that we have now, we have a clearer view of how to do that, and we also anticipate that we are going to be able to use some more high impact practices, including secure technology.

We also believe that women's empowerment is a very important part of this so that women not only know that they have health care but they have the freedom to go. They also have the education they need, and we can delay the exploitation or early childhood marriage that complicates the situation for so many of these women.

I look forward to working with you on that, if confirmed.

Senator RUBIO. Just on this question, when you look at the countries where this progress has been made, what in particular has been—I mean, I know that there is a holistic need and all the other associated ailments that someone may have going into child birth. But is there one, two, or three things that have been highly effective? For example, the availability of blood or blood products in case there is hemorrhage; the prenatal treatment where someone—preeclampsia, the high blood pressure and all the associated risks that come with that—is actually identified, monitored, and treated at the front end. Are there one or two strategies that have yielded the most results in your opinion?

Dr. GOLDEN. I think there are several that you mentioned. First of all, I think the availability of prenatal care and some development of several different systems to offer that is helpful. The second thing is to have the delivery at a health care site rather than in the village. That actually has shown to be consistently helpful in reducing maternal mortality partly because of things like prevention of hemorrhage or identification of the need of a cesarean section. And there are some advantages coming out even like some inhaled oxytocin to reduce hemorrhaging. So things along those lines are also helpful.

And the other component that I mentioned in my testimony is that we recognize that women who are well supported and cared for by their families, including their husbands, actually tend to utilize the services more and also have better timing and spacing to their pregnancies.

So I think the prenatal, the delivery in a safe environment, the availability of appropriate treatment as necessary, and supportive families and communities are places where we can really make continued inroads to improve maternal and child mortality.

Senator RUBIO. And my final question, because my question for you, Ms. Romanowski, was also asked and answered. So it is not because of the way you guys are lined up. It just worked out that way.

But, Mr. Haymond, I wanted to ask you related to the same issue regarding China, the same sort of predatory investment. So we know Laos has reportedly taken—this is what I read anyway—\$480 million in loans from a Chinese Exim Bank, and the IMF has classified Laos as high risk for debt distress.

So are there areas in this relationship where you think the U.S. or our partners and different entities that we can leverage can provide viable alternatives to the sort of predatory Chinese investment that we have seen offered in different parts of the world and potentially even in Laos?

Mr. HAYMOND. Thank you, Senator.

I do believe there are alternatives that the administration is working to provide with other partners. I neglected to mention when Senator Gardner was here out in the field, it is great to see the bipartisan support for the goals we have under the free and open Indo-Pacific strategy represented by the Asia Reassurance Initiative Act.

It is very true that Laos is debt distressed, and that China is by far its largest creditor. It is also true that as China is its largest investor, many of those investments have not been to the labor standards or environmental standards or law enforcement standards one would hope for, whether it is one of those special economic zones notoriously being sanctioned by our Treasury for its involvement in human trafficking, drug trafficking, and other forms of corruption and crime.

Under the free and open Indo-Pacific strategy, new tools we are hoping to use, including the increased capital that is being projected for OPIC as a new development finance corporation, if that appropriation goes through, with technical assistance under the ITAN, the Infrastructure Transaction and Assistance Network, to provide technical assistance to the Lao so that they can work to improve their own investment environment, right now they only have access to or they largely have access to companies that are heavily subsidized by the state, and when there are corruption issues, countries that are willing to take advantage of that situation in order to bring in more top quality U.S. companies and find companies from other countries in the world that are not predatory. We want to work with the Lao government to help them improve the environment there that makes it more attractive for those private sector companies to come in. We will have assistance through the U.S. Agency for International Development.

We have assistance on the law enforcement side through the International Narcotics and Law Enforcement Bureau out of State to help the Lao raise their standards for governance that includes investment and help them make the best deals possible, that is, some of the technical assistance to help them when they are brought a proposal for financing or for any type of new infrastructure, that they can apply the best standards possible both because we have helped them learn what those standards are, both because we as a development partner are supporting a five-country initiative put forward by Thailand to help all five of those countries improve the quality of their infrastructure, and because we and the Lao are coordinating with other countries, other interested countries in Southeast Asia, the neighbors and countries like Australia

and Japan and Korea who are also very much interested in maintaining a strong sovereign Laos not dominated by China or any other country.

Senator RUBIO. All right. Well, I know all of you will be deeply disappointed that we are not going to go another hour here. But all good things must come to an end, even today's hearing. All kidding aside, you all have done a phenomenal job, and we look forward to the work you will do on behalf of our country. I know you are supposed to say "if confirmed?" but I hope I can be saying "when confirmed." You have all done very well today, and I appreciate all you being here.

The record for this hearing is going to remain open for 24 hours, which means members that may not have been able to attend may submit questions, as well as each of you may submit additional answers if necessary.

So again, I want to thank you all for being here and for your patience.

It ended perfectly on time. We have a vote at 11:30. So now I got to sprint down there and get that done.

But anyway, I appreciate all of you for being here and you have done great. And we look forward—at least I personally look forward to supporting each of you and your nomination.

So with that, the hearing is adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

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### Additional Material Submitted for the Record

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO ANDELIZ N. CASTILLO BY SENATOR ROBERT MENENDEZ

#### *Democracy*

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

*Answer.* In my current role in the Office of the Vice President, I organized listening sessions for Vice President Pence with Venezuelan migrants and Venezuelan-Americans. The roundtable participants shared their personal experiences of human rights violations and/or shared stories of their loved ones and friends, including some who were murdered or wrongly imprisoned in Venezuela. It provided an opportunity for the Vice President to hear on more than one occasion first-hand accounts on the subversion of democracy and human rights in Venezuela. Also, I coordinated a meeting between Vice President Pence and Cuban-American exile leaders, in which the Vice President could hear directly from individuals who lived under the oppression of the Castro regime or have loved ones who were harmed by the Castro regime. Following the aforementioned roundtables/meetings, I organized larger speaking engagements in which the Vice President recognized the Venezuelan's people right to be free, as well as the people of Cuba and Nicaragua, and reinforced the United States' unequivocal support for democracy and human rights.

I helped arrange Vice President Pence's address to the Organization of American States in order to continue the attention on the Venezuelan crisis and fortify multilateral support among our allies across Latin America. Lastly, I assisted in the production of a video message by Vice President Pence directed to the people of Venezuela encouraging them to exercise their freedom of speech prior to the January 23, 2019 demonstrations. As a result, my actions played a part in offering a voice to those who yearn for freedom in Venezuela, Cuba and Nicaragua and for those

individuals to receive reassurance that the United States condemns the regimes in Venezuela, Cuba and Nicaragua.

While at the House Committee of Foreign Affairs, Chairman Ileana Ros-Lehtinen was very passionate about bringing awareness on human rights and democracy in the Western Hemisphere; I drafted many statements and several editorials in an effort to expose actions that threatened democratic principles and demonstrated a lack of respect for human rights by Cuba, Venezuela, Ecuador, Bolivia and other bad actors in Latin America and the Caribbean. When I served in the office of South Florida Congressman Lincoln Diaz-Balart, I helped organize Cuba Awareness Day events on Capitol Hill, featuring former political prisoners and other Cuban exiles who were victims of the Cuban regime.

#### *Responsiveness*

*Question.* Do you commit to respond promptly to all requests for information by members of this committee?

Answer. If confirmed, I commit to respond promptly to all requests for information by members of this committee, in accordance with U.S. laws and regulations.

*Question.* Do you commit to appear before this committee upon request?

Answer. If confirmed, I commit to appear before this committee upon request, in accordance with U.S. laws and regulations.

*Question.* If you become aware of any suspected waste, fraud, or abuse, do you commit to report it?

Answer. If confirmed, I commit to comply with all relevant laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

#### *Administrative*

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

Answer. I am not aware of any allegations or complaints that have been made against me.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

Answer. I do not recall receiving any complaints or allegations of this nature against an employee over whom I supervised.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. I have always conducted myself in a respectful and ethical manner and I intend to continue to do so if confirmed. I will work to ensure that all employees under my supervision are fully trained in all applicable policies as well as legal and ethical rules so that employees adhere and put into practice those policies and rules.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO ANDELIZ N. CASTILLO BY SENATOR BENJAMIN L. CARDIN

#### *Human Rights*

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

Answer. In my current role in the Office of the Vice President, I organized listening sessions for Vice President Pence with Venezuelan migrants and Venezuelan-Americans. The roundtable participants shared their personal experiences of human rights violations and/or shared stories of their loved ones and friends, including some who were murdered or wrongly imprisoned in Venezuela. It provided an oppor-

tunity for the Vice President to hear on more than one occasion first-hand accounts on the subversion of democracy and human rights in Venezuela. Also, I coordinated a meeting between Vice President Pence and Cuban-American exile leaders, in which the Vice President could hear directly from individuals who lived under the oppression of the Castro regime or have loved ones who were harmed by the Castro regime. Following the aforementioned roundtables/meetings, I organized larger speaking engagements in which the Vice President recognized the Venezuelan's people right to be free, as well as the people of Cuba and Nicaragua, and reinforced the United States' unequivocal support for democracy and human rights.

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#### *Diversity*

*Question.* What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Inter-American Development Bank?

*Answer.* If I am fortunate to be confirmed as Alternate Executive Director, I will work closely with the U.S. Executive Director to promote, mentor and support personnel who are from diverse backgrounds and underrepresented groups, consistent with fair management practices and applicable U.S. government and IDB policies.

*Question.* What steps will you take to ensure each of the supervisors in the U.S. Inter-American Development Bank are fostering an environment that is diverse and inclusive?

*Answer.* If confirmed as Alternate Executive Director, I will work with the U.S. Executive Director to try to ensure that IDB management promotes an environment that is diverse and inclusive. I will proactively support that these issues are included, as appropriate, in the implementation and execution of IDB's human resources policies.

#### *Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the Inspector General of the U.S. Inter-American Development Bank) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* If I am fortunate enough to be confirmed as Alternate Executive Director, I commit to carry out my duties consistent with applicable conflict of interest laws and policies, and to reporting any potential misconduct of which I become aware to the appropriate authorities.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* If I am fortunate enough to be confirmed as Alternate Executive Director, I commit to carry out my duties consistent with applicable conflict of interest laws and policies, and to reporting any potential misconduct of which I become aware to the appropriate authorities.

*Question.* Do you or do any members of your immediate family have any financial interests in any country abroad?

Answer. No.

*China in Latin America*

*Question.* Latin America and the Caribbean's economic relationship with China is increasing quickly, with exports to China increasing by 30% in 2017 according to IDB data. As China-Latin America trade has increased over the past several years, China has increased its financial contributions to various IDB financing mechanisms and China was chosen as the site for the 2019 IDB annual meetings.

- How can the U.S. respond to China's increasing influence in the Western Hemisphere, especially in light of the U.S. decision to scale back contributions to the IDB?

*Answer.* While I am not currently serving at the bank, it is my understanding that the United States is the preeminent shareholder of the IDB and is committed to ensuring that the institution responsibly supports economic growth and prosperity in the region.

While China was originally chosen as the site for the 2019 IDB Annual Meetings, China did not end up hosting the meetings as the bank's membership overwhelmingly rejected China's attempt to bend the institution to its foreign policy goals in Venezuela. Instead, the United States hosted a successful celebration by Leaders of the IDB's 60th Anniversary and Ecuador hosted a productive session of the Board's Annual Meeting.

The United States will continue to work with multilateral development banks, including the IDB, to build best practice development standards that support high quality infrastructure, provide technical assistance to improve governance performance, promote robust safeguards that respect human rights and protect vulnerable populations, and deliver aid within a sustainable debt framework. A benefit of U.S. engagement and leadership in the IDB over the years has been that the IDB has adopted policies that allow it to support efforts in these areas with decreased reliance on new financial contributions from the United States and increased contributions from the countries in the region. If confirmed, I would look forward to helping the IDB marshal development assistance to countries using established best practices.

*BUILD Act*

*Question.* As you know, The BUILD Act is part of the U.S. policy response to China's growing economic influence in developing countries. It aims to provide an alternative to China's state-directed investment financing model-which many U.S. policymakers view as lacking transparency, operating under inadequate environmental and social safeguards for projects, and employing questionable lending practices that may lead to unsustainable debt burdens in some poorer countries ("debt diplomacy").

- What can you do to make multilateral development bank financing more attractive to developing countries relative to bilateral financing by China?

*Answer.* I believe that financing from the MDBs, including the IDB, represents an advantageous alternative to bilateral Chinese financing for the following reasons:

- The MDBs have well-established relationships with developing countries.
- The MDBs possess technical expertise and high quality standards that the Chinese and many other bilateral donors often do not possess.
- The MDBs have fair and transparent, untied procurement standards, meaning they offer the greater value per dollar invested. Strong procurement standards guard against corruption and related political scandals.
- The MDBs have established programs to advise developing countries about the economic viability of potential infrastructure projects and the impact on the recipient country's debt sustainability of engaging in these projects, and to require them to provide data to the MDBs about the terms of existing debt obligations. The MDBs' efforts to help countries avoid unsustainable debt traps enhances the developing countries' degree of independence and sovereignty.
- The MDBs also have independent accountability mechanisms, which the Chinese and most bilateral donors do not have.

Strong engagement by the United States in these institutions is critical to ensuring the ability of MDBs to continue to serve as an effective alternative to Chinese financing. If confirmed to this role at the IDB, I look forward to putting my experience in coalition building to work to ensure that the IDB offers appealing alternatives to bilateral Chinese financing along the lines outlined above.



*Question.* What are opportunities for synergies between the new DFC and the IDB in collaborating on infrastructure and other projects in countries along China's Belt and Road Initiative? The IDB often pursues opportunities for co-financing with bilateral agencies. It is my understanding that the new DFC will be well positioned to collaborate with the IDB in this way. The DFC's precursor, OPIC, and IDB Invest recently signed an MOU to launch a strategic co-investment framework that will seek to better leverage each institution's capabilities and should enhance OPIC and DFC's collaboration with the IDB Group.

*Northern Triangle of Central America*

*Question.* The IDB has worked extensively in Central America's Northern Triangle.

- How would you gauge the effectiveness at these efforts in increasing security, good governance, and prosperity to address the root causes of migration?

*Answer.* I understand that the root causes of migration are multifaceted and stem from a lack of economic opportunities, citizen insecurity and violence in the region. To address the region's outward migration trends, the northern Central American countries established the Alliance for Prosperity with the technical and financial support from the U.S. government and with the IDB as the Secretariat. This effort has produced clear progress in addressing the level of violence in the region. In addition, there has been an increase in the detention, prosecution, and arraignment of public officials involved in corruption.

*Question.* What more can the IDB do to address the root causes of migration?

*Answer.* The IDB can continue to strengthen its engagements with the northern Central American countries in the IDB's areas of competence with the goal of creating employment and educational opportunities as well as increasing private investment.

*Question.* If confirmed, how would you work to ensure the IDB effectively channels resources and technical assistance to the region?

*Answer.* As the Secretariat of the Alliance for Prosperity, the IDB has a unique role in supporting the governments of the northern Central America countries in their own efforts to foster growth, develop human capital, improve security and strengthen institutions. If confirmed, I would work to ensure that the IDB facilitates coordination between the major donors and governments to support these goals.

*Venezuela Crisis*

*Question.* What role does the IDB have in ensuring the region is equipped to handle the effects of the Venezuela crisis, including the influx of millions of fleeing Venezuelans?

*Answer.* It is my understanding that the IDB expanded its Grant Facility in 2019 so that it may provide grant resources to support countries facing intraregional migration inflows. At the outset, the Grant Facility will be primarily used to address the Venezuelan migration crisis, as well as smaller migration flows resulting from Nicaragua's deterioration that are having a significant local effect in Costa Rica. This effort is critically important for both the well-being of Venezuelans who have fled their home country due to economic collapse and oppression, and for the countries in the region that are doing admirable work to support these refugees.

*Question.* Do you believe the IDB has the resources it needs to respond to the Venezuela crisis?

*Answer.* The IDB has sufficient resources so that when a transition happens in Venezuela and the government clears its arrears, the IDB can support economic recovery. In addition, IDB Invest has sufficient capacity to enable private sector transactional support. As the only one of the international financial institutions to recognize the government of Interim President Juan Guaidó, the IDB is leading coordination efforts to ensure that a constitutional government can act quickly to rebuild an economy devastated by decades of corruption and mismanagement. An important part of this effort will be providing the environment necessary for private sector investment to supplement public sector resources. If confirmed, I will look forward to supporting these important efforts.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
 SUBMITTED TO ANDELIZ N. CASTILLO BY SENATOR JEANNE SHAHEEN

*Question.* If confirmed, how will you work with and support the efforts of the Gender and Diversity Division at the IDB?

*Answer.* If I am fortunate enough to be confirmed as Alternate Executive Director, I will work closely with the U.S. Executive Director to support efforts of the Gender and Diversity Division at the IDB, consistent with fair management practices and applicable U.S. government and IDB policies. In addition, I will try to ensure that IDB management, including the Board of Directors, supports an environment that is diverse and inclusive. I will advocate that the efforts of the Division be considered, as appropriate, in the implementation and execution of IDB's policies.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
 SUBMITTED TO DR. ALMA GOLDEN BY SENATOR ROBERT MENEDEZ

*Management & Leadership*

If confirmed, you will have leadership and management responsibility for a significant portfolio of financial and human resources extending nearly everywhere USAID works.

*Motivation and Morale*

*Question.* Given the ongoing impact of last year's hiring freeze, budget constraints, and pressure from externalities such as State Department-run programs and financials, the Global Health bureau's staff has been under high degrees of prolonged stress. Please share your current staffing levels, vacancies, and attrition/departures by Office. If confirmed, what steps will you take to improve morale?

*Answer.* Although I do not currently have access to the specific data requested as I am not currently working in the Bureau for Global Health (GH), if confirmed, I commit to working with you and your staff to share information on GH's staffing and vacancies, in accordance with longstanding Executive Branch practice. I will note that during my time with GH, I saw attrition from normal factors such as retirement, departures for advanced graduate study, and other life circumstances. Working in international development and relief environments often means dealing with unusually stressful and challenging situations. Given these factors, the motivation and morale of our staff is of utmost importance.

I am committed to fostering a work environment in which all of our employees feel valued. Ensuring the resilience, wellness and work-life balance of our employees are integral parts of the culture of the U.S. Agency for International Development (USAID) and something I strongly support. If confirmed as Assistant Administrator, I would remain committed to our Agency's Leadership Philosophy and other practices and behaviors that lead to a more empowered and adaptable workforce, able to thrive in our increasingly complex and changing world. If confirmed, I will support our staff to identify key issues of concern, create teams to execute action plans to address these matters, and implement changes to advance the Agency's values of passion for mission, excellence, integrity, respect, empowerment and inclusion. I will also continue my past practice of conducting regular "All Hands" meetings in the Bureau; maintain an open-door policy; and incorporate our Agency's wellness resource, Staff Care, as a regular part of our Bureau's wellness practices, if confirmed.

*Staffing and Attrition*

*Question.* Does USAID have a workforce and leadership succession plan? If so, what will you do as Assistant Administrator for Global Health to ensure that USAID improves the hiring and retention of a skilled and adequately sized workforce of Foreign Service Officers and civil servants to implement USAID's mission, both at headquarters and across the globe? If not, how can you address hiring and retention of a skilled and adequately sized workforce of foreign service officers and civil servants to implement USAID's vast global health mission, both here at headquarters and abroad?

*Answer.* The globally dispersed workforce of the U.S. Agency for International Development (USAID) has continually adapted to support the Journey to Self-Reliance in our partner countries throughout the world. Over 68 percent of our staff work overseas; the Agency has an official presence in 87 countries, and funds programs in 19 others. Workforce-planning is the lynchpin that will help the Agency determine whether it can meet its new mission needs successfully in the future, by defining

them against existing capacity and finding effective ways to fill the gaps adequately. As such, USAID's emphasis is on strengthening its workforce-planning capability to support the identification, deployment, and management of the optimal personnel mix for the Agency.

USAID is working to establish a workforce-planning process that-through an integrated cycle of activities-links human-capital resources with the Agency's vision, enables a more-robust understanding of the current and projected workforce, and inform the development and implementation of a workforce strategy to close identified gaps in personnel. Overall, this process will help USAID track progress against its workforce goals, improve transparency and accountability, as well as instill a culture of continuous improvement.

I fully support all the Agency personnel who make achieving the critical work of USAID possible and, if confirmed, I will be strongly committed to working with USAID's Office of Human Capital and Talent Management to ensure that the Bureau for Global Health and our Missions in the field have the necessary Foreign Service Officers, Civil Servants, and other employees to execute their mission.

#### GH Bureau Transformation

*Question.* What are the top three organizational priorities and intended outcomes/changes you intend to implement in the GH bureau through the Agency's Transformation initiative?

*Answer.* I am aware that the Bureau for Global Health (GH) is preparing for a process of Transformation, but I have not been involved in the deliberations since my nomination. It is my intention, if confirmed, to understand fully where the GH Transformation process is before making any assessments of my top organizational priorities. I intend to work closely with the GH Bureau, the Restructuring Management Unit, and the Agency's leadership to identify what changes we should prioritize.

*Question.* How will any of these priorities and/or changes impact the bureau's Office of Family Planning and Reproductive Health?

*Answer.* If confirmed, I commit to work with the Agency's leadership to champion appropriate priorities and support decisions regarding the structure and functions of the Bureau for Global Health.

*Question.* Will you commit to consulting with my staff prior to finalizing changes under the Transformation Initiative?

*Answer.* Yes, if confirmed, I commit to consulting with Congress on any changes to the structure of the Bureau for Global Health in accordance with law and the rules and regulations of the U.S. Agency for International Development (USAID).

#### Equal Employment Opportunity (EEO) Violations and Sexual Harassment

*Question.* How many EEO and sexual harassment lawsuits against Global Health bureau officials have been settled by the agency over the past three calendar years? How many EEO and sexual harassment lawsuits are currently pending against officials in the Global Health bureau? If confirmed, what steps would you take to determine that EEO violations and sexual harassment matters are being dealt with appropriately in the Global Health bureau, both at headquarters and overseas?

*Answer.* Although I do not have access currently to the specific information requested, if confirmed, I will commit to working with you and your staff to share information on the Equal Employment Opportunity (EEO) data of the Bureau for Global Health (GH) in compliance with law and the rules and regulations of the U.S. Agency for International Development (USAID). I would also note that, if confirmed, as the Assistant Administrator for Global Health, I would not necessarily be aware of every EEO case, given confidentiality requirements.

I fully support USAID Administrator Mark Green's Action Alliance for Preventing Sexual Misconduct (AAPSM), which has underscored our commitment to prevent such practices, for our staff as well as our beneficiaries. I commit to preventing and addressing sexual exploitation and abuse, as well as to preventing and addressing sexual harassment in the workplace. Sexual misconduct of any kind among staff, implementing partners, or program beneficiaries is wholly inappropriate and counter to our Agency's core values. I am committed personally to fostering a respectful culture at USAID that demonstrates accountability and elevates the voice of survivors by putting their needs and well-being at the forefront of our efforts.

I am equally committed to ensuring that GH follows the critically important tenets and principles of EEO, and will work with USAID's Office of Civil Rights and Diversity (OCRD) to make sure OCRD may investigate and respond to any EEO or sexual-harassment allegations promptly. If confirmed, I also commit to working with

OCRD to ensure GH staff have the information and training they need on these critically important issues.

*GH Financial Management & Budget*

GH Programming, Planning, and Policy

*Question.* Given the shake-up caused in the GH bureau's Policy, Planning, and Programming Office from the untimely departure of the experienced civil servant Director, followed by the short tenure of a political appointee, what is the current status of that Office's management, staffing/morale, and financial management functions, and if confirmed, what steps will you take to ensure that the Office's staffing and leadership circumstances are well situated to achieve those critical financial management functions, which directly affect the GH missions, bureau, and other Offices across the Agency?

*Answer.* I understand a career civil servant has filled the position of Director of the Office of Policy, Planning, and Programming in the Bureau for Global Health. If confirmed, I look forward to supporting the staff and important work of this office, as well as staff throughout the Bureau.

PEPFAR

*Question.* We have heard from multiple sources of the planning, programming, and implementation difficulties experienced by USAID and its implementing partners due to the Office of the Global AIDS Coordinator's delays in transferring apportioned funds to the Agency. If confirmed, what steps would you take to ensure that the FY19 funds approved through this year's COP processes, and those of upcoming approval processes are made available from OGAC to USAID and implementing partners in a timely manner?

*Answer.* As one of several Departments and Agencies that contribute to the President's Emergency Plan for AIDS Relief (PEPFAR), the U.S. Agency for International Development (USAID) respects the program's commitment to ending the HIV/AIDS epidemic abroad.

I also fully appreciate the importance of thoughtful strategic planning and meticulous monitoring and oversight of PEPFAR resources by the Office of the Global AIDS Coordinator (OGAC), USAID, and our other interagency partners to manage the American taxpayers' generous investment in this cause effectively and responsibly. If confirmed, I commit to maintain the positive and productive relationship between OGAC, USAID, and the PEPFAR Interagency Budget and Management Group—which has streamlined communications and helped to clarify approval processes and timelines—as we continue to ensure the effective and responsible investment of PEPFAR resources and the critical work of our Mission teams in the field and their bilateral, multilateral, and other implementing partners.

*Family Planning*

*Question.* The administration proposed an over 60 percent cut to international family planning and reproductive health in the FY 2020 budget request. The budget justification also deletes references to the role of family planning in preventing unintended pregnancy and “enhanc[ing] the ability of couples to decide the number, timing, and spacing of births” and “reducing abortion.” Women's access to health care, including sexual and reproductive health care like modern contraceptives, plays a significant role in their ability to advance their education, participate in the economy, and support their families and communities. Ensuring women utilize modern contraception methods dramatically reduces maternal and newborn deaths. When women are able to space their pregnancies at least three years apart, they are more likely to survive pregnancy and childbirth and their children are more than twice as likely to survive infancy.

- Do you think that providing women the tools and accurate information about preventing unintended pregnancies is a worthy public health goal?
- What are the most important actions you have taken in your career to date to support women's rights to determine their own reproductive outcomes, and/or empower them to space their pregnancies? What has been the impact of your actions?

*Answer.* As the world's largest bilateral donor of family planning assistance, the United States remains committed to helping women and their children thrive. Preventing child and maternal deaths remains a priority for this administration. Access to voluntary family planning is a key intervention for achieving the healthy timing and spacing of pregnancy, preventing child and maternal deaths, and for helping communities progress along the Journey to Self-Reliance.

We know that women need access to a range of contraceptive options over their reproductive years as their fertility intentions change over time. We serve women and men best when we provide them with access to a range of modern contraceptive options—from fertility-awareness methods, to short- and long-acting reversible methods, to voluntary permanent methods—as well as to high-quality counseling so women and their partners can make their own informed choices. We are also committed to supporting the development, introduction, and scale-up of a wide range of contraceptive methods to meet the needs of women and couples for voluntary family-planning to promote the healthy timing and spacing of pregnancy.

If confirmed, I will continue to support a full range of modern contraceptive methods to ensure that women and couples have access to the information, counseling, and methods best suited to their needs.

*Question.* If confirmed, will you commit to see to it that U.S. funded programs continue to support and supply a full range of (modern) contraceptive methods in order to ensure that women have access to the information, counseling, and methods best suited to their needs?

*Answer.* The children's health clinics I helped set up, staffed, and managed for over a decade in rural South and East Texas were co-located with clinics focused on voluntary family planning and maternity care.

I worked closely with our providers of women's health care to promote the healthy timing and spacing of pregnancy. Co-locating our clinics for children's health with these clinics ensured that mothers and their children had access to a one-stop model that could meet their health needs holistically.

The decade during which I managed these clinics helped inform my four years directing the Office of Population Affairs in the U.S. Department of Health and Human Services (HHS). At HHS, I continued to support programs focused on the healthy timing and spacing of pregnancy, through education and voluntary, informed family planning, including modern methods of contraception, and helping adolescents delay sexual involvement and pregnancy. These programs also worked to help reduce the risk of complications from high-risk pregnancies for both mothers and babies, and reduced rates of pregnancy among early adolescents.

#### *Youth*

*Question.* The world currently has the largest generation of young people ever. This presents tremendous opportunity for global development but also means that we have to take action to promote the health and well-being of adolescents and youth everywhere. Yet complications during pregnancy and childbirth are the leading cause of death for adolescent girls (ages 15-19 years). Adolescents, both married and unmarried, face a range of barriers to accessing reproductive health care, including lack of knowledge, stigma, health worker bias and unwillingness to acknowledge young people's reproductive health needs.

Sexual risk avoidance, also known as abstinence only until marriage programs, have been proven ineffective in preventing pregnancy and STIs, and have been shown to have no impact on behaviors or number of partners.

- If confirmed, how will you promote access to comprehensive health information and services for young people as a means of preventing maternal deaths?
- If confirmed, what specific steps will you take to ensure comprehensive, evidence based health and education programs are supported for young people under USAID's global health programs?

*Answer.* During adolescence, girls and boys establish life-long health behaviors, which makes it a pivotal time in development.

Evidence shows that healthy timing (delaying the first pregnancy until a woman is at least 18 years old) and spacing (at least 24 months between giving birth and becoming pregnant again) are critical to reducing maternal mortality and morbidity among adolescents and young women, as well as to reducing infant mortality. In addition to encouraging the healthy timing and spacing of pregnancies, our work also focuses on preventing coercion, exploitation, and abuse; delaying sexual debut; avoiding sexual, substance-abuse and other risks; stopping female genital mutilation; reducing the acceptance of child marriage; and keeping girls in school. These interventions support girls and young women as individuals, help delay marriage, and avoid early pregnancy, all of which result in lower rates of maternal and child mortality.

Also, the U.S. Agency for International Development (USAID) is currently funding a project dedicated to expanding the evidence base for what works in positive youth development and applying improved approaches across programs and sectors. Under the President's Emergency Plan for AIDS Relief (PEPFAR), activities include re-

viewing existing and piloting promising approaches for mentoring adolescent girls and young women at increased risk of HIV/AIDS, identifying life skills most relevant to sexual and reproductive health, preventing violence and other cross-sectoral youth outcomes and identifying and disseminating effective interventions that can increase the uptake of testing for HIV and create better linkages to treatment among young people. If confirmed, I will ensure USAID continues to support evidence-based health and education programs for young people, especially adolescent girls, under PEPFAR and USAID's other global health programs.

If confirmed, I will also work to ensure that USAID's programming for young people includes the engagement of influencers who have a vested interest in their welfare—such as parents, grandparents, and religious and community leaders—so that young people can have access to correct, age- and context-appropriate, high-quality health information and care and live full, productive lives.

*Question.* Data tells us that Africa has the most youthful population in the world, with more than 200-million of its 1.2-billion people aged between 15 and 24. Africa's youth population is expected to reach over 830 million by 2050.

- What budgetary impact will the youth bulge have on USAID's global health programming in Africa over the next three to five years if we are to reach the same portion of the population with health services, including services in sexual and reproductive health? If confirmed, what steps will you take ensure that the bureau analyzes and is prepared to respond to the increasing need?

*Answer.* The youth bulge in sub-Saharan Africa is one of the biggest challenges to our health programs. If confirmed, I will ensure the Bureau continues its long-standing history of engagement with innovators, the private sector, global donor partners, and recipient governments to generate ideas and mobilize resources to meet this challenge, including through comprehensive health programming for youth. I commit to building new alliances and partnerships to address the health and well-being of the growing number of adolescents and youth in the countries where we work.

#### *Faith-Based Organizations / Civil Society Engagement*

*Question.* There is a strong push within global HIV/AIDS programs to fund faith-based organizations, which have been critical partners in the fight against HIV, but may not be best-positioned to deliver comprehensive HIV prevention, care and treatment services to everyone who needs it in all settings. I understand that you conducted regular meetings with a small set of Faith-Based Organizations during your tenure as Deputy Assistance Administrator and then as Senior Deputy Administrator.

- During your tenure as Deputy Assistance Administrator and then as Senior Deputy Administrator, how many open town hall meetings that included non-faith based NGO actors engaged in PEPFAR or maternal and child health did you hold? When were each of these meetings held?

*Answer.* My recollection is that during my tenure as the Deputy Assistant Administrator and then the Senior Deputy Assistant Administrator of the Bureau for Global Health (GH) until April 2019, I hosted two formal, open "town hall" meetings with the maternal and child health community. These meetings included a diverse array of partners, both faith-based and secular. On at least one occasion, I, along with GH staff, met with leaders from Jewish, Islamic, and Christian faith-based organizations, at their request. In addition, the other two members of GH's senior leadership and I regularly engaged with the implementers of the President's Emergency Plan for AIDS Relief and our programs in maternal and child health in numerous informal group and one-on-one meetings in-person, by phone, and by email. Since I have recused myself from GH's activities since April 2019, I am not aware of the status of current meetings the Bureau might be holding with external organizations on HIV/AIDS, maternal and child health, and nutrition.

*Question.* If confirmed, do you commit to both evaluating which partners are best able to achieve programmatic goals, and to engaging with diverse civil society organizations?

*Answer.* The U.S. Agency for International Development (USAID) has a long history of engaging with a diversity of partners, including small businesses and civil-society, non-governmental, and faith-based organizations. Diversifying USAID's partner base to reflect today's expanded development landscape is an important component of the Journey to Self-Reliance, because choice and competition are key to innovation and resource-mobilization in development work, just as they are in the private-sector economy.

USAID has no “earmark” for faith based organizations, and does not give them special treatment. If confirmed, I commit to engaging with a diverse set of partners to achieve our programmatic goals. If confirmed, I also commit to following USAID’s policy guidance regarding assessing, evaluating and selecting potential and existing partners through the Agency’s procurement processes. These policies help ensure USAID is engaging with the most-capable partners to assist us in implementing high-impact, sustainable programs.

*Global Gag Rule*

*Question.* Secretary Pompeo announced in a press conference recently that the State Department would be taking action to “implement this policy to the broadest extent possible.” Under this broad interpretation, a foreign NGO in compliance with the Global Gag Rule would have to force compliance with the policy on foreign organizations who they subgrant to using funding from ANY source for ANY purpose, effectively gagging funding of other government and private donors, which constitutes a significant expansion of the reach and impact of the Global Gag Rule, further dividing complying and non-complying partners, and undermining coordination and collaboration in the field.

NGOs have already reported that compliance with the Global Gag Rule has increased their administrative costs due to adding complicated compliance mechanisms.

- Has USAID looked into how this broad interpretation will impact programs across the health and development sector?
- How much will this broad interpretation increase the administrative costs for these NGOs? How much will this new compliance burden affect the amount and quality of health services this funding is intended for? How will you monitor this and other impacts if confirmed?

Answer. As the world’s largest bilateral donor to global health programs, the United States remains committed to helping women and their children thrive, particularly in countries where the need is greatest. The U.S. Agency for International Development (USAID) works continually with our field Missions to review our programs; develop stronger, more systematic reporting systems; and minimize any potential disruption of the health care we fund. USAID successfully reprogrammed all funds for voluntary family planning within each country when the Mexico City Policy was in place, and has done the same for all affected health assistance under the Protecting Life in Global Health Assistance (PLGHA) Policy.

USAID will continue to work closely with implementing partners to ensure they understand what compliance with the PLGA Policy entails. We expect our partners to comply with this new guidance, and will actively monitor their compliance. In the event a partner chooses not to accept the Policy, USAID takes active steps to ensure another implementer continues the activities continue. If confirmed, I will continue to work with USAID’s staff in Washington and overseas to answer questions and provide guidance to ensure the proper implementation of the PLGHA policy.

*Question.* The State Department stated they would complete a second review of the Mexico City Policy, also known as the Global Gag Rule, by the end of 2018, yet we are still waiting on that report.

- When do you expect the report to be delivered to Congress, and what accounts for the delay?

Answer. The U.S. Department of State recognized that the Six-Month Review of the Protecting Life in Global Health Assistance (PLGHA) Policy, released in February 2018, took place early in the Policy’s implementation. As a result, the Department of State, in coordination with the U.S. Agency for International Development (USAID), and the Departments of Health and Human Services and Defense, undertook a subsequent review to assess the implementation of the policy, including any effects on the delivery of care. While I have not been involved in this subsequent process, I have received a briefing that USAID is working with our interagency colleagues to finalize the review, and we expect the report to be released very soon. I would refer you to the State Department for more information.

*Question.* A new study published in Lancet found that when the Mexico City Policy was in effect between 2001-2008, abortion rates increased about 40 percent among women in countries most affected by the policy. It also found a symmetric reduction in the use of modern contraception while the policy was enacted, coinciding with an increase in pregnancies. This pattern of more frequent abortions (many of which are unsafe in the impacted countries) and lower contraceptive use was reversed after the policy was rescinded in 2009.

- Has anyone in the bureau of Global Health met with the authors of the report to discuss its findings and the methodology used to produce the report?
- Is decreasing access to family planning and increasing abortion in line with USAID goals, and the goals of the administration more broadly? If not, what actions do you intend to take in light of these new research findings?
- What actions will you take as the leader of USAID's Global Health priorities to determine whether there are gaps in contraception services due to the imposition of the Mexico City Policy and if so, how these gaps are being addressed?
- How will you assess and evaluate whether there have been service disruptions and inefficiencies created by the need for USAID to switch implementing partners in cases where implementers refused to agree to the restrictions imposed by the Mexico City Policy?

Answer. I am not aware that anyone from the Bureau for Global Health (GH) has met with the authors of the Lancet study to discuss its findings and methodology. If confirmed, I commit to continuing the conversation with the committee on Foreign Relations regarding how the U.S. Agency for International Development (USAID) will consider these findings moving forward.

It is critical that Global Health and other Family Planning donors and advocates continue to follow the indicators and demographic surveys that track access to modern contraceptive care and outcomes for women and children in order to assure that vulnerable populations are supported. Currently, and consistent with ongoing practices, USAID Missions monitor and track all award transitions, whether related to PLGHA or other changes in partners or funding, to minimize disruptions to recipients.

If confirmed, I will work with GH staff and the other U.S. government Departments and Agencies that implement the Protecting Life in Global Health Assistance Policy to examine the second review of the implementation of the Policy to determine what adjustments we might have to make if disruptions in care occurred as a result of transitions between partners.

#### *Siljander*

*Question.* As you may be aware from recent State Department announcements, a policy known as the Siljander amendment prohibits the use of foreign assistance funds to lobby for or against abortion. Repeatedly at the U.N., representatives of the State Department, USAID, and U.S. Mission to the U.N. are alleged to have made statements that “we [the United States] do not support abortion,” spread false information that comprehensive sex education programs “promote abortion as a solution to teen pregnancy,” and are said to have stated “the U.S. is a pro-life country” despite the fact that for over 40 years the right to abortion has been established in this country under *Roe v. Wade*.

- Has the Office of Legal Counsel or the Inspector General undertaken a review of allegations about statements such as the aforementioned to determine whether a violation of the Siljander amendment has occurred?

Answer. Consistent with longstanding practice, the United States routinely describes its foreign-policy positions on issues before multilateral bodies.

*Question.* What steps will you take to ensure compliance with, and hold employees under your supervision accountable for, compliance with the Siljander prohibition on lobbying for or against abortion, and to ensure that officials at USAID are properly informed so as not to spread false, misleading information about comprehensive education concerning sexual and reproductive health?

Answer. The U.S. Agency for International Development takes compliance with the Siljander Amendment very seriously, and I will ensure that staff are familiar with its provisions. We would address any specific response to an alleged compliance issue on a case-by-case basis.

#### *Health Systems/Workforce*

*Question.* Frontline health workforce teams and the systems supporting them are the bedrock of resilient countries, and U.S. global health programs cannot succeed unless we place a high priority on workforce and systems strengthening, as was highlighted in a report released recently from USAID's Inspector General. The Global Health Bureau's Office of Health Systems, by your own reporting, and a new USAID Inspector General's report has made major inroads in maximizing the efficiency and impact of the dollars we allocate to your bureau on these cross-cutting issues.

- What is your vision for this office, and how will you ensure the Bureau has the leadership and cross-bureau programs, flexibility, data and reporting the IG re-



port recommends to ensure partner countries have the workforce and systems needed to deliver the global health outcomes we wish to achieve?

Answer. Annex B of the report of the Office of the Inspector General (OIG) for the U.S. Agency for International Development (USAID) contains a list of actions the Agency has already committed to take to respond to the OIG's recommendations. I support these actions and, if confirmed, will continue to support USAID's efforts to improve the overall cohesion of systemic investments in health institutions by providing better and updated guidance to our field Missions and integrating cross-cutting programs within the overall quantifiable results the Bureau for Global Health is working to achieve. I also think these actions will help ensure Missions are accountable for adhering to the guidelines and provide a means to better track progress in building the capacity of public-health and medical institutions around the world.

*Question.* A High-Level Commission on Health Employment and Economic Growth in 2016 concluded that investments in health have a nine-fold return and accounted for about one quarter of economic growth between 2000 and 2011 in low- and middle-income countries, having an outsized impact for women, who make up about 70 percent of the health and social workforce worldwide. Simultaneously, the World Health Organization has projected a shortfall of 18 million health workers by 2030 without bold and sustained action, mostly in the low- and middle-income countries USAID operates. This projected shortfall threatens to derail the ability to put countries on the journey to self-reliance as called for by the administration, and the tremendous progress the United States has spearheaded in saving lives around the world and also leaves us more vulnerable to infectious disease threats like Ebola.

- How will you prioritize USAID's programs to help spur the investments and policies needed to strengthen the global health workforce that can simultaneously tackle our greatest global health challenges and drive global economic growth and women's economic empowerment?

Answer. New, well-trained health workers are needed across the priority countries in which the U.S. Agency for International Development (USAID) invests global health funding. As our partners implement strategies to train and deploy new workers, it will also be important for us to work with governments, civil society, and the private sector to maximize the efficiency of existing health workers and ensure linkages between community health workers and health facilities, as well as between public- and private-sector health workers, including those who work for international non-governmental organizations and faith-based groups. We also need to leverage new technologies to help extend the reach of health workers. While each of our field Missions will determine the best approaches given their local situations, I was pleased to note that earlier this year the World Health Organization published guidelines to optimize programs that deploy community health workers, which I think will help to formalize this important cadre of health providers, the majority of whom are women. If confirmed, I will work to ensure USAID implements robust programs that maximize the number and effectiveness of health workers, especially as a key driver of women's economic empowerment.

#### *LGBTQ Equal Rights*

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people impacted by USAID's Global Health programs, no matter their sexual orientation or gender identity?

Answer. The U.S. Agency for International Development (USAID) recognizes that our strength comes from our diversity, and I am committed to our Agency's Leadership Philosophy and values of integrity, respect, empowerment, and inclusion. If confirmed, under my leadership, we will value all of our employees equally, and all employees in the Bureau for Global Health will be expected to demonstrate professionalism and respect in their communications and behavior.

I will foster an environment that empowers every team member to meet his or her full potential. I will also work to advance equal opportunity and address inequality within our Agency, and in our work in the field.

*Question.* What challenges do you see remaining for LGBTQ people across USAID global health programs and regions?

Answer. Unfortunately, lesbian, gay, bisexual, transgender, and queer people around the world continue to face stigma, isolation, and marginalization. The U.S. Agency for International Development is committed to addressing inequality in our field work to ensure beneficiaries can access health care in safe and respectful environments, and to help improve their health and well-being.

*Congressional Consultations*

*Question.* Will you commit, if confirmed, to ensuring that you fully brief Members of Congress and/or their staff on a regular basis?

*Answer.* During my tenure at the U.S. Agency for International Development, it has been a pleasure and honor to meet, consult, and brief Members of Congress and Congressional staff regularly. If confirmed, I commit to continuing to do so, in accordance with law and the rules and regulations of the U.S. Agency for International Development.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO DR. ALMA L. GOLDEN BY SENATOR BENJAMIN L. CARDIN

*Human Rights*

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

*Answer.* From the time that I first became a pediatrician, I recognized the devastating impact of sexual abuse, coercion and exploitation on children and young teens. In addition to caring for these children and teens individually, I served on local and State child-protective advisory committees, testified in court cases, advocated with the Texas Pediatric Society, and later worked in programs with the U.S. Department of Health and Human Services (HHS), all to strengthen clinical training for providers to identify, manage, and report on children who might have been exploited and abused. Through initiatives during my time at HHS, in partnership with the U.S. States Department of Justice, we were able to hold multi-disciplinary conferences, and roll these programs out nationwide so they have had impact across the country.

From 1991 to 2001, I developed and directed pediatric care for the Maternal and Child Program of the University of Texas (UT) Medical Branch at Galveston, which brings health care to poor and indigent individuals and vulnerable populations across extremely underserved rural counties in South and East Texas. The network of 16 pediatric clinics supported by UT Medical Branch spanned 270 miles. I helped set the clinics up, hired and trained staff, and served as director and backup physician for all of the sites. I also served on State and national committees regarding access to care for indigent people that also delivered care for disabled populations. Through collaboration with the School of Education at Baylor University and McLane Children's Hospital, we developed clinical and therapeutic care for children with autism, developmental difficulties, and physical disabilities.

During my tenure in Bureau for Global Health at the U.S. Agency for International Development (USAID), I was involved in promoting programs to benefit women and girls around the world, including on women's empowerment, access to health care, and education. Our work has served and supported orphans and vulnerable children; young married adolescents; women with childbirth-related fistula; and victims of gender-based violence, including those with traumatic fistula from sexual assault and rape. USAID also has implemented programs to address child and early marriage and female genital mutilation.

*Diversity*

*Question.* What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the U.S. Agency for International Development (USAID)?

*Answer.* I am committed to our Agency's Leadership Philosophy and our values of integrity, respect, empowerment, and inclusion. Under my leadership, we will continue to recognize that strength comes from diversity. We will value all of our employees equally, and I will expect all employees of the Bureau for Global Health to demonstrate professionalism and respect in their communications and behavior. I will foster an environment that empowers every team member to meet his or her full potential. I will also advance equal opportunity and address inequality within our Agency and in our work in the field.

*Question.* What steps will you take to ensure each of the supervisors in your bureau at USAID are fostering an environment that is diverse and inclusive?

*Answer.* I commit to ensuring that all supervisors under my purview complete the mandatory U.S. Agency for International Development (USAID) University Supervisory Certification Course, a two-week class designed to target competencies in

both management and leadership to equip our leaders with the skills and tools needed to perform in their role as managers of an inclusive diverse and multicultural workforce.

Additionally, the Bureau for Global Health will engage closely with USAID's Office of Civil Rights and Diversity to prioritize our focus on diversity and inclusion, through explicit attention to best practices and opportunities to execute on these issues across all levels of the organization, including in hiring. We will create opportunities for training on inclusiveness, diversity, and leadership at all levels.

#### *Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the Inspector General of the U.S. Agency for International Development) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

Answer. I commit to comply with all relevant Federal ethics laws, regulations and rules, and to raise any concerns that I might have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. I commit to comply with all relevant Federal ethics laws, regulations and rules, and to raise any concerns that I might have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in any country abroad?

Answer. No. Neither I nor my immediate family members have any financial interests in any country abroad.

#### *Global Health Security*

*Question.* Funding for preventing global pandemics through global health security has been dwarfed by spending on disease outbreak response. Annual appropriations for USAID global health security programs, for example, average roughly \$75 million. On the other hand, Congress appropriated over \$5 billion in emergency funds to contain the 2014-2016 Ebola outbreak in West Africa; to date, the U.S. government has spent over \$150 million in the DRC on humanitarian aid and Ebola control.

- Considering the resurgence of Ebola, as well as other diseases, including yellow fever and dengue, what do you think about the balance of funds spent on pandemic preparedness versus pandemic response?

Answer. Funding for the Global Health Security Agenda allows us to support the prevention and detection of, and response to, global pandemics and outbreaks of infectious diseases with pandemic potential. The U.S. government needs to support both preparedness and response. This does not mean that we should fund each equally. Investments to support preparedness activities (including capacity-building for local health professionals and staff) and efforts to prevent outbreaks are more cost-effective than focusing exclusively on responding to an outbreak event when one occurs. However, it is also important to ensure we have adequate funding available to respond to an outbreak, to mitigate the risk that the outbreak will spread, which would put the lives of the affected population at risk as well as pose a potential threat to the U.S. homeland.

*Question.* What changes, if any, might the Congress, in particular, and U.S. government, in general, consider in how resources are allocated for pandemic preparedness and prevention?

Answer. Because risk factors for different emerging diseases change rather quickly, preparedness and prevention activities for potential outbreaks are challenging to predict (in terms of disease, location, time, duration, etc.). A successful outbreak-prevention program needs to have flexibility incorporated into it to ensure it remains nimble and responsive to changing conditions and risk factors. Preparedness includes many components of the Journey to Self-Reliance, including health communication, basic prevention of infections, and surveillance for new and emerging pathogens and antimicrobial resistance.

*Question.* When implementing pandemic response programs, to what extent do U.S. assistance efforts prioritize resilience against future threats?

Answer. Efforts to respond to outbreaks of dangerous infectious diseases primarily focus on reducing the transmission of a disease and mitigating the morbidity and mortality it causes, with the goal of limiting the damage inflicted upon the affected population. In a response effort, the U.S. Agency for International Development also considers what systemic weaknesses exist in health institutions in the affected country or countries, and uses that knowledge to design interventions that will improve the ability of governments to meet their obligations under the International Health Regulations (2005) and build resilience against future threats, including the capacity to share critical health information with affected communities, utilize effective immunizations when available, and to improve the delivery of care at the local level.

*Health Systems Strengthening OIG Report Recommendations*

*Question.* On October 21, USAID's Office of Inspector General published a report, "More Guidance and Tracking Would Bolster USAID's Health System Strengthening Efforts." The report concluded that USAID's health systems strengthening activities "are not designed with the primary focus to fully prepare health systems to address large-scale emergencies like the Ebola epidemic." However, "with the right tools, USAID missions are well-positioned to determine the appropriate mix of health activities primarily designed to save lives and have immediate impact, and those focused on strengthening health systems overall."

- Would you support the creation of a whole-of-government strategy to help clarify and improve coordination between individual activities and missions designed to strengthen and integrate health systems?

Answer. I concur that integrated health systems can improve sustainable health outcomes. Generally, health activities funded by the U.S. government at the country level are coordinated among the Federal Departments and Agencies active in a particular country. I believe this is critical, and if confirmed, I will continue efforts by the U.S. Agency for International Development to improve interagency coordination of health activities, both in Washington and in the field, to maximize the sustainable impact of our programs.

*Question.* In pursuit of the third recommendation of the report (to identify and disseminate a set of indicators for missions to track HSS progress, such as implementation, achievement, and improvement at the country level), would you support a U.S. government strategy that would identify partner countries based on potential to make progress towards self-sufficiency in building health systems capacity?

Answer. A U.S. government strategy that would prioritize partner countries based on the potential of their governments, civil society, and the private sector to make progress towards self-sufficiency in building capacity in public health and the delivery of health care could have merit. That being said, Annex B of the report published by the Office of the Inspector General for the U.S. Agency for International Development includes the actions the Agency has already committed to take to measure progress in strengthening health institutions. I support these actions and believe such approaches will go a long way to enable us to understand where our cross-cutting health investments are having an impact.

*Question.* In your assessment, what would be the most important indicators to include for missions to track HSS progress?

Answer. If confirmed, I look forward to working with our experts in the Global Health Bureau to identify such indicators and how we can ensure progress in strengthening public and private health institutions.

*Health Systems Strengthening vs. Emergency Response Efforts*

*Question.* The Ebola outbreak in the DRC has been spreading for more than one year and has now infected over 3,000 people and killed over 2,000 people. Measles and cholera outbreaks that began in the beginning of 2019 are claiming more lives than the current Ebola outbreak. Broader health system resource constraints and diversion of health resources for Ebola control have been cited as factors slowing response to these outbreaks.

- How does USAID balance health systems strengthening efforts with emergency response efforts, like the Ebola response in the case of DRC?

Answer. In the Democratic Republic of Congo (DRC), the U.S. government's efforts to combat the current outbreak of Ebola also complement a comprehensive set of programs managed by the Mission of the U.S. Agency for International Development (USAID) in the DRC that target public health and the strengthening of health institutions. These activities work with local partners to ensure hospitals, clinics, and health workers can provide vulnerable populations access to life-saving health inter-

ventions, including the prevention, detection, and treatment of malaria and tuberculosis and efforts to improve the survival of mothers and their children. Collaboration between USAID's implementing partners and trusted community leaders is critical to improving health communication and the appropriate use of screening and tracking tools, treatment, and other health interventions.

*Question.* How can we better invest in long term sustainability challenges to health systems, such as capacity building, training, infrastructure, and supply chain issues, so that our partners are better prepared to respond to and mitigate the spread of pandemics before they become global humanitarian crises? What, if anything, can you tell us about U.S. plans for future engagement in the GHSA?

*Answer.* The improved capabilities developed around the world with U.S. government funding, including from the U.S. Agency for International Development (USAID), aim to mitigate the scope and magnitude of future outbreaks of dangerous infectious diseases by detecting them early and mounting effective, multi-sectoral responses to them. The administration's Global Health Security Strategy (GHSS) outlines the U.S. government's approach to global health security, the funding available for it, and the roles of Federal Departments and Agencies in this collaborative effort. The GHSS emphasizes that all of our activities should include a robust component of building and investing in long-term, sustainable capacity among local health professionals and staff, medical and public-health infrastructure, and the supply-chain for medicines and commodities.

As outlined in the GHSS, these programs will continue to invest funding appropriated by Congress and requested by the President in his Budget Request for Fiscal Year 2020. Under the GHSS, USAID works with the Centers for Disease Control and Prevention within the U.S. Department of Health and Human Services, the U.S. Departments of State and Defense, and other U.S. government Departments and Agencies to accelerate the capability in target countries to prevent, detect, and respond to outbreaks of infectious diseases. Under the Global Health Security Agenda, USAID helps governments, civil society, and academia in 16 priority countries in sub-Saharan Africa and Asia to strengthen their capacity in areas such as zoonotic diseases, workforce-development, disease surveillance, emergency operations, and laboratory detection of pathogens.

#### *Health Systems Strengthen: Workforce Issues*

*Question.* Frontline health workforce teams and the systems supporting them are the bedrock of resilient countries, and U.S. global health programs cannot succeed unless we place a high priority on workforce and systems strengthening, especially for communities with the highest disease burden or least access to trained and supported health workers, as was highlighted in a USAID Inspector General report. The Global Health Bureau's Office of Health Systems and the USAID Inspector General's report has made major inroads in maximizing the efficiency and impact of the dollars we allocate to your bureau on these cross-cutting issues.

- What is your vision for this office, and how will you ensure the Bureau has the leadership and cross-bureau programs, flexibility, data and reporting the IG report recommends to ensure partner countries have the workforce and systems needed to deliver the global health outcomes we wish to achieve?

*Answer.* Annex B of the report of the Office of the Inspector General (OIG) for the U.S. Agency for International Development (USAID) contains a list of actions the Agency has already committed to take to respond to the OIG's recommendations. I support these actions and, if confirmed, will continue to support USAID's efforts to improve the overall cohesion of systemic investments in health institutions by providing better and updated guidance to our field Missions and integrating cross-cutting programs within the overall quantifiable results the Bureau for Global Health is working to achieve. I also think these actions will help ensure Missions are accountable for adhering to the guidelines and provide a means to better track progress in building the capacity of public-health and medical institutions around the world.

*Question.* What is your vision for this office, and how will you ensure the Bureau has the technical leadership and critical programs needed to assist countries in ensuring they have the workforce and systems needed to deliver the global health outcomes we wish to achieve?

*Answer.* As noted in my testimony before the committee on Foreign Relations, global health is at the threshold of significant change. The next ten years will likely bring us unprecedented challenges, including new epidemics, a dramatic rise in non-communicable diseases, an increase in antimicrobial resistance, rapidly mobile populations, and additional man-made crises, as well as unique and promising opportu-

nities, including swift advances in diagnostic and curative technologies and the expansion of options for patients. It is important to recognize that a “health system” does not just mean government facilities and Ministries of Health, but is the constellation of public and private institutions and providers that offer public-health interventions and preventative, curative, and rehabilitative care to a population. My vision is that “the Bureau for Global Health will partner in developing nations to improve health, resilience, opportunity, and self-reliance.” Consequently, if confirmed, I commit to working within the Bureau to ensure it has the technical leadership and critical programs needed to deliver the measurable health outcomes we wish to achieve, including to strengthen public and private health-care and public-health institutions in a dynamic environment.

*Question.* USAID’s Global Health Bureau and other U.S. global health programs have recently placed a larger emphasis on deliberately working across sectors to improve impact and efficiency of investment across U.S. programs. How would you concretely put cross-sectoral programs into practice at the Global Health Bureau given its current funding and policy restrictions and deliverables?

*Answer.* If confirmed, consistent with my activities in prior academic and clinical environments, and my previous work at the U.S. Department of Health and Human Services and the U.S. Agency for International Development, I commit to working within the Bureau for Global Health to determine how we can put into practice effective, concrete, cross-sectoral programs.

#### *Budget*

*Question.* How do you plan to work with leadership throughout the agency to ensure timely delivery and execution of Congressionally-mandated appropriations for the Global Health Bureau?

*Answer.* The Office of Policy, Programs, and Planning (P3) within the Bureau for Global Health (GH) at the U.S. Agency for International Development (USAID) works closely with the Agency’s central Office of Budget and Resource Management (BRM) to follow the budgetary processes of the Office of Foreign Assistance Resources at the U.S. Department of State and the Office of the Chief Financial Officer (CFO) within USAID’s Bureau for Management (M) to allot funds to GH as quickly as possible. Once allotted, the Bureau’s execution team ensures the rapid obligation of funds to meet Congressional mandated directives. If confirmed, I will work with P3, BRM, and M/CFO to ensure we obligate funding from the Global Health account in a timely manner.

#### *BUILD Act and Private Sector Engagement*

*Question.* As you know, the BUILD Act established a new U.S. International Development Finance Corporation and doubled U.S. development finance capacity to \$60 billion. In December 2018, Administrator Mark Green announced the USAID Private Sector Engagement (PSE) Policy to “signal an intentional shift towards enterprise-driven development.”

- How does the PSE policy relate to the health bureau?

*Answer.* The Bureau for Global Health (GH) at the U.S. Agency for International Development (USAID) has been working with the commercial private sector for decades to improve the lives of women, children, families, and communities by helping to introduce new, life-saving products (e.g., oral-rehydration salts, zinc, the Sayana Press); incentivize research and development; and develop appropriate financing mechanisms and models and achieve cost-savings that make innovations more widely available. GH has also funded efforts to reform national policies and regulations to enable the private-sector provision of health care to thrive while ensuring public safety, patient privacy, and the security of records and funding. While I was in GH, I was impressed with the work of the Center for Innovation and Impact in this regard.

USAID’s Private-Sector Engagement (PSE) Policy is a call to action for the Agency to deepen our relationships with commercial firms and investors as part of our support for the Journey to Self-Reliance. I am aware that GH is currently developing its plan, due on December 31, 2019, to put the the PSE policy into practice; however, I am not currently involved in that process. If confirmed, I intend to work closely with GH to embrace a systematic approach that will improve internal systems and enhance the capacity of our staff to engage more effectively with a broad range of private-sector actors to promote the greater adoption of innovative techniques and technologies and market-based approaches in low- and middle-income countries.

*Question.* What discussions, if any, are underway at USAID to leverage new direct foreign investment, as permitted through the BUILD Act, to support global health system strengthening efforts worldwide?

*Answer.* The Bureau for Global Health (GH) within the U.S. Agency for International Development (USAID) has a long history of mobilizing private capital to achieve its development objectives, and of working with the private sector. For example, the Bureau has used USAID's Development Credit Authority to open up commercial lending to small and medium-sized health businesses, which has enabled them to provide more and better-quality care to our target populations. GH also explores opportunities to use other blended and innovative financing instruments to mobilize private capital for health, such as Development-impact bonds. The creation of the Development Finance Corporation under the Better Utilization of Investments Leading to Development (BUILD) Act provides an expanded set of financing tools USAID can use to help mobilize more private financing for health.

#### *Global Health Security Agenda*

*Question.* U.S. officials, including the Secretary of the Department of Health and Human Services, have indicated support for extending the Global Health Security Agenda (GHSA) through 2024, yet the FY 2020 administration budget request includes a 10% budget cut for USAID global health security activities for FY 2020.

- Please explain why a budget reduction is sought in this area.

*Answer.* The President's Budget Request for Fiscal Year (FY) 2020 aims to balance fiscal responsibility here at home with our leadership role and national-security imperatives on the world stage. While the Request for FY 2020 proposes to reduce funding for global health security at the U.S. Agency for International Development (USAID), the overall amount allocated for global health is \$6.343 billion. The President's Budget Request will ensure the United States will remain the world's largest contributor to global health, and the Global Health Security Agenda (GHSA) remains an administration priority. If confirmed, I will continue to advocate for robust programming under the GHSA that not only protects our Nation, but also strengthens capacity and responsibility in our partner countries.

USAID implements its programs under the parameters of the administration's Global Health Security Strategy (GHSS), which outlines the U.S. government's approach to global health security, the funding available for it, and the roles of Federal Departments and Agencies in this collaborative effort. Under the GHSS, USAID works with the Centers for Disease Control and Prevention within the U.S. Department of Health and Human Services, the Departments of State and Defense, and other U.S. government Departments and Agencies to accelerate the capabilities in target countries to prevent, detect, and respond to outbreaks of deadly infectious diseases.

#### *Climate Change*

*Question.* Studies show that climate change is bringing overall warmer, wetter, more variable and more severe weather patterns that are exacerbating human health challenges in a number of areas, particularly: food insecurity, heat-related deaths and ailments, and infectious diseases.

- What role does the Global Health Bureau play in addressing the effects of climate change and supporting countries' resilience against its impacts?

*Answer.* The investments of the Bureau for Global Health within the U.S. Agency for International Development (USAID) are helping governments, civil society, and the private sector in our partner countries adapt to improve their resilience and climate-adaptation in a variety of ways. For example:

- To understand and predict how climate could influence the incidence of malaria, some USAID Missions in sub-Saharan Africa offer ways to connect and integrate weather information with health and other data;
- The President's Malaria Initiative has begun to include climate-related information into its data-integration platform to improve planning for seasonally dependent interventions and the analysis of the transmission of malaria;
- Some USAID-funded pharmaceutical and medical-supply warehouses have begun adopting solar power to offset greenhouse-gas emissions;
- USAID's program on Neglected Tropical Diseases is re-mapping the ranges of vectors to target populations more effectively, and is taking into account climate events when planning mass drug-administration campaigns; and
- USAID's supply-chain program is including potential extreme weather events in its risk-mitigation strategies and efforts.

*Question.* What challenges, if any, does the global health bureau face in coordinating with other bureaus on addressing the health effects of climate change?

Answer. The Bureau for Global Health (GH) at the U.S. Agency for International Development (USAID) is actively involved in the monthly, multi-Bureau meetings chaired by the Office of Global Climate Change (GCC) within the Bureau for Economic Growth, Education, and the Environment (E3), which provides oversight of the process to manage climate-related risk (CRM) process throughout the Agency. E3/GCC also provides orientation and training on CRM (both in-person and online) to new GH staff.

*Protecting Life in Global Health Assistance (PLGHA) Initiative*

*Question.* The Trump administration reinstated and expanded the Mexico City Policy in 2017 and called it the Protecting Life in Global Health Assistance (PLGHA) initiative. In February 2018, the Trump administration released a six-month review on the impact of the policy. The administration has not issued another review, though others have, including one published in the British Medical Journal, which found that “PLGHA has affected multiple health domains and populations within the first year of implementation, including programs related to HIV, WASH, and Zika.”

- What information, if any, can you share on the impact of PLGHA on health programs?

Answer. **[The committee received no response to this question.]**

*Question.* The six-month review conducted by the State Department summarized some of the confusion implementing partners faced in trying to comply with the PLGHA.

- In addition to the FAQ and online training course, what resources has USAID provided to clarify confusion around PLGHA compliance, particularly for local implementing partners with intermittent or limited access to internet service?

Answer. **[The committee received no response to this question.]**

*Question.* Secretary Pompeo announced in a press conference recently that the State Department would be taking action to “implement this policy to the broadest extent possible.” Under this broad interpretation, a foreign NGO in compliance with the Protecting Life in Global Health Assistance (Global Gag Rule) would have to force compliance with the policy on foreign organizations who they subgrant to using funding from any source for any purpose. This effectively gags funding of other government and private donors, which constitutes a significant expansion of the reach and impact of the global gag rule and would further divide complying and non-complying partners, thus undermining coordination and collaboration in the field.

- Has USAID looked into how this broad interpretation will impact programs across the health and development sector?

Answer. As the world’s largest bilateral donor to global health programs, the United States remains committed to helping women and their children thrive, particularly in countries where the need is greatest. The Protecting Life in Global Health Assistance (PLGHA) Policy does not change funding levels by one dollar, nor does the Secretary’s announcement. The vast majority of foreign non-governmental organizations (NGOs) to which the U.S. Agency for International Development (USAID) has provided global health assistance subject to the PLGHA Policy are accepting the conditions on awards required under it, and continue to participate in global health programs funded by USAID. In the event a partner declines to accept terms of the Policy, USAID takes active steps to ensure another partner takes on and continues the activities.

The U.S. Department of State recognized that the Six-Month Review of the PLGHA Policy, released in February 2018, took place early in the Policy’s implementation. As a result, the Department of State, in coordination with USAID and the Departments of Health and Human Services and Defense, has undertaken a subsequent review to assess the implementation of the Policy, including any effects on the delivery of care. While I have not been involved in this subsequent review, I have received a briefing that USAID is working with our interagency colleagues to finalize the review, and we expect the report to be released very soon. I would refer you to the State Department for more information.

As noted in May 2017 when the President announced the PLGHA policy, he directed that no U.S. taxpayer money should support foreign organizations that perform or actively promote abortion as a method of family planning in other nations. The guidance from Secretary Pompeo clarifies the expectation that all subgrantees under awards of U.S. global health assistance must be consistent with that intent.



*Question.* NGOs have already reported that compliance with the Global Gag Rule has increased their administrative costs due to adding complicated compliance mechanisms. How much will this broad interpretation increase this burden for these NGOs?

*Answer.* The U.S. Agency for International Development (USAID) has developed a number of training materials and other tools to assist its staff and implementing partners in understanding and applying the Protecting Life in Global Health Assistance (PLGHA) Policy. We have provided our partners and staff with publicly available answers to frequently asked questions (FAQs) and several online training courses, on U.S. statutory requirements on abortion, voluntarism in family planning, and the PLGHA Policy. USAID has also translated our training materials and the standard provision included in our grants and cooperative agreements into several languages to facilitate greater comprehension of the policy by a wide range of implementing partners. In addition, if confirmed, I will support the development of new resources, with a particular focus on supporting prime implementing partners to communicate with sub-recipients on the PLGHA Policy.

USAID will continue to work closely with implementing partners to ensure they understand what compliance with the policy entails. We expect our partners to comply with Secretary Pompeo's announcement, and will actively monitor their compliance. If confirmed, I will continue to work with USAID's staff in Washington and overseas to answer questions and provide guidance to ensure the proper implementation of the PLGHA Policy.

*Question.* How much will this new compliance burden affect the amount and quality of health services this funding is intended for?

*Answer.* I have not been in the Bureau for Global Health for over seven months. Consequently, I have not discussed the current status of the implementation of the Protecting Life in Global Health Assistance Policy. If confirmed, I commit to learning more about current programmatic patterns and responding to future questions.

*Question.* How will you monitor this and other impact in your leadership of the USAID Bureau of Global Health?

*Answer.* Access to high-quality care is a core focus for me. The Bureau for Global Health (GH) within the U.S. Agency for International Development has many indicators that inform the Agency and the public regarding the effectiveness and outcomes of our investments in improving access to health care. If confirmed, these indicators will continue to provide insights to me and other GH leaders regarding our programmatic priorities and implementation.

#### *WASH, Nutrition Programs and USAID Redesign*

*Question.* The Acting on the Call website, which provides updated information on USAID maternal and child health (MCH) programs, cites water, sanitation and hygiene (WASH) and nutrition programs as integral MCH priorities. A number of groups have expressed concern that USAID's redesign diminishes the prioritization of WASH and nutrition programs.

- How might the USAID redesign affect the integration of WASH and nutrition into global health programs in general and MCH programs in particular?

*Answer.* Water, sanitation, hygiene (WASH), and nutrition remain priorities of the U.S. Agency for International Development (USAID), but the Agency has not always managed its investments in these areas in a fully coordinated way. The Agency's Transformation has elevated both WASH and nutrition through the creation of a Leadership Councils for Nutrition and Water, both co-chaired by a Deputy Assistant Administrator from the Bureau for Global Health. The new Bureau for Resilience and Food Security will also add a Center for WASH and a Center for Nutrition, which will increase the integration of priorities and coordination of work in these disciplines across sectors.

*Question.* As a key focus of the USAID redesign is self-reliance, please describe how the metrics under development relate to health.

*Answer.* Of the 17 independent, third-party Self-Reliance Metrics, the one most directly related to health is the Child Health Index, which is a composite measure that aggregates child mortality, access to at least basic drinking water supplies, and access to at least basic sanitation facilities. Since malnutrition is an underlying cause of an estimated 45 percent of child deaths, and since water and sanitation are part of this composite measure, both nutrition and access to water, sanitation, and hygiene contribute directly to this capacity metric. In addition, the Bureau for Global Health within the U.S. Agency for International Development (USAID) worked with the metrics team in the Bureau for Policy, Planning, and Learning to

develop health-related secondary metrics to complement the Child Health Index, which will allow USAID's staff, especially at the Mission level to delve more into the other ways in which progress in the health sector advances the Journey to Self-Reliance.

*Abstinence Education Promotion*

*Question.* Beyond your current role as Deputy Assistant Administrator at USAID, you served as a Deputy Assistant Secretary for the Office of Population Affairs in the Department of Health and Human Services (HHS) during the George W. Bush administration, where your work centered on abstinence education promotion.

- If confirmed, how would this background influence your role in the Global Health Bureau at USAID?

*Answer.* I appreciate the opportunity to clarify my role as Deputy Assistant Secretary for the Office of Population Affairs in the U.S. Department of Health and Human Services (HHS). My portfolio included, among other things, the program to prevent teen pregnancy authorized under Title X of the Public Health Service Act, a portion of which focused on abstinence education. It was my privilege to convene the first conference in the United States on research into abstinence education, which examined the outcomes of abstinence programs. This background provided me with an awareness of the potential to develop holistic programs that focus on increasing knowledge among adolescents of puberty, reproduction, healthy relationships, positive decision-making, refusal skills for exploitation and abuse, and planning for the future.

*Family Planning*

*Question.* I was very disappointed to see the administration propose an over 60 percent cut to international family planning and reproductive health in this year's budget request. The budget justification also deletes references to the role of family planning in preventing unintended pregnancy and "enhanc[ing] the ability of couples to decide the number, timing, and spacing of births" and "reducing abortion."

Women's access to health care, including sexual and reproductive health care like modern contraceptives, plays a significant role in their ability to advance their education, participate in the economy, and support their families and communities. We know ensuring that women can utilize the modern contraception that they want would dramatically reduce maternal and newborn deaths—when women are able to space their pregnancies at least three years apart, they are more likely to survive pregnancy and childbirth and their children are more than twice as likely to survive infancy.

- Do you think that providing women the tools and information they need to prevent unintended pregnancies is a worthy public health goal?
- Can you assure us that under your leadership as Assistant Administrator for the Bureau of Global Health, U.S. funded programs will continue to support and supply a full range of (modern) contraceptive methods in order to ensure that women have access to the information, counseling, and methods best suited to their needs?
- Can you speak to how you will work in this post to promote access to comprehensive reproductive health care, including the full range of safe and effective family planning methods?

*Answer.* As the world's largest bilateral donor of family planning assistance, the United States remains committed to helping women and their children thrive. Preventing child and maternal deaths remains a priority for this administration. Access to voluntary family planning is a key intervention for achieving the healthy timing and spacing of pregnancy, preventing child and maternal deaths, and for helping communities progress along the Journey to Self-Reliance.

We know that women need access to a range of contraceptive options over their reproductive years as their fertility intentions change over time. We serve women and men best when we provide them with access to a range of modern contraceptive options—from fertility-awareness methods, to short- and long-acting reversible methods, to voluntary permanent methods—as well as to high-quality counseling so women and their partners can make their own informed choices. We are also committed to supporting the development, introduction, and scale-up of a wide range of contraceptive methods to meet the needs of women and couples for voluntary family-planning to promote the healthy timing and spacing of pregnancy.

If confirmed, I will continue to support a full range of modern contraceptive methods to ensure that women and couples have access to the information, counseling, and methods best suited to their needs.

*Youth*

*Question.* The world currently has the largest generation of young people ever. This presents tremendous opportunity for global development but also means that we have to take action to promote the health and well-being of adolescents and youth everywhere. Yet complications during pregnancy and childbirth are the leading cause of death for adolescent girls (ages 15-19 years). Adolescents, both married and unmarried, face a range of barriers to accessing reproductive health care including lack of knowledge, stigma, and health worker bias and unwillingness to acknowledge young people's reproductive health needs.

- As Assistant Administrator, how will you promote access to comprehensive health information and services for young people as a means of preventing maternal deaths? Also, how will you ensure comprehensive, evidence based health and education programs are supported for young people under USAID's global health programs?

*Answer.* During adolescence, girls and boys establish life-long health behaviors, which makes it a pivotal time in development.

Evidence shows that healthy timing (delaying the first pregnancy until a woman is at least 18 years old) and spacing (at least 24 months between giving birth and becoming pregnant again) are critical to reducing maternal mortality and morbidity among adolescents and young women, as well as to reducing infant mortality. In addition to encouraging the healthy timing and spacing of pregnancies, our work also focuses on preventing coercion, exploitation, and abuse; delaying sexual debut; avoiding sexual, substance-abuse and other risks; stopping female genital mutilation; reducing the acceptance of child marriage; and keeping girls in school. These interventions support girls and young women as individuals, help delay marriage, and avoid early pregnancy, all of which result in lower rates of maternal and child mortality.

Also, the U.S. Agency for International Development (USAID) is currently funding a project dedicated to expanding the evidence base for what works in positive youth development and applying improved approaches across programs and sectors. Under the President's Emergency Plan for AIDS Relief (PEPFAR), activities include reviewing existing and piloting promising approaches for mentoring adolescent girls and young women at increased risk of HIV/AIDS, identifying life skills most relevant to sexual and reproductive health, preventing violence and other cross-sectoral youth outcomes and identifying and disseminating effective interventions that can increase the uptake of testing for HIV and create better linkages to treatment among young people. If confirmed, I will ensure USAID continues to support evidence-based health and education programs for young people, especially adolescent girls, under PEPFAR and USAID's other global health programs.

If confirmed, I will also work to ensure that USAID's programming for young people includes the engagement of influencers who have a vested interest in their welfare—such as parents, grandparents, and religious and community leaders—so that young people can have access to correct, age- and context-appropriate, high-quality health information and care and live full, productive lives.

*Faith-Based Organizations/Civil Society Engagement*

*Question.* There is a strong push within global HIV/AIDS programs to fund faith-based organizations (FBOs), which have been critical partners in the fight against HIV, but may not be best positioned to deliver comprehensive HIV prevention, care and treatment services to everyone who needs it in all settings. I understand that you've also conducted regular meetings with a small set of FBOs, while up until earlier this month have halted more open town hall meetings with a wide set of NGO actors engaged in maternal and child health.

- With scarce resources, are you still committed to evaluating which partners are best able to achieve programmatic goals and engaging with diverse civil society? Or is there an earmark and special treatment for certain types of faith-based partners?

*Answer.* The U.S. Agency for International Development (USAID) has a long history of engaging with a diversity of partners, including small businesses and civil society, non-governmental, and faith-based organizations. Diversifying USAID's partner base to reflect today's expanded development landscape is an important component of the Journey to Self-Reliance, because choice and competition are key to innovation and resource-mobilization in development work, just as they are in the private-sector economy.

USAID has no "earmark" for faith based organizations, and does not give them special treatment. If confirmed, I commit to engaging with a diverse set of partners to achieve our programmatic goals. If confirmed, I also commit to following USAID's

policy guidance regarding assessing, evaluating and selecting potential and existing partners through the Agency's procurement processes. These policies help ensure USAID is engaging with the most-capable partners to assist us in implementing high-impact, sustainable programs.

*Siljander Amendment*

*Question.* As you may be aware from recent State Department announcements, a policy known as the Siljander amendment prohibits the use of foreign assistance funds to lobby for or against abortion. Repeatedly at the U.N., representatives of the State Department, USAID, and U.S. Mission to the U.N., including USAID Senior Advisor Bethany Kozma, have made statements that "we do not support abortion," spreading false information that comprehensive sex education programs "promote abortion as a solution to teen pregnancy," and "the U.S. is a pro-life country" despite that fact that for over 40 years the right to abortion has been established in the this country under *Roe v. Wade*.

- Do you believe these statements made by employees of the U.S. State Department are considered to be lobbying against abortion, and thus a direct violation of the Siljander amendment?

Answer. Consistent with longstanding practice, the United States routinely describes its foreign-policy positions on issues before multilateral bodies.

*Question.* What will you do to hold your employees accountable to complying with the Siljander prohibition on lobbying against abortion?

Answer. The U.S. Agency for International Development takes compliance with the Siljander Amendment very seriously, and I will ensure that staff are familiar with its provisions. We would address any specific response to an alleged compliance issue on a case-by-case basis.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO DR. ALMA L. GOLDEN BY SENATOR JEANNE SHAHEEN

*Question.* As I raised during the hearing, I am concerned that the Mexico City Policy is being implemented in such a way that it is having a chilling effect on family planning programs as well as broader global health programming. Independently conducted research has raised concerns about a lack of information and communication from the U.S. government to implementing partners. This has caused organizations to over-police their services in order to avoid an unintentional violation of this vaguely-written policy.

- Will you commit to ensuring that USAID provides unbiased and apolitical information to prime and sub-recipients of U.S. foreign assistance who inquire about how best to comply with the Mexico City Policy?
- How would you ensure that the process for implementing partners to ask and receive answers to questions on the Mexico City Policy does not, either intentionally or unintentionally, discourage organizations from providing services allowed for under the policy?

Answer. Yes, I commit to ensuring that the U.S. Agency for International Development (USAID) provides unbiased and apolitical information to prime and sub-recipients of U.S. foreign assistance who inquire about how best to comply with the Protecting Life in Global Health Assistance (PLGHA) Policy.

USAID values our relationships with our partners. The vast majority of foreign non-governmental organizations (NGOs) to which USAID has provided global health assistance subject to the PLGHA Policy are accepting the conditions on awards required by it and continue to participate in global-health programs funded by USAID. The U.S. Department of State has recently released, in coordination with USAID and other affected Federal Departments and Agencies, an updated version of publicly available answers to frequently asked questions (FAQs) on the PLGHA Policy. Additionally, USAID has developed a number of training materials and compliance tools to assist its staff and implementing partners in understanding and applying the PLGHA Policy, including a publicly available online training course. USAID has also translated training materials and the standard provision included in our grants and cooperative agreements into several languages to facilitate greater comprehension of the Policy by a wide range of implementing partners. USAID continues to design additional tools to facilitate the Policy's implementation and help ensure implementing partners understand it fully.

If confirmed, I would continue to work with USAID's staff in Washington and overseas to answer questions and provide guidance to our implementing partners to ensure the proper implementation of the PLGHA Policy.

*Question.* I am concerned about reports of cases where U.S. foreign assistance implementing partners that provide family planning services are denying services based on marital status and other factors.

- What oversight exists of prime and especially sub-recipients to ensure they are not engaging in discriminatory actions that are explicitly prohibited under USAID guidance?
- Where would a victim of discrimination go to report violations?
- How do we relay information about these channels to patients and others who seek U.S.-funded health services overseas?
- I included language in the Fiscal Year 2020 State and Foreign Operations appropriations bill that would implement a reporting system to provide oversight of these concerns. If confirmed, would you work with Congress to ensure that the oversight mechanism is an effective tool for reporting abuses of U.S. foreign assistance?

*Answer.* Non-discrimination is the basic foundation of the approach to inclusive development of the U.S. Agency for International Development (USAID), and all USAID's programs should ensure non-discriminatory access for all potential beneficiaries. The Agency ensures compliance with these requirements through the inclusion of mandatory standard provisions on nondiscrimination in our contracts, grants, and cooperative agreements, and implementing partners are expected to comply with them. Implementing partners are also expected to include the provisions in all sub-contracts and sub-awards. USAID monitors programmatic implementation through its routine oversight processes, which include regular site visits for programs that deliver health care. Furthermore, any individual or organization can report allegations of non-compliance with our award requirements to the Agency, including to the Office of Acquisition and Assistance within the Bureau for Management, the Bureau for Global Health, and/or the Office of the USAID Inspector General. If confirmed, I will continue to work with Congress to ensure the effective implementation of USAID's non-discrimination requirements.

*Question.* Since 2002, the Global Fund has worked in coordination with USAID's tuberculosis and malaria programs to achieve lifesaving results. In countries where both USAID and the Global Fund partners, the Global Fund contributes to commodity procurement and program financial support for malaria and TB. At the same time, USAID works to provide in-country technical assistance to strengthen countries' national responses and service deliveries.

- Can you address how you plan to prioritize such purposeful collaborative and complementary work of USAID and the Global Fund on malaria and TB within your role if you are confirmed in this role?

*Answer.* Since 2006, the U.S. President's Malaria Initiative (PMI) has engaged closely with the Global Fund to Fight AIDS, Tuberculosis, and Malaria to ensure a coordinated, country-level response to malaria, including by supporting National Malaria-Control Programs. PMI's in-country staff participate in the development of Global Fund Concept Notes, national strategic plans, and programmatic evaluations, and the Global Fund's Portfolio Managers participate in PMI's operational planning. Furthermore, PMI and the Global Fund have made significant commitments to accelerate collaboration around the collection, analysis, and sharing of malaria-related data; the procurement, delivery, and tracking of anti-malaria drugs and commodities; and the monitoring of global resistance to anti-malarial drugs and insecticides.

Since the inception of the Global Fund, USAID's Tuberculosis (TB) Program has engaged closely with the Global Fund to ensure a coordinated, country-level response to TB to achieve the strategic goals in our priority countries and maximize quantifiable impact. Staff from USAID's TB Program provide technical expertise in the development of the national strategic plans, programmatic evaluations, and epidemiological assessments that are the basis for Global Fund Concept Notes. Our staff also participate in the development of Global Fund Concept Notes at the country level, and in many of the Global Fund's working groups at the global level. Staff from USAID's TB Program monitor the implementation of the Global Fund's TB and TB/HIV grants to identify challenges and resolve bottlenecks in a timely fashion, including by deploying long- and short-term technical-assistance resources efficiently and effectively.

If confirmed, I commit to ensuring the continuation of this collaboration between USAID and the Global Fund.

*Question.* The impact of HIV/AIDS, TB, and malaria on vulnerable populations such as adolescent girls and young women is significant. Every week, roughly 6,200 young women aged 15-24 years become infected with HIV. In addition to being a global health epidemic, TB is also a women's issue, due to the complications that can arise when a woman contracts TB. Pregnant women and children under age 5 are most at risk for malaria due their weaker immune systems.

- Can you speak to how you would prioritize addressing the health needs of adolescent girls and young women as it relates to TB, HIV and Malaria?

*Answer.* Adolescence establishes life-long health behaviors, which makes it a pivotal time in development. If confirmed, I will work to ensure that the programming for young people funded by the U.S. Agency for International Development (USAID) strengthens a "three generation" approach that recognizes the critical roles of not only adolescents, but also caring family, faith, and community leaders, while preparing them for future careers and families. This holistic Positive Youth Development approach promotes access to high-quality, age- and content-appropriate health information, skills and care so they live full, productive lives as individuals and in community.

USAID's programming responds to the needs of those most at risk for tuberculosis (TB) by strengthening prevention programs and ensuring the success of TB-treatment initiatives—including for children and adolescents. USAID focuses on a person-centered approach to improve access to high-quality TB care and efforts to increase the correct detection of all TB cases, especially ones that are resistant to first-line therapies.

USAID implements the Determined, Resilient, Empowered, AIDS-Free, Mentored, and Safe (DREAMS) program of the President's Emergency Plan for AIDS Relief (PEPFAR), a public-private partnership aimed at addressing the disproportionately high risk adolescent girls and young women in sub-Saharan Africa have of acquiring HIV. DREAMS has reduced HIV diagnoses among adolescent girls and young women by over 25 percent in the majority of its intervention regions; 85 percent of these regions showed additional declines in 2018. Implemented in 15 countries, DREAMS interventions align with USAID's whole-of-girl approach. DREAMS provide a layered package of care and support to an adolescent girl or young woman based on her age and vulnerability to HIV infection, which can include educational assistance, access to HIV testing, and safe spaces with mentor-led sessions on the prevention of HIV and sexual violence.

Given the dangers and the subsequent risks to families and communities when a woman/mother is ill with malaria, USAID, through the President's Malaria Initiative, prioritizes the prevention of malaria during pregnancy. Key interventions include the provision of a long-lasting insecticide treated bed net at a pregnant woman's first prenatal-care visit; monthly preventive treatment during pregnancy, starting early in the second trimester and continuing until delivery; and prompt diagnosis and effective treatment for cases of malaria in pregnancy.

If confirmed, I will continue to prioritize these critical programs in TB, HIV, and malaria, as well as to address the health needs of adolescent girls and young women in all USAID's global-health programming.

*Question.* I was disappointed to see the administration propose an over 60% cut to international family planning and reproductive health in this year's budget request. The budget justification also deletes references to the role of family planning in preventing unintended pregnancy and "enhanc[ing] the ability of couples to decide the number, timing, and spacing of births" and "reducing abortion."

- Do you think that providing women the tools and information they need to prevent unintended pregnancies is a worthy public health goal?
- Can you assure this committee that under your leadership as Assistant Administrator for the Bureau of Global Health, U.S. funded programs will continue to support and supply a full range of modern contraceptive methods in order to ensure that women have access to the information, counseling, and methods best suited to their needs?

*Answer.* As the world's largest bilateral donor of family planning assistance, the United States remains committed to helping women and their children thrive. Preventing child and maternal deaths remains a priority for this administration. Access to voluntary family planning is a key intervention for achieving the healthy timing and spacing of pregnancy, preventing child and maternal deaths, and for helping communities progress along the Journey to Self-Reliance.

We know that women need access to a range of contraceptive options over their reproductive years as their fertility intentions change over time. We serve women and men best when we provide them with access to a range of modern contraceptive

options—from fertility-awareness methods, to short- and long-acting reversible methods, to voluntary permanent methods—as well as to high-quality counseling so women and their partners can make their own informed choices. We are also committed to supporting the development, introduction, and scale-up of a wide range of contraceptive methods to meet the needs of women and couples for voluntary family-planning to promote the healthy timing and spacing of pregnancy.

If confirmed, I will continue to support a full range of modern contraceptive methods to ensure that women and couples have access to the information, counseling, and methods best suited to their needs.

*Question.* Women’s access to health care, including sexual and reproductive health care like modern contraceptives, plays a significant role in their ability to advance their education, participate in the economy and support their families and communities. We know ensuring that women can utilize the modern contraception that they want would dramatically reduce maternal and newborn deaths—when women are able to space their pregnancies at least three years apart, they are more likely to survive pregnancy and childbirth and their children are more than twice as likely to survive infancy. Can you speak to how you will work in this post to promote access to comprehensive reproductive health care, including the full range of safe and effective family planning methods?

*Answer.* I agree that access to health care, including sexual and reproductive health care like modern contraceptives, plays a significant role in the ability of women to advance their education, participate in the economy, and support their families and communities. As the world’s largest bilateral donor of voluntary family-planning assistance, the United States remains committed to helping women and their children thrive.

Access to voluntary family planning is a key intervention for achieving the healthy timing and spacing of pregnancy, preventing child and maternal deaths, and helping communities progress along the Journey to Self-Reliance. We know that access to a range of contraceptive options over their reproductive years can help women and couples as their fertility intentions change over time. We serve women and men best when we provide them with access to a range of modern contraceptive options—from fertility-awareness methods, to short- and long-acting reversible methods, to voluntary permanent methods—and high-quality counseling. We are also committed to supporting the development, introduction, and scale-up of a wide range of contraceptive methods to meet the needs of women and couples for voluntary family planning to promote the healthy timing and spacing of pregnancy.

If confirmed, I will continue to support a full range of modern contraceptive methods to ensure women and couples have access to the information, counseling, and methods best suited to their needs.

*Question.* The world currently has the largest generation of young people ever. This presents tremendous opportunity for global development but also means that we have to take action to promote the health and well-being of adolescents and youth everywhere. Yet complications during pregnancy and childbirth are the leading cause of death for adolescent girls (ages 15-19 years). Adolescents, both married and unmarried, face a range of barriers to accessing reproductive health care including lack of knowledge, stigma, and health worker bias and unwillingness to acknowledge young people’s reproductive health needs. As Assistant Administrator, how will you promote access to comprehensive health information and services for young people as a means of preventing maternal deaths?

*Answer.* During adolescence, girls and boys establish life-long health behaviors, which makes it a pivotal time in development.

Evidence shows that healthy timing (delaying the first pregnancy until a woman is at least 18 years old) and spacing (at least 24 months between giving birth and becoming pregnant again) are critical to reducing maternal mortality and morbidity among adolescents and young women, as well as to reducing infant mortality. In addition to encouraging the healthy timing and spacing of pregnancies, our work also focuses on preventing coercion, exploitation, and abuse; delaying sexual debut; avoiding sexual, substance-abuse and other risks; stopping female genital mutilation; reducing the acceptance of child marriage; and keeping girls in school. These interventions support girls and young women as individuals, help delay marriage, and avoid early pregnancy, all of which result in lower rates of maternal and child mortality.

Also, the U.S. Agency for International Development (USAID) is currently funding a project dedicated to expanding the evidence base for what works in positive youth development and applying improved approaches across programs and sectors. Under the President’s Emergency Plan for AIDS Relief (PEPFAR), activities include re-

viewing existing and piloting promising approaches for mentoring adolescent girls and young women at increased risk of HIV/AIDS, identifying life skills most relevant to sexual and reproductive health, preventing violence and other cross-sectoral youth outcomes and identifying and disseminating effective interventions that can increase the uptake of testing for HIV and create better linkages to treatment among young people. If confirmed, I will ensure USAID continues to support evidence-based health and education programs for young people, especially adolescent girls, under PEPFAR and USAID's other global health programs.

If confirmed, I will also work to ensure that USAID's programming for young people includes the engagement of influencers who have a vested interest in their welfare—such as parents, grandparents, and religious and community leaders—so that young people can have access to correct, age- and context-appropriate, high-quality health information and care and live full, productive lives.

*Question.* There is a strong push within global HIV/AIDS programs to fund faith-based organizations (FBO), which have been critical partners in the fight against HIV, but may not be best positioned to deliver comprehensive HIV prevention, care and treatment services to everyone who needs it in all settings. I understand that you've also conducted regular meetings with a small set of FBOs, while up until earlier this month have halted more open town hall meetings with a wide set of NGO actors engaged in maternal and child health. With scarce resources, are you still committed to evaluating which partners are best able to achieve programmatic goals and engaging with diverse civil society or is there an earmark and special treatment for certain types of faith-based partners?

*Answer.* The U.S. Agency for International Development (USAID) has a long history of engaging with a diversity of partners, including small businesses and civil-society, non-governmental, and faith-based organizations. Diversifying USAID's partner base to reflect today's expanded development landscape is an important component of the Journey to Self-Reliance, because choice and competition are key to innovation and resource-mobilization in development work, just as they are in the private-sector economy.

USAID has no "earmark" for faith based organizations, and does not give them special treatment. If confirmed, I commit to engaging with a diverse set of partners to achieve our programmatic goals. If confirmed, I also commit to following USAID's policy guidance regarding assessing, evaluating and selecting potential and existing partners through the Agency's procurement processes. These policies help ensure USAID is engaging with the most-capable partners to assist us in implementing high-impact, sustainable programs.

*Question.* The State Department stated they would complete a second review of the Mexico City Policy by the end of 2018, yet we are still waiting on that report. A new study published in Lancet found that when the policy was in effect between 2001-2008, abortion rates increased about 40% among women in countries most affected by the policy. It also found a symmetric reduction in the use of modern contraception while the policy was enacted, coinciding with an increase in pregnancies. This pattern of more frequent abortions (many of which are unsafe in the impacted countries) and lower contraceptive use was reversed after the policy was rescinded in 2009. What actions do you intend to take in light of these new research findings?

- What actions would you take as the leader of USAID's Global Health priorities to address these gaps in services and how are these needs being filled?
- How will you assess and evaluate these types of service disruptions and inefficiencies created by switching partners?

*Answer.* As the world's largest bilateral donor to global health programs, the United States remains committed to helping women and their children thrive, particularly in countries where the need is greatest.

The U.S. Department of State recognized that the Six-Month Review of the Protecting Life in Global Health Assistance (PLGHA) Policy, released in February 2018, took place early in the Policy's implementation. As a result, the Department of State, in coordination with the U.S. Agency for International Development (USAID), and the Departments of Health and Human Services and Defense, undertook a subsequent review to assess the implementation of the policy, including any effects on the delivery of care. While I have not been involved in this subsequent process, I have received a briefing that USAID is working with our interagency colleagues to finalize the review, and we expect the report to be released very soon. I would refer you to the State Department for more information.

It is critical that Global Health and other Family Planning donors and advocates continue to follow the indicators and demographic surveys that track access to modern contraceptive care and outcomes for women and children in order to assure that



vulnerable populations are supported. Currently, and consistent with ongoing practices, USAID Missions monitor and track all award transitions, whether related to PLGHA or other changes in partners or funding, to minimize disruptions to recipients.

If confirmed, I will work with GH staff and the other U.S. government Departments and Agencies that implement the Protecting Life in Global Health Assistance Policy to examine the second review of the implementation of the Policy to determine what adjustments we might have to make if disruptions in care occurred as a result of transitions between partners.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO PETER M. HAYMOND BY SENATOR ROBERT MENENDEZ

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

*Answer.* In each of my diplomatic assignments, and particularly in senior management assignments overseas, I have striven to promote respect for human rights and democratic values. A few examples:

- As Deputy Chief of Mission in Laos, I led the Embassy's efforts to address concerns about the welfare of over 4,000 Lao Hmong who were forcibly repatriated from Thailand back to Laos when they sought refugee status and third country resettlement. We worked with Lao and Thai officials to gain access to the site where most of the Hmong had been resettled, including visits by Members of Congress; then secured permission to provide U.S. humanitarian assistance to the resettled community, allowing periodic monitoring; and finally convinced interlocutors to allow those deemed persons of concern by UNHCR to leave Laos for resettlement abroad.
- As Principal Officer of our consulate in Chengdu, China, I spoke frequently at universities around the five-province consulate district on themes that included the universality of human rights and the observed fact that China rapidly grew wealthier and stronger after the extreme human rights constraints of the Mao era were relaxed.
- As Deputy Chief of Mission and Chargé d'Affaires in Thailand, I participated in and oversaw Embassy efforts, in close coordination with other like-minded diplomatic missions, to urge appropriate Thai government action on specific human rights cases. In most instances, that coordinated approach produced positive results.

*Question.* What issues are the most pressing challenges to democracy or democratic development in Laos? These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights and press freedom. Please be as specific as possible.

*Answer.* The Lao People's Revolutionary Party remains the ultimate authority in this communist one-party state, and the LPRP continues to closely control all Lao media and political expression, including the formation of civil society organizations. The LPRP does not permit expressions of opposition to its rule. Weak institutions make Lao citizens vulnerable to a host of human rights abuses and many marginalized groups struggle to be fully included in the Lao judicial system. Furthermore, the United States is concerned about reports of disappearances, forced repatriation, and suspicious deaths of some political activists in Southeast Asia.

*Question.* What steps will you take—if confirmed—to support democracy in Laos? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

*Answer.* The administration's vision for a free and open Indo-Pacific supports advancing democratic values, good governance, and respect for human rights. Our sustained engagement with and support for Laos, including increased senior official visits in recent years, has engendered greater trust and enabled progress on these priorities. If confirmed, I will work together with like-minded partners continue to engage the Lao government, including engaging with the emerging reform-minded leaders, to promote transparency, democratic values, good governance, and respect for human rights. One challenge is that many of the Indochina War-veteran leaders who are still in charge of the Party and government first dealt with the United

States in a very different and difficult era in our relationship, and remain suspicious of U.S. actions.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

*Answer.* The United States supports democracy, human rights, and fundamental freedoms in the Indo-Pacific as part of our Indo-Pacific Transparency Initiative, as well as around the world, as the building blocks of progress and the bulwarks of independence. If confirmed, I will work closely with interagency partners to use U.S. government assistance resources efficiently and effectively to support development of democratic values and improved governance in Laos. I would also continue to call on Laos to protect human rights and fundamental freedoms.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in Laos? What steps will you take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

*Answer.* If confirmed, I look forward to meeting with human rights, civil society, and other non-governmental organizations in the United States and with local human rights and other NGOs in Laos. Protecting human rights and fundamental freedoms and advancing democratic values are among the highest priorities under the administration's vision for a free and open Indo-Pacific and, if confirmed, I will be sure those priorities continue to be elevated in our engagement with the Lao government.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties? What steps will you take to encourage genuine political competition? Will you advocate for access and inclusivity for women, minorities and youth within political parties?

*Answer.* The Lao Revolutionary People's Party is the sole political party in Laos, but the United States continues to advocate for increased transparency, democratic values, good governance, and respect for human rights.

If confirmed, I will work closely with Congress and interagency colleagues, like-minded foreign partners, the Lao government, civil society, and private sector partners to promote these values.

*Question.* Will you and your embassy team actively engage with Laos on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory or other measures? Will you commit to meeting regularly with independent, local press in Laos?

*Answer.* If confirmed, I look forward to meeting with members of the press in Laos. Fundamental freedoms and human rights, including freedom of speech, are top U.S. priorities under the Indo-Pacific Transparency Initiative. If confirmed, I will encourage the Lao government to respect human rights and fundamental freedoms, including freedom of expression. I would work closely with Congress and interagency colleagues, like-minded foreign partners, the Lao government, civil society, and private sector partners to promote freedom of expression via internet or traditional media in Laos, both through U.S. government-sponsored programs and in engagements with members of the media and the Lao government.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in Laos?

*Answer.* The United States takes a holistic approach to identifying, tracking, and countering disinformation. It is imperative that countries around the world continue to share information and work together in this effort by building collective resilience, sharing best practices, and imposing costs on actors that carry out disinformation campaigns. If confirmed, I will support U.S. efforts to counter disinformation, support a free and transparent news media environment, and to increase awareness by conducting outreach to the public, private industry, civil society, and academic groups. Questions for the Record submitted to

*Question.* Will you and your embassy teams actively engage with Laos on the right of labor groups to organize, including for independent trade unions?

*Answer.* The United States has long promoted internationally recognized labor rights with a particular focus on freedom of association and collective bargaining,

and strengthening core labor standards, particularly for members of traditionally neglected groups, such as women, youth, and informal sector workers. Laos faces many challenges in seeking to ensure that the labor rights of its citizens who migrate to work in neighboring countries are protected, as well as protecting the labor rights of the increasing number of foreign workers entering Laos to work on large foreign investment projects. If confirmed, I will work closely with Congress and interagency partners to support protections for labor rights in Laos.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Laos, no matter their sexual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Laos? What specifically will you commit to do to help LGBTQ people in Laos?

*Answer.* Promoting, protecting, and advancing human rights—including the rights of lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons—has long been the policy of the United States. If confirmed, I will support U.S. policy efforts to deter violence against LGBTI persons, advocate against laws that criminalize LGBTI status or conduct, and to prevent discrimination against LGBTI persons, as applicable in the context of Laos.

*Question.* Do you commit to respond promptly to all requests for information by Members of this committee?

*Answer.* Yes, if confirmed, with the understanding that any such response would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Do you commit to appear before this committee upon request?

*Answer.* Yes, if confirmed, with the understanding that any such appearance would be organized through the Department of State's Bureau of Legislative Affairs in accordance with long standing Department and Executive Branch practice.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

*Answer.* If confirmed, I will follow all Department rules and regulations as to reporting waste, fraud, and abuse, including notifying the Department's Inspector General when appropriate.

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

*Answer.* Not to my knowledge.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

*Answer.* Specific allegations of sexual harassment or discrimination are confidential, and in such circumstances, I have immediately addressed any issues raised to me in accordance with the Department of State's policies, including providing a witness statement to the Department's Office of Civil Rights. I take EEO and sexual harassment in the workplace seriously, and if confirmed, I will work to ensure that a message of zero tolerance for discrimination, harassment, and misconduct is affirmed from the beginning of my assignment.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

*Answer.* Yes, I agree. If confirmed, I will work to prevent any attempts to target or retaliate against career employees on the basis of their perceived political beliefs, prior work on policy, or affiliation with a previous administration. I take allegations of such practices seriously and will ensure any such actions are referred to the Department's Inspector General.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO PETER M. HAYMOND BY SENATOR BENJAMIN L. CARDIN

*Question.* What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

*Answer.* In each of my diplomatic assignments, and particularly in senior management assignments overseas, I have striven to promote respect for human rights and democratic values. A few examples:

As Deputy Chief of Mission in Laos, I led the Embassy's efforts to address concerns about the welfare of over 4,000 Lao Hmong who were forcibly repatriated from Thailand back to Laos when they sought refugee status and third country resettlement. We worked with Lao and Thai officials to gain access to the site where most of the Hmong had been resettled, including visits by Members of Congress; then secured permission to provide U.S. humanitarian assistance to the resettled community, allowing periodic monitoring; and finally convinced interlocutors to allow those deemed persons of concern by UNHCR to leave Laos for resettlement abroad.

As Principal Officer of our consulate in Chengdu, China, I spoke frequently at universities around the five-province consulate district on themes that included the universality of human rights and the observed fact that China rapidly grew wealthier and stronger after the extreme human rights constraints of the Mao era were relaxed.

As Deputy Chief of Mission and Chargé d'Affaires in Thailand, I participated in and oversaw Embassy efforts, in close coordination with other likeminded diplomatic missions, to urge appropriate Thai government action on specific human rights cases. In most instances, that coordinated approach produced positive results.

*Question.* What are the most pressing human rights issues in Laos? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Laos? What do you hope to accomplish through these actions?

*Answer.* The United States supports transparency, democratic values, good governance, and respect for human rights. Human rights issues in Laos include include arbitrary detention, political prisoners, censorship, substantial interference with the rights of peaceful assembly and freedom of association, restrictions on political participation, corruption, and trafficking in persons. Senior U.S. representatives have consistently engaged Lao leaders at the highest levels, ensuring that Laos understands our priorities and recognizes that human rights are universal. In addition, our development assistance supports our goal of Laos respecting and promoting human rights, whether through programming to support the rule of law, basic education for Lao children, labor rights, or media training and access. The State Department has programs that support civil society capacity development, and USAID supports persons with disabilities, to name just two examples. We are engaged with Lao youth via Facebook and our YSEALI programs. There is very active participation by Lao people in our programs at the American Center in Vientiane, which expose the Lao to English language, education opportunities in the United States, and American culture and values.

If confirmed, I will work closely with Congress and interagency colleagues, likeminded foreign partners, the Lao government, civil society, and private sector partners to promote these values.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Laos in advancing human rights, civil society and democracy in general?

*Answer.* The Lao People's Revolutionary Party remains the ultimate authority in this communist one-party state, and the LPRP continues to closely control all Lao media and political expression, including the formation of civil society organizations. The LPRP permits no public expression of opposition to its rule. Furthermore, the United States is concerned about reports of disappearances, forced repatriation, and suspicious deaths of some political activists in Southeast Asia.

The administration's vision for a free and open Indo-Pacific, and specifically the Indo-Pacific Transparency Initiative, supports advancing democratic values, good governance, and respect for human rights. Our sustained engagement with and support for Laos, including increased senior official visits in recent years, has engendered greater trust and enabled progress on these priorities. If confirmed, together, with like-minded partners, I will engage the Lao government, including engaging with the emerging reform-minded leaders, to promote these priorities.

*Question.* Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in Laos? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

*Answer.* If confirmed, I look forward to meeting with human rights, civil society, and other non-governmental organizations in the United States and with embassies of like-minded nations, and with local NGOs and civil society organizations that promote human rights in Laos. I would ensure my embassy team continues to adhere to and enforce the Leahy Law so that U.S. security assistance reinforces human rights. Protecting human rights and fundamental freedoms and advancing democratic values are among our highest priorities under our vision for a free and open Indo-Pacific.

*Question.* Will you and your embassy team actively engage with Laos to address cases of key political prisoners or persons otherwise unjustly targeted by Laos?

*Answer.* The United States supports transparency, democratic values, good governance, and respect for human rights. If confirmed, I will work with Congress and interagency colleagues, like-minded foreign partners, and civil society to promote these values with the Lao government.

*Question.* Will you engage with Laos on matters of human rights, civil rights and governance as part of your bilateral mission?

*Answer.* The United States supports transparency, democratic values, good governance, and respect for human rights. Senior U.S. representatives have engaged Lao leaders at the highest levels, ensuring that Laos understands our priorities and recognizes that human rights are universal. In addition, our development assistance supports our goal of Laos respecting and promoting human rights, whether through programming to support the rule of law, basic education for Lao children, labor rights, or media training and access. The State Department has programs that support civil society capacity development, and USAID supports persons with disabilities, to name just two examples. We are engaged with Lao youth via Facebook and our YSEALI programs. There is strong participation among Lao people for our programs at the American Center in Vientiane, which expose the Lao to English language, education opportunities in the United States, and American culture and values.

If confirmed, I will work closely with Congress and interagency colleagues, like-minded foreign partners, the Lao government, civil society, and private sector partners to promote these values.

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in Laos?

*Answer.* My investment portfolio includes diversified mutual funds, which may hold interests in companies with a presence overseas, but which are exempt from the conflict of interest laws. My investment portfolio also includes a sector fund, which may hold interests in companies with a presence overseas, but its value is currently below the de minimis exemption level. I am committed to ensuring that my official actions will not give rise to a conflict of interest. I will divest any investments the State Department Ethics Office deems necessary to avoid a conflict of interest. I will remain vigilant with regard to my ethics obligations.

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

*Answer.* If confirmed, I will direct my senior staff to join me in mentoring and supporting more junior staff, certainly including staff that come from diverse backgrounds and underrepresented groups in the Foreign Service. This will include access to leadership training both at post and in Washington, and regular opportunities for consultation and counseling on career decisions and progression.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

*Answer.* If confirmed, I will make clear to each of the supervisors at the Embassy that I expect them all to foster a diverse and inclusive environment, and that regular performance evaluations will reflect that expectation. I will hold myself to the same standard.

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Laos specifically?

*Answer.* The United States supports transparency, democratic values, good governance, and respect for human rights. The Indo-Pacific Transparency Initiative prioritizes anticorruption and fiscal transparency as one of its five key program areas precisely because corruption negatively impacts democratic governance and the rule of law. The Lao People's Revolutionary Party remains the ultimate authority in this communist one-party state, and the LPRP continues to closely control all Lao media and political expression, including the formation of civil society organizations.

If confirmed, I will work closely with Congress and interagency colleagues, like-minded foreign partners, the Lao government, civil society, and private sector partners to promote transparency, democratic values, good governance, and respect for human rights.

*Question.* What is your assessment of corruption trends in Laos and efforts to address and reduce it by that government?

*Answer.* The United States supports transparency, democratic values, good governance, and respect for human rights. The Lao government is grappling with cases of official corruption that have helped enable other crimes. Prime Minister Thongloun Sisoulit has made fighting corruption a key theme of his government and his anti-corruption campaign has shown positive results, including increased investigations and prosecutions where appropriate.

Senior USG representatives have engaged Lao leaders at the highest levels on good governance issues, ensuring that Laos understands our priorities.

If confirmed, I will work closely with Congress and interagency colleagues, like-minded foreign partners, the Lao government, civil society, and private sector partners to promote anti-corruption efforts.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Laos?

*Answer.* The administration's vision for a free and open Indo-Pacific supports advancing transparency, democratic values, good governance, and respect for human rights. Our sustained engagement with and support for Laos, including increased senior official visits in recent years, has engendered greater trust and enabled progress on these priorities. Our USAID development assistance and International Narcotics and Law Enforcement Bureau (INL) assistance both include programming to strengthen good governance, including the transparency that hampers corrupt acts. If confirmed, I will engage the Lao government to promote transparency, democratic values, good governance, and respect for human rights.

*Question.* What role does Laos play in the Trump administration's pursuit of a Free and Open Indo-Pacific?

*Answer.* Laos is a member of the 10-nation Association of Southeast Asian Nations, or ASEAN. The administration's vision for a free and open Indo-Pacific has ASEAN at its core. Laos is the geographic connective tissue of Mainland Southeast Asia, sharing over 3,000 miles of land borders with China and four other ASEAN countries, including sub-regional leaders Thailand and Vietnam. More of the strategic Mekong River flows through and along Laos than through any other Southeast Asian nation. Laos is also one of the weakest countries in ASEAN economically, making it potentially more vulnerable to external pressure.

Our sustained engagement with and support for Laos, including increased senior official visits in recent years, has engendered greater trust and enabled progress on U.S. strategic priorities. Together, with like-minded partners, we are seeking a Laos that is more prosperous and better governed, protecting and promoting the human rights of those in Laos; we are engaging with emerging reform-minded leaders; and

we are encouraging Laos to maintain its sovereignty and be a constructive member of the rules-based international order.

*Question.* How do U.S.-Laos relations fit into broader U.S. diplomatic, economic, and security interests in the region?

*Answer.* The Mekong region is strategically important to the United States, a focal point of our Indo-Pacific Strategy, and integral to our engagement with ASEAN as a whole. The People's Republic of China (PRC) is increasingly encroaching on the Mekong River through cross-border riverine patrols and investment in joint Special Economic Zones (SEZs) along the river, including the Golden Triangle SEZ, home of the King's Roman Casino, which was designated as a Transnational Criminal Organization by the U.S. Department of Treasury. Additionally, the PRC is building dams upstream that affect the water and sediment flow, with serious implications for livelihoods downstream.

Although China is Laos' biggest investor and one of its closest partners, Laos is proud of its own unique history, culture and independence and does not want to become equivalent to another province of the PRC. Consequently, Laos seeks to balance China against neighbors Vietnam and Thailand, newer friends like Japan and Korea, the U.S. and, most importantly, ASEAN.

If confirmed, I will support regional initiatives and new areas of cooperation with Laos and like-minded partners to help Mekong countries preserve their sovereignty.

*Question.* Given extensive Chinese investment in the country and perceptions that Laos is one of the ASEAN nations closest to Beijing, what productive roles do you see for Laos in regional diplomacy?

*Answer.* Although China is Laos' biggest investor and one of its closest partners, Laos is proud of its own unique history, culture, and independence, and does not want to become dependent on a single country. Consequently, Laos seeks to balance its relationships within the region. Thus, when Laos served as ASEAN Chair and now as the U.S. ASEAN country coordinator, Laos has acted responsibly in seeking consensus with ASEAN countries on issues like the South China Sea.

*Question.* How would you as Ambassador encourage Laos to pursue such roles?

*Answer.* If confirmed, I will support regional initiatives and seek new areas of cooperation with Laos and like-minded partners that can help Mekong countries preserve their sovereignty.

*Question.* Does U.S. assistance help with the creation of greater space for civil society and respect for human rights in Laos?

*Answer.* The administration's vision for a free and open Indo-Pacific supports advancing transparency, democratic values, good governance, and respect for human rights. Our sustained engagement with and support for Laos, including increased senior official visits in recent years, has engendered greater trust and enabled progress. Our assistance programs regularly engage civil society and encourage greater respect for human rights. If confirmed, I will engage the Lao government, including engaging with the emerging reform-minded leaders, to promote these priorities.

*Question.* Can aid be used as leverage with the Laos government?

*Answer.* The purpose of foreign assistance is to advance U.S. national security and development objectives through evidence-informed decision-making as represented by the Integrated Country Strategy, East Asian and Pacific Bureau, and government-wide plans. If confirmed, I will support the administration's efforts through the free and open Indo-Pacific Strategy, including through the Indo-Pacific Transparency Initiative, to provide foreign assistance that promotes transparency, democratic values, good governance, and respect for human rights.

*Question.* Would progress in economic development help move the country to a more open political system?

*Answer.* The Indo-Pacific Strategy is built on principles that are widely shared throughout the region: ensuring the freedom of the seas and skies; insulating sovereign nations from external pressure; promoting market-based economics, open investment environments, and fair and reciprocal trade; and supporting good governance and respect for human rights. The synergy among these values and policies have helped this region grow and thrive. If confirmed, I will engage the Lao government to promote these principles.

*Question.* What is your assessment of U.S. assistance to the UXO sector? What funding gaps have been addressed in recent years and what gaps still remain?

**Answer.** The United States has contributed \$200 million towards unexploded ordnance (UXO) removal efforts since 1995 and is currently the number one donor in this sector. The Lao government has committed as part of its strategic development goals to eliminate UXO as a barrier to national development by 2030—the United States supports that goal and believes it is achievable. If confirmed, I will firmly support the administration's efforts in the UXO sector.

*Question.* How can the U.S. support Laos' efforts to counter human trafficking?

**Answer.** Last year Laos made significant progress to combat human trafficking. In 2018, the Lao government provided restitution to trafficking victims through its criminal justice process; provided direct services to male victims for the first time, addressing a key shortcoming; issued a decree establishing anti-trafficking steering committees throughout the country; and increased local training and awareness-raising activities. But there is still much work to be done in order to build off this momentum. USAID includes Laos in a current regional assistance program countering human trafficking; the Department of State INL Bureau's support of law enforcement capacity building will also help Laos better control traditional human trafficking routes; and the TIP Office helps provide support services to victims of trafficking in Laos. If confirmed, I will engage the Lao government and civil society to promote further progress on protecting its country's most vulnerable people.

*Question.* What multilateral solutions might help, given that much of Laos' trafficking problems involve victims trafficked to other countries?

**Answer.** The Lao government grapples with the many challenges of transnational crime, including trafficking of narcotics and wildlife; human trafficking; money laundering; and cases of official corruption that have helped enable the other crimes. To fight human trafficking, Laos last year took notable new steps that are detailed in the Trafficking in Persons Report, though there is still significant room for improvement. USAID's counter human trafficking regional program is aimed at helping to address the transnational aspects of this problem, as is our regional cooperation with UNODC and UNDP. If confirmed, I will actively work with the Lao in their efforts to work with their neighbors to more effectively fight transnational crime, including human trafficking.

*Question.* How does Laos fit into U.S. goals under the Lower Mekong Initiative?

**Answer.** Laos is the geographic connective tissue of Mainland Southeast Asia, sharing over 3,000 miles of land borders with China and four other ASEAN countries, including sub-regional leaders Thailand and Vietnam. Since its launch in 2009, the Secretary of State has met annually with Mekong country counterparts through the Lower Mekong Initiative (LMI). Over the past decade, LMI programs have built the human capital of Mekong countries to better address transboundary challenges on water security, smart hydropower, energy and infrastructure planning, and STEM education. LMI projects have delivered tangible improvements to the lives of the people of the Mekong region, including in Laos. If confirmed, I will support the LMI and other regional initiatives that improve the lives of the Lao and advance U.S. strategic priorities.

*Question.* What impact do you see from the country's plans to construct two large-scale dams along the Mekong River?

**Answer.** Laos' considerable hydropower resources are a significant driver of the country's economic development and a key source of electricity for the region. But they also create considerable challenges in both Laos and the broader Mekong region as they are developed, particularly when environmental concerns and downstream water security impacts are not adequately taken into consideration. Recent droughts and unpredictable flooding underscore the hazards facing this predominantly agrarian country as it continues to rapidly develop its hydropower resources. The collapse of a dam in Attapeu Province last year that killed dozens and displaced thousands shows the peril of developing these resources without proper management and oversight. If confirmed, I would encourage the government to consider environmental concerns and take steps to mitigate them during the design process, including coordinating with the Lower Mekong Initiative and other USG activities to empower decision makers to incorporate sustainability and other factors into their planning.

*Question.* How can the United States help mitigate the negative environmental impacts from these projects?

**Answer.** The United States has provided assistance to the Lao government to help shape the country's hydropower sector. USAID continues its long-term support for the Lao power sector with a focus on alternative energy technologies, such as solar,



that would reduce the need for large, high-impact hydropower projects. USG programs like Clean Power Asia and Asia EDGE could help unlock opportunities for these advanced energy technologies in Laos, reducing environmental impacts of energy development while resulting in opportunities for American investors, exporters, and service providers. This assistance supports our efforts to create open, efficient, rule-based, and transparent energy markets where environmental impacts are taken into consideration.

Furthermore, following the collapse last year of a hydropower dam in southern Laos' Attapeu Province that killed dozens and displacing thousands, USAID's Office of Foreign Disaster Assistance provided immediate support, contributing \$200,000 to the recovery effort. The U.S. Army Corps of Engineers also is participating, in an advisory and liaison capacity, in a safety review of existing and under construction dam projects, helping to promote transparency and high standards in the hydropower sector that will contribute to a better-regulated, better-managed power sector. If confirmed, I will support efforts like these to promote transparency and infrastructure projects that utilize high standards.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO ALINA L. ROMANOWSKI BY SENATOR ROBERT MENEDEZ

*Trafficking and Labor*

*Question.* Kuwait has made notable improvements in trafficking and labor in recent years, moving from Tier 3 to Tier 2 on the State Department's annual Trafficking in Persons report between 2015 and 2019. Nevertheless, challenges remain. Kuwait has been consistently slow to criminally prosecute offenders while not regularly using standard procedures to proactively identify victims and continuing to detain, prosecute, and deport trafficking victims, including those fleeing forced labor.

- What steps will you take to press the Kuwaiti government to criminally prosecute traffickers and ensure that victims are identified and treated in a way that meets international standards?

*Answer.* Our Embassy engages the government of Kuwait on this issue, and the upgrade to a Tier 2 ranking reflects an increased, significant effort by the Kuwaiti government to meet minimum standards for the elimination of trafficking in persons.

The Kuwaiti government demonstrated its commitment to this issue by deploying a specialized trafficking unit housed in the Public Prosecutor's Office to initiate more criminal investigations and more prosecutions under the anti-trafficking law. The Kuwaiti government referred significantly more potential trafficking victims for protective services, operationalized its central recruitment agency to hire and better safeguard the rights of hundreds of domestic workers, and increased enforcement of its domestic worker law.

Still, the government needs to do a better job of using a formal criminal court process to prosecute offenders with stringent sentences under the anti-trafficking law vice administrative proceedings, and identify potential victims among vulnerable migrant worker populations. Kuwait has made positive steps on this issue, and, if am confirmed, I will work to ensure the government of Kuwait keeps improving these efforts and continues implementing its TIP plan.

*Question.* I was heartened by the recent news that Qatar will quickly move to phase out its Kafalah system, which is prevalent throughout the region and provides the regulatory framework for a number of trafficking and labor abuses. How deeply entrenched is the Kafalah system in Kuwait? What is the likelihood of phasing it out there and what steps will you take to that end?

*Answer.* The Kafalah system of sponsorship still exists in Kuwait. Reforming this system of employment is one of our key goals for Kuwait in fighting trafficking in persons. Workers should be able to change employers and leave the country without employer approval, and the government should not prosecute workers who flee employment. If confirmed, reforming this system will be a top priority for the Embassy.

*Non-Proliferation*

*Question.* Kuwait is potentially caught in the middle of a regional arms race with Iran scaling back compliance with the JCPOA and Saudi Arabia showing sustained interest in developing nuclear power with few or any safeguards against weaponization.

- How concerned is the Kuwaiti government about this issue? What is the potential for them to engage positively on the issue and what steps must the U.S. take to secure that engagement?

Answer. Kuwait, like other U.S. partners in the Gulf, is very concerned about the destabilizing activity of Iran in the region. Like the United States, Kuwait does not seek a military confrontation with Iran. When Iran is ready to come back to the negotiating table, we believe Kuwait can play a positive role on this issue.

#### *Gulf Rift*

*Question.* Kuwait has played a positive role in trying to mediate the GCC rift between Saudi Arabia and Qatar. Is there room for more Kuwaiti engagement and, if so, what should that engagement be? What steps will you take to promote that engagement?

Answer. Kuwait has been an early and consistent mediator following the June 2017 rift between Qatar and Saudi Arabia, the UAE, Bahrain, and Egypt. Kuwait wants to see the rift settled as quickly as possible. The Amir has made numerous attempts to bring the parties together to reach a settlement. The United States has consistently supported these efforts. If confirmed, I will continue to work with the Kuwait leadership on this issue.

#### *Democracy*

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

Answer. The promotion of human rights and democracy has been core focal points throughout my career, and if confirmed, I will continue to advocate passionately for these issues in Kuwait. I have been directly involved in overseeing, developing, and implementing U.S. foreign assistance programs to support human rights and advance democracy in regions of the world where these issues are under attack every day and I have advocated that our foreign policy include respect for human rights, fundamental freedoms, and the rule of law. Some of my most meaningful achievements have included the following initiatives:

- While in the Bureau of Educational and Cultural Affairs, I led a team that launched the State Department's most dynamic women's empowerment program—The Fortune/U.S. Department of State Global Women's Mentoring Partnership. This public-private partnership with Fortune magazine and Vital Voices brings accomplished women leaders to the United States to enhance their leadership skills through training and a two-week mentorship with top Fortune 500 female executives across the United States. Now in its 14th year, this program has over 300 alumni from 56 countries and territories. I was also a member of the team that launched the first-ever annual International Women of Courage Awards sponsored by the Department of State—also a program that I'm proud to say, continues today, honoring women around the globe who have exemplified exceptional courage and leadership in advocating for human rights, women's equality, and social progress, often at great personal risk. This is the only Department of State award that exclusively pays tribute to emerging women leaders worldwide.
- I feel strongly that counterterrorism efforts must include and adhere to fundamental human rights, respect for democratic principles, and must be conducted within the rule of law. For example, under my oversight in the Counterterrorism Bureau, I advocated that the draft of UNSCR 2396 must include the reaffirmation by Member States that any measures taken to counter terrorism comply with international human rights law, international refugee law, and international humanitarian law. The resolution underscores that respect for human rights, fundamental freedoms, and the rule of law are an essential part of any successful counterterrorism effort.
- During my tenure at the U.S. Agency for International Development, I was committed to helping the Middle East region build participatory democracies, improve transparent and accountable governments, engage civil society, youth, minorities, and women on key issues such as improving human rights and increasing political participation. For example, we assisted thousands of women in rural Egyptian governorates to exercise their political and economic rights, including helping 48,000 women receive government IDs. In Libya, we worked to ensure that minority groups were included in the drafting the constitution. Similarly, I led an initiative in Yemen that helped minority ethnic and religious groups, youth, and women weigh in on what we hoped would be the future of

their country through contributing to the National Dialogue Conference. In Tunisia, we worked with civil society and the government to foster a consultation process that led to the implementation of some of the most progressive NGO laws in the region and became a model for throughout the region.

- To address the crisis in Syria as millions of refugees initially poured into neighboring countries, I helped set new priorities for development assistance programs at USAID. Our programs responded to the needs of the most vulnerable in all 14 Syrian governorates and Syrian refugees in five neighboring countries—Jordan, Lebanon, Turkey, Iraq, and Egypt. The programs I designed and oversaw provided over \$75 million in assistance to help the Syrian Opposition Coalition, local councils, and others provide essential services to their communities, improve governance and women's participation, and enhance the credibility of moderate voices in Syria. Jordan, in particular, faced the largest number of Syrian refugees not just flowing into refugee camps, but also into Jordanian host communities. I helped address those tremendous challenges by launching a new package of assistance, including an additional \$300 million in direct budget support and a \$1.25 billion loan guarantee. As a result, for example, Jordanian communities were able to alleviate increased demand for services, including through hospital renovations, water infrastructure repair and maintenance, and fast-track the expansion of 20 schools and train additional teachers. These community engagement projects helped Jordanian communities alleviate tensions by prompting dialogue and addressing stressors.
- As Coordinator for U.S. Assistance to Europe, Eurasia, and Central Asia, I oversaw the implementation of over \$200 million in democracy programs, aimed at empowering citizens to engage with their governments, whether through civil society, independent media, the justice sector, or political activism. We proudly initiated programs that supported civil society and independent media to shine a light on democratic and good governance challenges in the Balkans, such as NGO monitoring of public spending and fact-checking; countering democratic backsliding; and supporting brave activists, journalists, and ordinary citizens to hold governments accountable to their international obligations and live up to democratic principles often enshrined in their constitutions. We built on the anti-corruption initiative, steering new assistance programs to help civil society organizations use innovative technology tools to counter corruption and advance transparency in the region.

*Question.* What issues are the most pressing challenges to democracy or democratic development in Kuwait? These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights and press freedom. Please be as specific as possible.

*Answer.* Kuwait has an elected parliament, women vote and run for office, and there is lively press and public debate, including a strong tradition of freedom of political speech.

However, as detailed in our annual Human Rights, International Religious Freedom and Trafficking in Persons reports, we do have concerns over human rights in Kuwait. Like other states in the region, Kuwait has placed limits on freedom of expression, including prosecuting social media users, internet site blocking and the criminalization of libel. Allegations of torture, abuse of migrant laborers and interference with the rights of peaceful assembly and association remain concerning.

We discuss these issues openly and frankly with our partners in Kuwait. If confirmed, I will continue to raise our concerns at the most senior levels of the Kuwaiti government in the spirit of strengthening and advancing our relationship in the context of U.S. values.

*Question.* What steps will you take—if confirmed—to support democracy in Kuwait? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

*Answer.* Kuwait's elected parliament has real responsibility within Kuwait's government. We must recognize this accomplishment, while at the same time encouraging them to increase the participation of women and minorities toward realizing a fuller democracy.

Still, if confirmed, I will make clear that the United States remains concerned about allegations of torture, arbitrary detention, arrest of political prisoners, interference with privacy, restrictions on free expression and other human rights abuses that run counter to U.S. values.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

*Answer.* If confirmed, I plan to leverage U.S. foreign assistance, along with other tools available to the U.S. government, to advance our foreign policy goals and national security interests, including through support for democracy and governance. I will continue to ensure that U.S. foreign assistance resources and programs support civil society organizations, promote inclusive participatory governance, and further respect for human rights.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in Kuwait? What steps will you take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

*Answer.* If confirmed, I am committed to meeting with human rights, civil society, and other non-governmental organizations both in the United States and in Kuwait. I will ensure that the Embassy complies with all obligations under the Leahy Law, and that U.S. security assistance and security cooperation reinforces the respect for human rights. If confirmed, I will continue to raise human rights concerns at the most senior levels of the Kuwaiti government in the spirit of strengthening and advancing our relationship in the context of U.S. values.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties? What steps will you take to encourage genuine political competition? Will you advocate for access and inclusivity for women, minorities and youth within political parties?

*Answer.* If confirmed, I am committed to meet with the full range of Kuwaiti society, including those working on strengthening democracy in Kuwait. It has genuine political competition, and its parliament represents many different Kuwaiti viewpoints. Still, Kuwait can do more to encourage the participation of women, minorities, and youth in decision-making and consultation, and my team at the Embassy will work with these groups to identify opportunities for greater inclusion in the Kuwaiti government.

*Question.* Will you and your embassy team actively engage with Kuwait on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory or other measures? Will you commit to meeting regularly with independent, local press in Kuwait?

*Answer.* If confirmed as Ambassador, I will engage with the Kuwaiti government on freedom of the press and other restrictions on free expression. I will meet regularly with the full range of Kuwaiti society, including independent journalists and local press.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in the country?

*Answer.* If confirmed, my embassy team and I will engage with a diverse cross-section of Kuwaiti society, including government counterparts, on freedom of thought and expression, as well as the importance and value of a free and open press.

*Question.* Will you and your embassy teams actively engage with Kuwait on the right of labor groups to organize, including for independent trade unions?

*Answer.* Kuwaiti law protects the right of Kuwaiti workers to form and join trade unions, bargain collectively, and conduct legal strikes, with significant restrictions, although the government did not always respect these rights. If confirmed, I will underscore to Kuwaiti leadership that the United States is a strong advocate for the human rights of workers across the globe, and evaluates each country's labor rights in our annual Human Rights Report.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Kuwait, no matter their sexual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Kuwait? What specifically will you commit to do to help LGBTQ people in Kuwait?

*Answer.* If confirmed, I pledge to support and defend the rights of LGBTQ Kuwaitis and expatriates, particularly their right to freedom from harassment and abuse.

In Kuwait, consensual same-sex sexual conduct between men can be punished with imprisonment and LGBTQ persons have reported stigmatization, harassment, and abuse. The United States must stand for the human rights of all LGBTQ persons, and if I am confirmed I will make our position clear to the Kuwaiti leadership.

*Responsiveness*

*Question.* Do you commit to respond promptly to all requests for information by Members of this committee?

Answer. Yes, with the understanding that any such response would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Do you commit to appear before this committee upon request?

Answer. Yes, with the understanding that any such appearance would be organized through the Department of State's Bureau of Legislative Affairs in accordance with long standing Department and Executive Branch practice.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

Answer. Yes. I will follow all Department rules and regulations as to reporting waste, fraud, and abuse, including notifying the Department's Inspector General when appropriate.

*Administrative*

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

Answer. No.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

Answer. I take all allegations of sexual harassment, discrimination, or inappropriate conduct in the workplace extremely seriously. Throughout my career, I have indicated clearly to all those around me that I have zero tolerance for such behavior. Any time allegations of this behavior have been raised to me, I have provided the proper guidance and ensured that employees had all the necessary information available to them regarding the appropriate channels within the organization to address their concerns. In addition, I have ensured that bureau employees take all mandatory training on sexual harassment, discrimination, and inappropriate behavior in the workplace. While advancing in my career, I have cultivated and maintained relationships, and am also a mentor to employees outside my direct supervision and ensure they too have the resources they need should any situation arise.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. Yes, I agree that targeting or retaliation against career employees for these reasons is wholly inappropriate. If confirmed, I will ensure that all employees under my leadership understand their legal protections, and that prohibited personnel practices will not be tolerated.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO ALINA L. ROMANOWSKI BY SENATOR BENJAMIN L. CARDIN

*Human Rights*

*Question.* What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

Answer. The promotion of human rights and democracy has been core focal points throughout my career, and if confirmed, I will continue to advocate passionately for

these issues in Kuwait. I have been directly involved in overseeing, developing, and implementing U.S. foreign assistance programs to support human rights and advance democracy in regions of the world where these issues are under attack every day and I have advocated that our foreign policy include respect for human rights, fundamental freedoms, and the rule of law. Some of my most meaningful achievements have included the following initiatives:

- While in the Bureau of Educational and Cultural Affairs, I led a team that launched the State Department's most dynamic women's empowerment program—The Fortune/U.S. Department of State Global Women's Mentoring Partnership. This public-private partnership with Fortune magazine and Vital Voices brings accomplished women leaders to the United States to enhance their leadership skills through training and a two-week mentorship with top Fortune 500 female executives across the United States. Now in its 14th year, this program has over 300 alumni from 56 countries and territories. I was also a member of the team that launched the first-ever annual International Women of Courage Awards sponsored by the Department of State—also a program that I'm proud to say, continues today, honoring women around the globe who have exemplified exceptional courage and leadership in advocating for human rights, women's equality, and social progress, often at great personal risk. This is the only Department of State award that exclusively pays tribute to emerging women leaders worldwide.
- I feel strongly that counterterrorism efforts must include and adhere to fundamental human rights, respect for democratic principles, and must be conducted within the rule of law. For example, under my oversight in the Counterterrorism Bureau, I advocated that the draft of UNSCR 2396 must include the reaffirmation by Member States that any measures taken to counter terrorism comply with international human rights law, international refugee law, and international humanitarian law. The resolution underscores that respect for human rights, fundamental freedoms, and the rule of law are an essential part of any successful counterterrorism effort.
- During my tenure at the U.S. Agency for International Development, I was committed to helping the Middle East region build participatory democracies, improve transparent and accountable governments, engage civil society, youth, minorities, and women on key issues such as improving human rights and increasing political participation. For example, we assisted thousands of women in rural Egyptian governorates to exercise their political and economic rights, including helping 48,000 women receive government IDs. In Libya, we worked to ensure that minority groups were included in the drafting the constitution. Similarly, I led an initiative in Yemen that helped minority ethnic and religious groups, youth, and women weigh in on what we hoped would be the future of their country through contributing to the National Dialogue Conference. In Tunisia, we worked with civil society and the government to foster a consultation process that led to the implementation of some of the most progressive NGO laws in the region and became a model for throughout the region.
- To address the crisis in Syria as millions of refugees initially poured into neighboring countries, I helped set new priorities for development assistance programs at USAID. Our programs responded to the needs of the most vulnerable in all 14 Syrian governorates and Syrian refugees in five neighboring countries—Jordan, Lebanon, Turkey, Iraq, and Egypt. The programs I designed and oversaw provided over \$75 million in assistance to help the Syrian Opposition Coalition, local councils, and others provide essential services to their communities, improve governance and women's participation, and enhance the credibility of moderate voices in Syria. Jordan, in particular, faced the largest number of Syrian refugees not just flowing into refugee camps, but also into Jordanian host communities. I helped address those tremendous challenges by launching a new package of assistance, including an additional \$300 million in direct budget support and a \$1.25 billion loan guarantee. As a result, for example, Jordanian communities were able to alleviate increased demand for services, including through hospital renovations, water infrastructure repair and maintenance, and fast-track the expansion of 20 schools and train additional teachers. These community engagement projects helped Jordanian communities alleviate tensions by prompting dialogue and addressing stressors.
- As Coordinator for U.S. Assistance to Europe, Eurasia, and Central Asia, I oversaw the implementation of over \$200 million in democracy programs, aimed at empowering citizens to engage with their governments, whether through civil society, independent media, the justice sector, or political activism. We proudly initiated programs that supported civil society and independent media to shine

a light on democratic and good governance challenges in the Balkans, such as NGO monitoring of public spending and fact-checking; countering democratic backsliding; and supporting brave activists, journalist, and ordinary citizens to hold governments accountable to their international obligations and live up to democratic principles often enshrined in their constitutions. We built on the anti-corruption initiative, steering new assistance programs to help civil society organizations use innovative technology tools to counter corruption and advance transparency in the region.

*Question.* What are the most pressing human rights issues in Kuwait? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Kuwait? What do you hope to accomplish through these actions?

*Answer.* As detailed in our annual Human Rights report, we have concerns over Kuwait's record on human rights. There have been allegations of torture, arbitrary detention of political prisoners, interference with privacy, and restrictions on free expression, among others. These abuses disproportionately affect vulnerable groups like women, stateless Arab Bidoon, and Kuwait's large migrant labor force.

If confirmed, strengthening respect for human rights in Kuwait will be one of my top priorities. I will urge the Kuwaiti government to thoroughly investigate and prosecute perpetrators of human rights abuses, review the existence and implementation of current laws surrounding these issues, and push for necessary reforms. We discuss human rights issues openly and frankly with our partners in Kuwait, and, if confirmed, I will continue to engage the Kuwait government on these issues at the most senior levels in the spirit of strengthening and advancing our relationship in the context of U.S. values.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Kuwait in advancing human rights, civil society and democracy in general?

*Answer.* Kuwait passed legislation on women's suffrage in 2005, private sector labor regulations in 2010, human trafficking in 2015, and domestic worker rights in 2015, but implementing laws continues to be a challenge. Despite women's suffrage, Kuwait has only one woman in parliament. Despite the creation of labor regulation, labor exploitation continues to be reported. Migrant laborers continue to be victims of exploitation, abuse, and human trafficking.

Still, I know that sustained partnership with the Kuwaiti government produces results. On human trafficking, Kuwait moved up in the State Department's tiered ranking system to Tier 2, a result of steady improvement since the 2015 anti-trafficking law was passed. Kuwait's parliament has announced its intention to consider a new law on Bidoon rights and domestic violence in its current session. If confirmed, I will continue to engage the Kuwaiti government on human rights issues, and I will ensure that this remains a top Embassy priority.

*Question.* Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in Kuwait? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

*Answer.* I am absolutely committed to meeting with human rights, civil society, and other non-governmental organizations both in the United States and in Kuwait. If confirmed, I will ensure that the Embassy complies with all obligations under the Leahy Law, and that U.S. security assistance and security cooperation reinforces the respect for human rights.

*Question.* Will you and your embassy team actively engage with Kuwait to address cases of key political prisoners or persons otherwise unjustly targeted by Kuwait?

*Answer.* If confirmed, I will engage with the Kuwaiti government to investigate and address all allegations of political prisoners, and to ensure that everyone receives equal treatment by the Kuwaiti legal system.

*Question.* Will you engage with Kuwait on matters of human rights, civil rights and governance as part of your bilateral mission?

*Answer.* Yes, I believe that it is a core part of the mission of every U.S. Embassy to promote human rights, civil rights, and good governance. If confirmed, I will engage with Kuwait on these topics, and I will look to build on the progress that Kuwait has already made on these issues in recent years.

*Question.* The State Department identifies the principal human rights problems in Kuwait as: arbitrary detention; political prisoners; arbitrary or unlawful interference with privacy; restrictions on free expression, the press, and the internet, including criminalization of libel, censorship, and internet site blocking; interference with the rights of peaceful assembly and freedom of association. Kuwait is the most democratized of the Gulf States, but State Department human rights reports reflect worrying authoritarian tendencies.

- What is your assessment of Kuwait's record when it comes to freedom of press, assembly, expression, etc.?

*Answer.* Kuwait has one of the most open societies in the region, but we remain concerned about restrictions on freedom of expression. Individuals can be arrested for posting anti-government or "immoral" messages on social media, publishing information that could damage the economy, or insulting a person or religion. These regulations are too restrictive and do not promote a free and open society. Noncitizens and some minorities face further restrictions on free expression and assembly. If confirmed, I will continue working with the Kuwaiti government to make progress on these issues.

#### *Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in Kuwait?

*Answer.* No.

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

*Answer.* I am proud of the work I have done throughout my career to promote diversity and inclusion in public service, and if confirmed, I will continue that work at the U.S. Embassy in Kuwait. I believe that every member of our work force, regardless of background, should have the opportunity to grow professionally and thrive as leaders in the State Department and throughout the U.S. government.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

*Answer.* Inclusion begins in hiring, and, if confirmed, I will ensure all hiring managers are trained on how to standardize interviews and candidate selection to reduce unconscious bias. Beyond hiring, I will ensure mentorship, training, and professional development opportunities are available to employees of all backgrounds.

#### *Corruption*

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Kuwait specifically?

*Answer.* Political corruption undermines democratic governance and the rule of law. Kuwait has had high profile cases from the cabinet level down to entry-level bureaucrats, but their government has generally taken these allegations seriously and investigated them.

*Question.* What is your assessment of corruption trends in Kuwait and efforts to address and reduce it by that government?

*Answer.* The Kuwaiti government recognizes the risks associated with corruption, and the government has held public officials accountable for corruption in the past. The United States supports Kuwait's efforts to fight corruption at every level of government.



*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Kuwait?

*Answer.* If confirmed, I will work with my team in Kuwait to determine how the United States can best support Kuwaiti efforts to tackle corruption. I will make it clear to Kuwaiti leadership that the United States supports anti-corruption efforts in the region, and I will look for government and civil society partners who share our vision and values.

*Question.* What progress did Kuwait make in just one year to improve its TIP ranking? How likely do you think the government of Kuwait is to continue to implement its TIP plan?

*Answer.* Our Embassy works diligently to engage the government of Kuwait on this issue, and the upgrade to a Tier 2 ranking reflects an increased, significant effort by the Kuwaiti government to meet minimum standards for the elimination of trafficking in persons.

The Kuwaiti government demonstrated its commitment to this issue by deploying a specialized trafficking unit housed in the Public Prosecutor's Office to initiate more criminal investigations and more prosecutions under the anti-trafficking law. The Kuwaiti government referred significantly more potential trafficking victims for protective services, operationalized its central recruitment agency to hire and better safeguard the rights of hundreds of domestic workers, and increased enforcement of its domestic worker law.

Still, the government needs to do a better job of using a formal criminal court process to prosecute offenders with stringent sentences under the anti-trafficking law vice using administrative proceedings, and proactively identify potential victims among vulnerable migrant worker populations. Kuwait has made positive steps on this issue, and, if I am confirmed, I will work to ensure the government of Kuwait keeps improving its efforts and continues implementing its TIP plan.

*Question.* What resources are most needed to help Kuwait meet minimum standards?

*Answer.* Kuwait has the financial resources needed to meet minimum standards to fight trafficking in persons. If confirmed, I will work with our experts from the State Department Office to Monitor and Combat Trafficking in Persons to share best practices from the region in order to further improve Kuwait's tier ranking.

*Question.* How can the U.S. support Kuwait's efforts to counter human trafficking?

*Answer.* If confirmed, I will continue to engage Kuwaiti government officials to make legislative and policy changes to better fight trafficking in persons. I will also work with our experts from the State Department Office to Monitor and Combat Trafficking in Persons to share best practices from the region in order to further improve Kuwait's tier ranking.

#### *Defense Cooperation*

*Question.* As you know, Iraq's invasion of Kuwait in August 1990, and the U.S. role in ending the Iraqi occupation in early 1991, deepened the U.S.-Kuwait defense relationship. The U.S. and Kuwait signed a formal bilateral Defense Cooperation Agreement (DCA) in 1991 and in 2004, President George W. Bush designated Kuwait as a "major non-NATO ally," a designation only held by one other Gulf state (Bahrain).

- How crucial is Kuwait to U.S. strategy in the Gulf, particularly with respect to recent challenges from Iran? Would U.S. forces be able to utilize Kuwaiti facilities in a conflict with Iran?

*Answer.* Kuwait supports the U.S. government's maximum pressure campaign against Iran, and we continue to work hand in hand with Kuwait to enforce all international sanctions against Iran. Kuwait is a critical partner in protecting the safety and stability of the region, and we have enjoyed a close relationship with their military since liberation of Kuwait in 1991.

The United States does not seek military conflict with Iran. The goal of the maximum pressure campaign is to bring the Iranian regime to the negotiating table for a comprehensive and peaceful political agreement. For further questions on our military's readiness to defend U.S. interests in the region, we would recommend a discussion with our colleagues at the Department of Defense in a classified setting.

*Question.* What is the nature of the U.S. security commitment to Kuwait, if any? What assistance does the DCA with Kuwait commit the United States to?

Answer. Kuwait is a vital U.S. partner on a wide range of regional security issues. The United States works with Kuwait and other members of the Gulf Cooperation Council to increase cooperation on border security, maritime security, arms transfers, cybersecurity, and counterterrorism. The access, basing, and overflight privileges granted by Kuwait facilitate U.S. and Global Coalition operations against Al Qaeda, the Islamic State of Iraq and Syria (ISIS), and its regional and global affiliates. The 1991 Defense Cooperation Agreement with Kuwait governs the presence of U.S. forces, their civilian component, and DoD contractors in Kuwait, and does not commit the United States to any assistance to Kuwait.

*Question.* What major purchases of arms has Kuwait requested, if any? What would be the administration's criteria for deciding to sell such arms to Kuwait? Should human rights considerations be taken into account for such arms sales?

Answer. Recent major arms transfers to Kuwait include the sale of 28 advanced F/A-18 Super Hornet aircraft (valued at approximately \$10.1 billion), 218 M1A2 tanks (valued at approximately \$1.7 billion), 15 Fast Patrol Boats (valued at approximately \$100 million), and Patriot PAC-3 interceptor missiles (valued at approximately \$4.2 billion). All arms transfers—to any partner—are reviewed and approved consistent with the Arms Export Control Act, the President's Conventional Arms Transfer Policy, and other appropriate governing regulations. This includes provisions for consideration of potential human rights abuses.

*Question.* As part of the Saudi-led coalition, what actions has Kuwait taken in Yemen?

Answer. The State Department would be happy to provide a briefing on this in a classified setting.

#### *Iran*

*Question.* Kuwait has undertaken consistent high-level engagement with Iran, reflecting a legacy of Kuwait's perception of Iran as a counterweight to Saddam Hussein's Iraq. Kuwaiti officials have indicated the country will join a potential U.S.-backed Middle East Strategic Alliance (MESA) to counter Iran, if such a bloc is formed, while at the same time backing mediation efforts to de-escalate heightened U.S.-Iran tensions as of mid-2019.

- With respect to Kuwait's engagement with Iran, how helpful has Kuwait been—and how could it be more helpful—in supporting the “maximum pressure” campaign on Iran's economy?

Answer. Kuwait, like many other nations in the Middle East, wants to see a change in Iran's actions. They have observed all international and U.S. sanctions against Iran as part of the maximum pressure campaign.

*Question.* To what extent, if at all, has Kuwait been helpful in reintegrating Iraq into the Arab fold and weakening Iranian influence there?

Answer. Since the formation of the Abd al-Mahdi government in Iraq, bilateral relations between Iraq and Kuwait have improved significantly, enabling the Amir's visit to Baghdad in June 2019, the first such visit in a number of years. Reintegrating Iraq with its Arab neighbors is a top Department priority and a prudent means of curtailing malign Iranian influence. Several important, high-level visits by members of Iraq's new government preceded the Amir's trip, including by Iraqi President Barham Salih and Speaker Mohammed al-Halbusi to Kuwait in the fall of 2018, and Prime Minister Adil Abd al-Mahdi's and Foreign Minister Mohammed al-Hakim's trips to Kuwait in May 2019.

A top priority of the Kuwaiti government has been to support the stabilization of the political and economic environment in Iraq. This has included humanitarian assistance and the normalization of bilateral trade relations. Kuwait has invested hundreds of millions of dollars to provide food and health care and to fund camp projects for IDPs and refugees in Iraq. In February 2018, Kuwait hosted an international conference for the reconstruction of Iraq that netted more than \$30 billion in pledges from participants, including \$1 billion from Kuwait. Most of those pledges were in the forms of export credits, loans, and grants. The Kuwait Fund plans to invest in the construction of schools and health centers across Iraq to fulfill a significant portion of this pledge.

*Question.* To what extent can Kuwait continue to contribute to a resolution of the intra-GCC rift?

Answer. Kuwait has been an early and consistent mediator following the June 2017 rift between Qatar and Saudi Arabia, the UAE, Bahrain, and Egypt. Kuwait wants to see the rift settled as quickly as possible. The Amir has made numerous

attempts to bring the parties together to reach a settlement. The United States has consistently supported these efforts. We believe that the Amir, as one of the most respected leaders in the region, is making a great contribution to resolving the intra-GCC rift.

*Question.* Once the Amir is succeeded by his half-brother Nawaf al-Ahmad, what will be the scenarios for continuations of the Amir's mediation-centric foreign policies?

*Answer.* The Amir has been a great friend to the United States and a valued mediator in the region. We believe that Kuwait's position as a neutral country and a voice for reconciliation and stability in the region will continue.

#### *Countering Terrorism Financing*

*Question.* The State Department report on international terrorism for 2017 (released in the fall of 2018) praised Kuwaiti government steps to counter terrorism financing, including the October 2017 designation of 13 individuals associated with the Islamic State-Yemen and Al Qaeda in the Arabian Peninsula (AQAP). The report also commended the Central Bank of Kuwait for implementing a "same business-day" turnaround policy for imposing U.N. terrorist financing-related sanctions, requiring Kuwaiti banks to monitor U.N. sanctions lists proactively. Other experts assert that Kuwait's record is mixed and that terrorist financiers still operate in Kuwait.

- What can the United States do to further help Kuwait improve its efforts to counter the financing of terrorist groups?

*Answer.* The government of Kuwait, and Kuwaitis themselves, take terrorist groups like Al Qaeda and ISIS very seriously. These groups are violently hostile towards the country's culture of moderation and its traditions of constitutional governance, religious tolerance, non-sectarianism, and women's rights.

Our collaboration with Kuwait against the broad range of global and regional terrorist threats extends from capacity building of its security services to coordination of our efforts to counter the financing of terrorism.

However, private financial support to terrorist groups continues. The United States would like Kuwait to continue to monitor and implement regulations, and to compile and release the number of financial intelligence reports filed by mandated reporting entities in order to help measure the effectiveness of these regulations.

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#### RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO ALINA L. ROMANOWSKI BY SENATOR JEANNE SHAHEEN

*Question.* Kuwait has long been an important regional and defense ally of the U.S. Like several other U.S. allies in the region, Kuwait faces extensive human rights issues that it must resolve:

- What should be the role of the United States in fostering democratization and human rights improvements in Kuwait? In your estimation, what are the most effective U.S. tools for doing so?

*Answer.* As detailed in our annual reports on Human Rights, International Religious Freedom, and Trafficking in Persons, we have concerns over Kuwait's record. There have been allegations of torture, arbitrary detention, political prisoners, interference with privacy, and restrictions on free expression, among others. These abuses disproportionately affect vulnerable groups like women, stateless Arab Bidoon, and Kuwait's large migrant labor force. If confirmed, strengthening the respect for human rights in Kuwait will be one of my top priorities. I will urge the Kuwaiti government to thoroughly investigate human rights abuses, review current laws surrounding these issues, and push for further human rights reforms. We discuss human rights issues openly and frankly with our partners in Kuwait, and I will continue to do so at the most senior levels of the Kuwaiti government in the spirit of strengthening and advancing our relationship in the context of U.S. values.

*Question.* Kuwait has echoed concerns of other countries about a surge in violence following the death of ISIS leader Abu Bakr al-Baghdadi and the possibility of renewed terrorist attacks throughout the region and around the world:

- Given your previous role as the Deputy in the Counterterrorism Bureau, if confirmed, how would you work with Kuwait and other regional U.S. allies to ensure coordination on counterterrorism efforts?

*Answer.* Despite Abu Bakr al-Baghdadi's death and the group losing all of its territory in Iraq and Syria, ISIS continues to pursue its terrorist objectives, including through branches and networks around the world. As the Coalition works to prevent ISIS's resurgence in Syria and Iraq, we are also looking to stem the group's expansion and worldwide reach in part by focusing on the financial, foreign terrorist fighter travel, and other ISIS networks and resource flows. Kuwait has been a key partner in the Global Coalition to Defeat ISIS, and if I am confirmed I will continue to work closely with the Kuwaitis on coordination on counterterrorism efforts.

*Question.* I work very closely with the families of ISIS victims, and particularly with Diane Foley, Jim Foley's mother. I understand that in your time at the Counterterrorism Bureau you worked on the issue of the Beatles and potential ways to get them to the United States to face justice:

- Understanding that there is a limit to what can be detailed in an unclassified setting, could you provide more detail about this work? Does the CT Bureau at State ever meet with the families of victims to update them on developments?

*Answer.* The Counterterrorism Bureau (CT) leads interagency coordination on FTF detention issues and has encouraged foreign partners to consider viable disposition options for the Beatles. CT has also encouraged the UK to share evidence of the Beatles' crimes with appropriate countries. Our goal is to ensure that the Beatles are brought to justice. Senior-level State and NSC officials have engaged the families of the Beatles' victims to share information as appropriate. Broadly, I would highlight that the interagency Hostage Recovery Fusion Cell, the Special Presidential Envoy for Hostage Affairs, and the Bureau of Consular Affairs hold primary responsibility for supporting hostages and their families, and frequently meet with families to share updates as appropriate.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO LESLIE MEREDITH TSOU BY SENATOR ROBERT MENENDEZ

*Yemen*

*Question.* Oman has been a helpful mediator in the Yemen conflict. What role do you see Oman taking in this conflict going forward? What steps will you take to encourage that engagement?

*Answer.* Oman has called for a political solution to the conflict in Yemen and fully backs U.N. Special Envoy Martin Griffiths' efforts to bring the conflict to an end. Oman maintains channels of communication with a variety of Yemeni actors, including the Houthis, and has helped to bring the Houthis into the U.N. peace press. It has also played a pivotal role in securing the safe release and return of about a dozen U.S. citizens held in Yemen, and continues to offer its good offices to try to secure the release of other Americans unjustly held in Yemen, Iran, and Syria.

*Question.* At the same time, there continues to be concern about smuggling over the Oman-Yemen border. What steps has the U.S. taken to address this concern and what further steps will you take, if confirmed?

*Answer.* The United States is working closely with both our Omani and Yemeni partners to stem the flow of illicit materiel into Yemen. We continue to provide successful border security training through our Export and Border Security (EXBS) program that has bolstered the capabilities of Yemeni and Omani border security agencies to identify, interdict, and stem the flow of illicit materiel into Yemen.

Over the last year, the State Department has successfully engaged Oman through EXBS assistance to address deficiencies in its strategic trade control and border security systems, especially those that may have contributed to Iran's supply of weapons to Houthi rebels.

This year, EXBS obligated \$2.4 million in FY 2018 funds to build upon these positive steps to further develop Oman's counterproliferation capabilities, and thereby disrupt proliferation and counter Iran's malign influence in the region.

If confirmed, I will make it a priority to support these efforts, which are critical to mitigating the threats of illicit materiel flows, supporting the arms embargo in U.N. Security Council Resolution (UNSCR) 2216, and bolstering the efforts of the U.N. Special Envoy for Yemen to reach a negotiated political solution by reducing the extent to which external actors can effectively intervene in and sustain the conflict.

*Trafficking and Labor*

*Question.* Oman has moved from Tier 2 Watch list to Tier 2 on the State Department's annual Trafficking in Persons report between 2017 and 2019. Nevertheless, challenges remain. Oman has been consistently slow to criminally prosecute offenders. What steps will you take to press the Omani government to criminally prosecute traffickers and ensure that victims are identified and treated in a way that meets international standards?

*Answer.* As stated in the 2018 Trafficking in Persons report, Oman has made significant efforts to counter human trafficking, including by increasing investigations, prosecutions and convictions of sex traffickers and by sentencing offenders to significant jail time. However, it does not yet meet the minimum requirements of the Trafficking and Victim Protection Act. We encourage Oman to continue to increase its efforts to investigate and prosecute trafficking and forced labor offenses, to institute formal procedures to identify trafficking victims, and to amend the law to expand referrals of suspected male and female trafficking victims to protective services.

There is will among key Omani government officials to advance these reforms, but slow bureaucratic processes and the difficulty of interagency coordination within the Omani system remain obstacles. If confirmed, I will work with the Omani government to build on the progress it has made on this critical human rights issue. Oman is currently on the Trafficking in Persons (TIP) Tier II ranking; my goal will be to get them to Tier I.

*Question.* I was heartened by the recent news that Qatar will quickly move to phase out its Kefalah system, which is prevalent throughout the region and provides the regulatory framework for a number of trafficking and labor abuses. How deeply entrenched is the Kefalah system in Oman? What is the likelihood of phasing it out there and what steps will you take to that end?

*Answer.* The Kefalah system has been deeply entrenched in all Gulf societies, but Gulf governments are gradually phasing it out. The 2018 Trafficking in Persons Report recommends that Oman amend the system to allow expatriate workers to leave reportedly abusive employers and to remove the requirement for "no objection" certificates in seeking new employment and exit permits. If confirmed, I will continue to urge the Omani government to institute these and other reforms to counter trafficking in persons.

*Gulf Rift*

*Question.* What is Oman's position on the GCC rift between Saudi Arabia and Qatar? Is there room for Omani engagement to help mediate and, if so, what should that engagement be? What steps will you take to promote that engagement?

*Answer.* While Oman has maintained neutrality in the rift between Saudi Arabia and Qatar, it remains concerned and has encouraged both sides to resolve their differences.

*Democracy*

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights? What has been the impact of your actions?

*Answer.* I have spent the majority of my career working on issues and in areas where human rights and democracy present major challenges, and their promotion often requires creative and unorthodox ideas. One of my most meaningful achievements in this area was leading the State Department's Office of Iranian Affairs in creating a Farsi-language satirical comedy based on the "Daily Show," with the goal of using incisive humor to criticize the Iranian regime. We aired the show on our Virtual Embassy Tehran website, the U.S. government's only direct outreach to the Iranian people. The show became the world's most watched web-based program in Farsi, and was also picked up for broadcast by satellite television. In addition to giving the Iranian people a much-needed respite from the regime's relentless propaganda machine, and allowing them to think about the regime in new ways, it brought together on social media disparate groups from all over Iran, helping them to form ties that I hope will foster a more democratic Iran in the future.

U.S. embassies abroad are a perfect place to model human rights and democratic norms to the local population. In Libya, which was an absolute dictatorship under Moammar Qadhafi when I served there in 2004-2005, one of our new Libyan staff members proudly told me he had voted for the first time in his life after he and his fellow employees elected our very first Locally Employed Staff council. As the Deputy Chief of Mission at then-Embassy Tel Aviv, I oversaw the Embassy's move to Jerusalem in 2018, as well as the closure of Consulate General Jerusalem ("the

ConGen”) in 2019. This meant merging into one structure the Tel Aviv local staff, comprised mainly of Israeli Jews, with the ConGen’s more religiously and ethnically diverse staff which included Palestinian Christians and Muslims. I worked hard to alleviate anxiety among all the staff, reassuring them that the USG does not discriminate against any person based on race, sex, color, religion, disability, national origin, or age. By the end of my tour in July 2019, we had laid the ground work for a cohesive mission. I hope Embassy Jerusalem demonstrates that all people can come together equally, in the very best American tradition.

*Question.* What issues are the most pressing challenges to democracy or democratic development in Oman? These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights and press freedom. Please be as specific as possible.

*Answer.* Oman’s human rights record is improving overall. Its most significant human rights issues include occasional allegations of torture of prisoners and detainees in government custody; undue restrictions on free expression, the press, and the internet, including censorship, site blocking, and laws that define libel as a criminal offense; substantial interference with the rights of peaceful assembly and freedom of association; restrictions on political participation, and criminalization of lesbian, gay, bisexual, transgender, and intersex conduct.

*Question.* What steps will you take - if confirmed - to support democracy in Oman? What do you hope to accomplish through these actions? What are the potential impediments to addressing the specific obstacles you have identified?

*Answer.* Oman is a Sultanate, and the Sultan is at the center of the governing system. It has a bicameral parliament composed of an elected lower chamber, the Shura Council, and an appointed upper chamber, the State Council. The parliament’s legislative and regulatory powers have expanded in recent years, but it is not fully independent. In recent years, Oman has expanded political participation, increased the parliament’s legislative and regulatory powers, and held successful elections for the the Shura Council. Nearly 350,000 Omani voters - or just under half of registered voters - participated in the most recent Shura Council elections on October 27, electing 86 members. In recent years, Oman has expanded political participation and increased the parliament’s legislative and regulatory powers. Based on its current trajectory, I believe the parliament’s role in the Omani political system will continue to grow and evolve, and if confirmed I will look for ways that the United States can support this trend.

One area where I hope to make a difference is in the rights of women in society. The current Omani ambassador to the United States holds the distinction of being the first-ever female ambassador to the United States from a Gulf country. Oman’s Minister of Education and Minister of Higher Education are women, and just last month, the Sultan appointed women to serve as the Minister of Technology and Communications and the Minister of Arts Affairs. Omani women also comprise the majority of university students.

At the same time, because of deeply embedded cultural and tribal practices, women in Oman do not have completely equal status with Omani men. I hope to lead by example, and if confirmed will look for ways that I can support greater rights and opportunities for women.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

*Answer.* I will use all tools at my disposal to deepen our cooperation with Oman on democracy and governance.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in Oman? What steps will you take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

*Answer.* If confirmed, I commit to engaging broadly with Omani civil society to hear their concerns and assess how best I can address any legal or regulatory restrictions or penalties they may face.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties? What steps will you take to encourage genuine

political competition? Will you advocate for access and inclusivity for women, minorities and youth within political parties?

Answer. If confirmed, I intend to engage with all elements of Omani society. Under Omani law, political parties are not part of the political system. In the October 27 elections for the lower chamber of parliament, the Shura Council, voters elected 86 Shura Council members, all of whom ran without political party affiliations. Just two out of the 86 were women, double the number in the last Shura Council.

*Question.* Will you and your embassy team actively engage with Omani officials on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory or other measures? Will you commit to meeting regularly with independent, local press in Oman?

Answer. If confirmed, I commit that my Embassy staff and I will promote freedom of the press. The Omani government restricts and controls foreign officials' access to the local press. If confirmed, I will work with my Omani counterparts to identify opportunities where I might engage with them nonetheless.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in the country?

Answer. Yes, we will.

*Question.* Will you and your embassy teams actively engage with Omani officials on the right of labor groups to organize, including for independent trade unions?

Answer. Yes, we will.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Oman, no matter their sexual orientation or gender identity? What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Oman? What specifically will you commit to do to help LGBTQ people in Oman?

Answer. Omani law bans all lesbian, gay, bisexual, transgender, and intersex conduct. If confirmed, I will do my best to represent American values, including support for the fundamental human rights and dignity of all people.

#### *Responsiveness*

*Question.* Do you commit to respond promptly to all requests for information by members of this committee?

Answer. Yes, with the understanding that any such response would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Do you commit to appear before this committee upon request?

Answer. Yes, with the understanding that any such appearance would be organized through the Department of State's Bureau of Legislative Affairs in accordance with long standing Department and Executive Branch practice.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

Answer. Yes. I will follow all Department rules and regulations as to reporting waste, fraud, and abuse, including notifying the Department's Office of the Inspector General.

#### *Administrative*

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting? If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

Answer. No one has ever made such a complaint against me.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority? If so, please describe the outcome and actions taken.

Answer. I have no tolerance for harassment, discrimination, or inappropriate conduct of any kind. Whenever such allegations or concerns have come to my attention as a supervisor, I have taken immediate and concrete actions to ensure they are

dealt with as quickly as possible, in accordance with State Department rules and regulations.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government? If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

*Answer.* Yes, I agree, and will make clear to all Embassy employees that such prohibited personnel practices cannot and will not be tolerated.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO LESLIE MEREDITH TSOU BY SENATOR BENJAMIN L. CARDIN

*Human Rights*

*Question.* What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

*Answer.* I have spent the majority of my career working on issues and in areas where human rights and democracy present major challenges, and their promotion often requires creative and unorthodox ideas. One of my most meaningful achievements in this area was leading the State Department's Office of Iranian Affairs in creating a Farsi-language satirical comedy based on the "Daily Show," with the goal of using incisive humor to criticize the Iranian regime. We aired the show on our Virtual Embassy Tehran website—the U.S. government's only direct outreach to the Iranian people. The show became the world's most watched web-based program in Farsi, and was also picked up for broadcast by satellite television. In addition to giving the Iranians people a much-needed respite from the regime's relentless propaganda machine, and allowing them to think about the regime in new ways, it brought together on social media disparate groups from all over Iran, helping them to form ties that I hope will foster a more democratic Iran in the future.

U.S. embassies abroad are a perfect place to model human rights and democratic norms to a local population. In Libya, which was an absolute dictatorship under Moammar Qadhafi when I served there in 2004-2005, one of our new Libyan staff members proudly told me he had voted for the first time in his life after he and his fellow employees elected our very first Locally Employed Staff council. As the Deputy Chief of Mission at then-Embassy Tel Aviv, I oversaw the Embassy's move to Jerusalem in 2018, as well as the closure of Consulate General Jerusalem ("the ConGen") in 2019. This meant merging into one structure the Tel Aviv local staff, comprised mainly of Israeli Jews, with the ConGen's more religiously and ethnically diverse staff which included Palestinian Christians and Muslims. I worked hard to alleviate anxiety among all the staff, reassuring them that the USG does not discriminate against any person based on race, sex, color, religion, disability, national origin, or age. By the end of my tour in July 2019, we had laid the ground work for a cohesive mission. My goal for Embassy Jerusalem was to demonstrate that all people can come together equally, in the very best American tradition.

*Question.* What are the most pressing human rights issues in Oman? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Oman? What do you hope to accomplish through these actions?

*Answer.* Oman's human rights record is improving overall. For example, it has taken steps to support religious freedom and tolerance, including for its community of foreign workers, many of whom practice non-Muslim faiths. If confirmed, I will continue to engage with the government and minority religious groups to support efforts to promote religious tolerance and interfaith dialogue.

Trafficking in persons is one issue where we need to help Oman make progress in the near term. As stated in the most recent Trafficking in Persons report, Oman has made significant efforts to counter human trafficking, but it does not yet meet the minimum requirements of the Trafficking and Victim Protection Act. We are encouraging Oman to continue to increase its efforts to investigate and prosecute trafficking and forced labor offenses, to institute formal procedures to identify trafficking victims, and to amend the law to expand referrals of suspected male and female trafficking victims to protective services. If confirmed, I will work with the Omani government to build on the progress it has made in recent years on this crit-



ical human rights issue. Oman is currently Tier II on the Trafficking in Persons country ranking; my goal will be to get them to Tier I.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Oman in advancing human rights, civil society and democracy in general?

*Answer.* There is will among key Omani government officials to advance reforms to counter trafficking in persons, but slow bureaucratic processes and the difficulty of interagency coordination within the Omani system remain obstacles. There is growing awareness among government officials and the Omani public about trafficking in persons, but the necessary shift in attitudes will require a long-term process. I will work with the Omani government to ensure relevant officials receive appropriate training on trafficking in persons and to raise public awareness about this issue.

*Question.* Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in Oman? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

*Answer.* If confirmed, I intend to engage broadly with Omani civil society. The U.S. Embassy in Muscat will continue to implement Leahy Law requirements as we deepen our bilateral security cooperation. It is a standard feature of our security assistance and security cooperation activities that they incorporate U.S. human rights standards and help develop respect for human rights among our security partners.

*Question.* Will you and your embassy team actively engage with Oman to address cases of key political prisoners or persons otherwise unjustly targeted by Oman?

*Answer.* We will. If confirmed, I will raise cases of concern when they occur.

*Question.* Will you engage with Oman on matters of human rights, civil rights and governance as part of your bilateral mission?

*Answer.* I will. If confirmed, my Embassy team and I will promote American values in all our engagements.

#### *Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in Oman?

*Answer.* No.

#### *Diversity*

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

*Answer.* My personal experience has been exactly what this research concludes—that all organizations benefit from diversity of background, opinion, and ways of thinking. I am fully committed to the support of mission staff who come from diverse backgrounds and to ensuring that all points of view are represented in decision making.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

Answer. If confirmed, I will ensure my senior staff understands the need for diversity of background, opinion, and ways of thinking from all elements of our team.

#### *Corruption*

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Oman specifically?

Answer. The Omani government recognizes the negative effects of corruption. It has acted against corruption, and there are legal proceedings against officials on corruption charges currently in the court system.

*Question.* What is your assessment of corruption trends in Oman and efforts to address and reduce it by that government?

Answer. The Omani government recognizes the negative effects of corruption and has acted against it. There are legal proceedings against officials on corruption charges currently in the court system.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Oman?

Answer. If confirmed, I would like to arrive in country and assess the situation first hand before initiating actions or programs. We have numerous tools at our disposal—international visitor programs, training, and law enforcement guidance, for instance—that we could employ based on the needs.

#### *Political Affairs and Succession*

*Question.* Over 80 percent of the Omani population was born since Qaboos assumed control of Oman in 1970. Sultan Qaboos is reportedly receiving periodic cancer treatment, has no children, and has not publicly designated a successor.

- What are the possible scenarios for Oman's cooperation with the United States and its role in the region under Qaboos' unnamed successor?

Answer. Sultan Qaboos is a close and longstanding partner of the United States. If confirmed, I look forward to many years of continued partnership with the Sultan and his government.

Oman formalized its procedure for succession in the 1996 Basic Law. This procedure empowers the Royal Family Council to choose the Sultan's successor within three days of his death or abdication. If its members cannot come to agreement on a successor, a separate council of senior officials, known as the Defense Council, will confirm the appointment of a successor designated by the Sultan in a letter he has left with the Royal Family Council.

#### *Defense Cooperation*

*Question.* The Sultanate of Oman has been a strategic ally of the United States since 1980, when it became the first Persian Gulf state to sign a formal accord permitting the U.S. military to use its facilities. Oman has hosted U.S. forces during every U.S. military operation in the region since then, and it is a partner in U.S. efforts to counter regional terrorism and related threats.

- What missions are U.S. military personnel deployed in Oman performing?

Answer. The Sultanate of Oman is a valuable security partner whose defense needs and goals closely align with U.S. regional priorities.

There are no U.S. troops deployed to Oman. The United States and Oman maintain close military-to-military ties, carrying out numerous bilateral military exercises, subject matter expertise exchanges, and conferences each year. In addition to expanding bilateral interoperability, these engagements foster mutual understanding and build strong ties between current and future generations of U.S. and Omani military leaders. Oman has an important strategic location and provides extensive support for U.S. military overflights and access, including to ports outside the Strait of Hormuz.

*Question.* What are Oman's primary security requirements? What are U.S. plans for providing security assistance to Oman in the coming few years?

Answer. U.S. security assistance to Oman includes programs focused on counterterrorism, border security, maritime security, crisis management, and overall defense capabilities. Oman remains a keen consumer of U.S. security assistance, placing tremendous value on both Defense Department and State Department-funded programs for training and equipping. We will continue to closely engage with our Omani partners to build both interoperability and interpersonal ties between U.S. and Omani security forces through our security assistance programming.

*Question.* What U.S. arms purchases, if any, is Oman considering at this time? What would be the justification for selling those systems to Oman?

*Answer.* In the past, Oman has purchased U.S.-produced fighter and cargo aircraft, air defense systems, and weapons for its ground forces. If you would like information about potential future purchases, I would be happy to discuss this in a classified setting.

#### *Regional Affairs*

*Question.* Oman, sandwiched between Yemen, Saudi Arabia, the UAE, and across a narrow strait from Iran, has sought a neutral, non-confrontational role in regional affairs. Oman's foreign minister traveled to Tehran for negotiations during increased tensions between the United States and Iran earlier this summer, and Sultan Qaboos hosted both Mahmood Abbas and Benjamin Netanyahu for separate visits in 2018. Oman is not part of the Saudi-led coalition fighting Houthis in Yemen.

- Does the administration support or oppose Oman's maintaining close ties to Iran?

*Answer.* The United States would prefer that all its Gulf partners adopted our approach to confronting and isolating Iran. We recognize that Oman's policy is to maintain open channels of communication with all of its neighbors. Oman and Iran have a shared history that goes back centuries, but today Oman's strategic relationship with the United States is far closer than its ties with Iran. Oman and Iran share the Strait of Hormuz, but Oman's support for the safety and security of navigation through the Strait differentiates it markedly from Iran's malign behavior. The Omanis share our concern about a nuclear Iran. They have committed to ensuring that Omani banks and companies fully comply with the implementation of sanctions as part of our maximum pressure campaign.

*Question.* To what extent would Oman be able to determine if and when Iran is ready to take up U.S. offers to negotiate a new JCPOA that accommodates the broad range of U.S. concerns?

*Answer.* Oman's policy is to maintain open channels of communication with all of its neighbors. We consult regularly with Oman on regional issues, including Iran, and we appreciate its insights.

*Question.* To what extent, if any, is Oman helping block the flow of Iranian weaponry to the Houthis in Yemen?

*Answer.* Iran has zero legitimate national interests inside Yemen; instead, it focuses on inflaming regional tensions, prolonging the conflict, inflicting damage on the Yemeni population, and precluding meaningful political negotiation. The Department is working with the Omanis to ensure its territory and territorial waters are not used by Iran to smuggle weapons to the Houthis. I would be happy to discuss this issue further in a classified setting.

*Question.* How does Oman view the potential benefits and risks of building ties to Israel, and what is the potential backlash from Oman's allies and citizens?

*Answer.* Israeli Prime Minister Binyamin Netanyahu's visit to Oman in October 2018 was the first visit by an Israeli Prime Minister to a Gulf country in over 20 years. This bold gesture demonstrates Oman's commitment to peace, its support for a resolution to the Israeli-Palestinian conflict, and its willingness to take risks that advance that goal. Oman's outreach to Israel has led to some social media criticism from some Omani citizens and from elsewhere in the region. Oman has also been clear publicly that it believes establishing a Palestinian state is an essential step to end the conflict and stabilize the region.

#### *Port Access*

*Question.* On March 24, 2019, Oman and the United States signed an agreement allowing U.S. forces to use the ports of Al Duqm and Salalah. Al Duqm is large enough to handle U.S. aircraft carriers, and the agreement expands the U.S. ability to conduct operations in the region, including countering Iran.

- What strategic benefits does the United States derive from the Port Access Agreement signed in March?

*Answer.* The Framework Agreement codifies and expands U.S. military access to ports and facilities in Salalah and Duqm, strategic locations outside of the Strait of Hormuz. Both prior to and since the signing of the agreement, Oman has provided the U.S. military with reliable, consistent access to its air and maritime ports in Duqm and Salalah.

*Question.* What additional financial or other commitments, if any, did the United States pledge to Oman for that agreement?

Answer. The details of the Framework Agreement and other U.S.-Oman bilateral defense agreements are classified, and I would be happy to provide further information in a classified setting.

*Countering Terror Financing:*

*Question.* Oman's law to counter the financing of terrorism (CFT) requires financial institutions, private industry, and non-profit organizations to screen transactions for money laundering or terrorist financing and requires the collection of know-your-customer data for wire transfers. While Oman has made CFT progress, a number of gaps remain.

- To what extent do terrorist groups try to use Omani territory or its financial system to move operatives and funds around the region?

Answer. Oman is an important regional counterterrorism partner that actively works to prevent terrorists from conducting attacks, using the country as a safe haven, or transferring funds through its financial system. There have been no terrorist incidents in Oman in recent years. Omani officials regularly engage with U.S. officials on the need to counter violent extremism and terrorism, but rarely broadcast their counterterrorism efforts publicly. Oman continues to use U.S. security assistance programs to improve its counterterrorism tactics and procedures.

*Question.* How do you assess Oman's performance in countering the financing of terrorism?

Answer. Oman is a member of both the Middle East and North Africa Financial Action Task Force and the Riyadh-based Terrorist Finance Targeting Center. Oman's National Center for Financial Information—Financial Intelligence Unit hosted workshops on money laundering and terrorism financing in September 2018 and October 2019. Oman has specific laws in place aimed at countering the financing of terrorism (CFT). Progress has been made, but some gaps remain. These include completing the drafting and implementation of certification procedures for anti-money laundering and CFT, issuing directives for the immediate freezing and seizure of the assets of persons and entities on the U.N. sanctions list under U.N. Security Council resolution 1267 (1999) and its successor resolutions, and designating wire transfer amounts for customer due diligence procedures.

*Question.* How does Oman's record on this issue compare to those of the other Gulf States?

Answer. Oman, a member of the Global Coalition to Defeat ISIS, is an important regional counterterrorism partner that works to prevent terrorists from conducting attacks or using the country as a safe haven. Oman has been cooperative in maintaining port security and countering terrorist financing. If confirmed, I will work with the Omanis to continue to build upon and further strengthen this partnership.

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## NOMINATION

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WEDNESDAY, NOVEMBER 20, 2019

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

The committee met, pursuant to notice, at 10:19 a.m. in Room SD-419, Dirksen Senate Office Building, Hon. James E. Risch, chairman of the committee, presiding.

Present: Senators Risch [presiding], Rubio, Gardner, Romney, Barrasso, Portman, Paul, Young, Cruz, Menendez, Cardin, Shaheen, Coons, Udall, Murphy, Kaine, Markey, and Merkley.

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

The CHAIRMAN. The committee will come to order.

Today we will consider the nomination of Mr. Stephen Biegun to be Deputy Secretary of State. Mr. Biegun has a long history of service, with roots right here in this very committee. We are glad to have you back. We thank him for the good work he has done as special envoy to North Korea and also for his willingness to continue serving in that position as he takes on this incredibly important role at the State Department.

With nearly 200 countries across the globe, there is no shortage of important issues which need the attention and leadership of the United States. For the first time in generations, the world is seeing the reemergence of substantial competitors: Russia where it can, Iran in the Middle East, and China across the world. And at the same time, people around the world are losing faith in the institutions of their governments.

Our competitors are willing and, most importantly, able to compete against the United States, and this competition threatens to disrupt the world order that America and our allies created in the aftermath of World War II. That world order, without a doubt, benefited everyone but especially those who believe in the principles of democracy, human rights, the rule of law, free markets, and free trade.

These cornerstones of liberty and prosperity are once again under assault as we face global competition from a China that wants to displace the United States in the Indo-Pacific and exert deep influence in every other region of the world and a resurgent Russia that wants to regain the influence it enjoyed during the height of the Cold War.

At the same time, rogue states like Iran, North Korea, and Venezuela continue to challenge stability in their regions. Collectively

this is an outcome that U.S. foreign policy has always aimed to prevent.

Of our many challenges, China presents the most substantial competitive threat and should be the top priority in American foreign policy for the coming decades. The Chinese Communist Party wants China to take what it believes is its rightful place at the center of the international system and ensure the international system functions according to China's values and objectives.

China's economic and political reach is visible throughout the Indo-Pacific region and extends across the continent of Africa and throughout Latin America. Through the "One Belt, One Road" initiative, the Chinese government is pursuing significant investments in critical infrastructure and ports around the globe.

And it is not just physical infrastructure. China is deeply interested in setting the standards and norms for emerging technologies. That has deep implications for the future economy, of course, but also for the human rights and freedoms of individuals around the world.

It is clear that China does not just present a challenge to American interests. It poses a challenge to the key interests we share with allies and partners. We must be in lockstep with our Indo-Pacific partners, and working with our NATO and European allies will also be key. Brain death is not an option.

As I said earlier, there is no shortage of issues that require our attention. In the face of these challenges, U.S. global leadership is critical. But maintaining that leadership requires more than aid dollars. It requires a robust diplomatic presence that enables us to project our values and interests, and I know our nominee today understands that as no other.

The State Department is part of the bedrock of our national security. Its diplomats are our eyes and ears on the ground across the globe. These men and women are the tip of the spear for advancing U.S. interests overseas, our first line of defense against malign influences, and a vital lead in negotiations to make sure that our relationships with friends and foes abroad do not go off the rails.

We need to make sure that our diplomats are getting the support they need to get outside the walls of our diplomatic posts. I can assure you Chinese, Russian, and Iranian diplomats do not have trouble getting off their embassy compounds.

In 2019, the stakes are too high to hamstring our national security in this way. We need our people out there working with our security partners, advancing human rights and the rule of law, and pushing for American business. These are things we simply cannot do very well sitting at a desk behind several layers of security in an embassy.

Mr. Biegun's nomination comes at a pressing time for a range of issues, for Middle East diplomacy as we pursue maximum pressure against Iran, negotiate for peace in Afghanistan, and continue to apply pressure to the Islamic State.

Putin continues his pattern of arms control treaty violations, making the way ahead for bilateral arms control with Russia increasingly uncertain. This pattern includes Russia's ongoing nuclear modernization campaign, which includes new exotic weapons it says are not subject to current arms control agreements.

Russia continues to have a large and modernizing tactical nuclear stockpile, which is an asymmetric capability the Russians say is increasingly key to their operations and which could enable greater Russian aggression in Europe.

With regard to the Western Hemisphere, there should be no doubt that the United States has an enduring interest in a region that is democratic, prosperous, and secure. I hope the administration will continue its maximum pressure campaign against undemocratic regimes and transnational criminal organizations, work dynamically with partners to safeguard critical institutions with malicious external influence, and heighten support for organizations seeking greater transparency from their governments.

Additionally, of great relevance today is that South Korea has taken the counterproductive step of moving to end its participation in a key information sharing agreement with Japan. We have a critical week in that regard this week. This increases the risk to U.S. forces in Korea and damages the U.S.-Korea alliance. In partnership with Ranking Member Menendez, SASC Chairman Inhofe, and Ranking Member Reed, I plan to introduce a resolution urging South Korea to reverse that decision.

These are just a few of the many challenges facing U.S. foreign policy and global leadership today. They illustrate how imperative it is that we have the right person in the role of Deputy Secretary. Mr. Biegun is that person, and he is more than prepared for this vital role that will touch all aspects of the work that our State Department carries out.

Steve, thank you for being willing to do this and to your family for the sacrifices they will have to make for this.

And with that, I turn it over to the ranking member.

**STATEMENT OF HON. ROBERT MENENDEZ,  
U.S. SENATOR FROM NEW JERSEY**

Senator MENENDEZ. Thank you, Mr. Chairman.

Mr. Biegun, congratulations on your nomination. Thank you for the service you have rendered to our country to date. We appreciate it, and we look forward to discussing your nomination to serve as Deputy Secretary of State.

Now, I am compelled to begin by addressing the Trump- Ukraine scandal that has gripped the nation. The public testimony we have heard over the last 2 weeks has detailed the weaponization of U.S. foreign policy and national security for the personal and political gain of President Trump.

As you may know, Gordon Sondland, the U.S. Ambassador to the European Union, is currently testifying as part of the House impeachment inquiry. Among other things, he has made it clear that Secretary Pompeo was fully aware of the President's corrupt scheme. So while completely unacceptable, it is sadly not surprising that Secretary Pompeo has obstructed the House inquiry and has refused to produce even a single document to Congress.

Given Secretary Pompeo's direct involvement in the scandal, I called on him to recuse weeks ago. I expect at some point soon, he will realize it is untenable for continue making decisions about document production in a matter in which he is directly implicated. So, Mr. Biegun, you may very well be on the hook for making deci-

sions about the Department's cooperation with lawful congressional subpoenas, and I look forward to hearing how you plan to comply.

As we discussed last week, the Deputy Secretary position is crucial to the functioning of the Department and to advancing U.S. foreign policy. Given the expectation that Secretary Pompeo will leave the Department early next year to run for Senate and that, if confirmed, you will be the Acting Secretary of State for quite some time, your nomination takes on even greater significance.

Now, you have deep experience in foreign policy and national security matters, and I am hopeful that, if confirmed, you will rely on that experience in carrying out your duties. As a former staff director on this committee, you know what it means for the committee and the Department to engage meaningfully on foreign policy and the results that that can deliver for the American people. I want you to ensure that engagement.

As a State Department official, you have worked side by side with our career diplomats. So you know firsthand what a dedicated and talented team the Department and our embassies and consulates around the world have. I want you to value and protect them.

And as a foreign policy professional in prior administrations, you have seen how a robust State Department advances and protects U.S. national security. I want you to strive for this role to ensure the Department is playing that exact role and that diplomacy is once again treated as a critical component of national security decision-making.

These are incredibly difficult assignments given the current state of affairs. From my perspective, the relationship between the committee and the Department is at a low point. We are not provided the information we need to satisfy our oversight role, and that has to change. Our career Civil Service and Foreign Service professionals have been debased and demoralized. That also has to change. And you have been nominated for this post at a time of unparalleled chaos in American foreign policy, the likes of which I cannot recall in my nearly 3 decades in Congress. And that too needs to change.

So, if confirmed, you will be responsible likely as the Acting Secretary of State, for U.S. foreign policy and management of the State Department. Your credibility will be on the line.

In my view, this administration's actions have undermined our ability to promote American foreign policy and national security interests, betrayed our values, and has made our citizens and partners, and the world less safe.

Far from America first, it is leaving America isolated, corrupted, and behind.

Let me start with some serious ongoing concerns about the state of the State Department itself.

The Department you will inherit is one with plummeting morale, an insufficient budget which the administration has repeatedly, over congressional objections, tried to cut, a culture in which political retaliation against career civil servants has gone unchecked, a sharp drop in new foreign service applications, and a hollowed-out senior diplomatic corps. If you are confirmed as Deputy Secretary, I hope fixing these problems will be your first job.



Let me move on to one or two policy items.

Senior members of the intelligence community continue to point to, quote, "incontrovertible," close quote, proof of Russia's interference in our 2016 elections. Yet, the President still refuses to acknowledge their attack on our democracy. And everywhere we turn, it is hard to imagine a bigger winner these past several years than Mr. Putin. While many in Congress and around the world agree with the administration that our policy with China needs adjustment and we want to work to advance that goal, there is no evidence that the administration's efforts have led China to change its actions in the South China Sea, address the structural issues that play in our trade relationship, or address its worsening human rights and governance behavior.

You have dedicated the past few years of your life trying to reach a denuclearized North Korea, for which we applaud you. But North Korea is on track this year to conduct more nuclear-capable ballistic missile tests than ever. And President Trump has undone our defensive alliance, military exercises, shaking the confidence of our allies and partners.

And while there is talk about restoring deterrence against Iran's aggression, there is no sign of a comprehensive strategy to counter Iran's growing influence throughout the regime, even as Iran's proxy fighters grow more aggressive on all fronts against the Israeli border.

In the western hemisphere, while the President says he wants to confront the root causes of migration, drug trafficking, and the opioid epidemic, he has repeatedly tried to cripple our counter-narcotics, law enforcement, and development operations in the Northern Triangle and Mexico. All we are left with are derogatory, hateful, and racist tweets, tweets that will ultimately leave Americans more at risk and the region more unstable.

And while along with the President, we support Juan Guaido and want a peaceful end to the Maduro regime, we need to do more to address the fate of millions of Venezuelans fleeing their country and the hundreds of thousands of Venezuelans that are in the United States in desperate need of temporary protected status.

And in so many other areas, from climate change to the U.N. to human rights, we are abdicating American leadership.

The administration appears to have completely written off the entire continent of Africa. We are absent in South Sudan, and we are not doing enough to combat Russian malign influence or to provide an alternative to China. China and Russia are hosting African heads of state at summits. In contrast, we have a Secretary of State who has spent plenty of time in Kansas but outside of Egypt has not set foot on the continent since his confirmation.

I can keep going, but I think you get the point of how I feel. Mr. Biegun, it does not have to be this way, and I hope it gets better. There are serious people on this committee on both sides of the aisle who are committed to advancing our national security and to the values that have truly made America great: democracy, governance, labor, human rights, transparency. And if you are confirmed, our door will be open, and I hope you will take advantage of that.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Menendez.

Mr. Biegun, after that bleak portrait, perhaps you want to rethink this, but I do not think so. Certainly we have issues and always will have. I cannot think of anyone better to rise to the occasion to deal with the usual issues that we have.

Mr. Biegun serves as special representative for North Korea, as we all know, a position he has held since 2018. Prior to serving as special representative, he served in several senior positions at the Ford Motor Company, the office of Senate majority leader, office of the National Security Council, and most importantly, on this committee, for which we are very grateful. Thank you.

Mr. Biegun, thank you for your willingness to serve at this critical time and in this critical role. I hope you will take a few minutes for your remarks, and then we will include your entire statement in the record and subject yourself to the intense questioning of this committee. Thank you so much. The floor is yours.

**STATEMENT OF STEPHEN E. BIEGUN, OF MICHIGAN,  
TO BE DEPUTY SECRETARY OF STATE**

Mr. BIEGUN. Thank you very much, Mr. Chairman, and thank you, Ranking Member Menendez. It is truly an honor to be here before this committee today, and I thank you for giving me a chance to appear in support of my nomination as Deputy Secretary of State.

I want to thank the President and the Secretary of State for their confidence in me and nominating me for this position.

I also want to thank our outgoing Deputy Secretary, John Sullivan, for 2 and a half years of stellar service in the Department. And beyond that, I want to thank the many former deputy secretaries of state who, over the course of the last couple of weeks, have shared their time and counsel with me in order to help me better understand the responsibilities and also better prepare for the responsibilities, if I am confirmed for this position.

I want to thank my team, who are here with me today, both the team from the North Korea office, as well as the Deputy Secretary's staff who have done so much to help me prepare for this position.

I also want to state for the record what an honor it will be to serve alongside the 76,000 men and women who constitute our State Department, the Foreign Service, the Civil Service, the locally employed staff and the support teams around the world. I look forward to serving with them, and I look forward to being a leader who is worthy of their confidence.

Let me also credit here some of the people who are most important for bringing me here. Behind me today is my wife Adelaide Biegun, as well as my oldest son Joseph. And they have been with me every step of this journey. In fact, Joseph was born in 1995, the day after we filed the START II Treaty document here on the committee staff, and so I remember that day well for two reasons.

Lastly, I want to thank all of you members of the committee for your generous offer of time over the last couple of weeks to spend time with you, to hear your priorities, to discuss my priorities, if I am confirmed as Deputy Secretary of State. And I do want to assure you that that will not be—that was not our first discussion, frankly, and it will not be our last discussion. I will be a rigorous

and active engaged representative of the Department with this committee.

Senator Risch has gone through my background, and I think that it would be redundant for me to repeat my resume. Suffice it to say that over the 30 years I have been here in Washington, D.C., I have had an opportunity to work with the people in this town and around the world in government, in the private sector, as well as in the nonprofit sector. Through those years, I have learned many great lessons from leaders with whom I have worked and in my senior positions as leaders of teams or as a member of leadership teams, I have learned much on how to work with other people, how to serve as a leader in an organization, and I hope to bring that to bear, if confirmed as Deputy Secretary of State.

During my time here in the Congress, we achieved many great things. We passed the SEED Act in 1989 to help transition the former Warsaw Pact countries to democratic capitalism. We passed the Freedom Support Act in 1992 to do the same with the former Soviet Union. In the mid-1990s, we enlarged NATO for the first time through an overwhelming treaty vote in the United States Senate. We passed comprehensive legislation to reorganize the Department of State. We reformed the United Nations and paid off arrears that had accumulated over the course of the preceding decade, and on numerous occasions, we authorized the budgets of both the State Department and the U.S. Agency for International Development. Lastly, one of the proudest achievements of my time here in the Senate was our passage of the PEPFAR program, the President's Emergency Program for AIDS Relief in Africa, which still rates as one of the best foreign aid programs the United States Congress has ever approved.

As I take up new responsibilities, if confirmed by this committee, the various issues that I intend to focus on can roughly be broken down into three broad baskets. I plan to focus on people. I plan to focus on policy, and of course, I will need to focus on process and execution. Many administrations have fallen down in their pursuit of America's national interests in the execution rather than the formulation of foreign policy, and I intend to bring a discipline to that in order to ensure that to the best of our abilities, we advance America's interests around the world.

In regards to people, as I said a moment ago, it is a great honor to serve alongside the 76,000 people of the Department of State. I have every intention of being fully involved in how we manage the people, and I look forward to working closely with an excellent Under Secretary for Management, Brian Bulatao; our Director General of the Foreign Service, Carol Perez; and the head of the American Foreign Service Association, our Foreign Service union, Eric Rubin, all of whom I have had an opportunity to have lengthy discussions over the course of the last couple of weeks to better understand the challenges and opportunities that we have at the Department of State. I will do everything I can to sustain the reputation of the United States Department of State as the finest collection of diplomats in the world, and I am confident that we will be successful in doing so.

As far as policy goes, of course, I will work very hard not only to deliver the best policy recommendations I can to the Secretary

of State and through the Secretary to the President, but I will also do the very best to extract the huge benefit of the talent that we have inside the Department of State. As the special representative for North Korea over the course of the last 15 months, I have been able to draw upon unparalleled reporting, the broad global reach of our diplomats, their incredibly well developed judgment and the contacts that they have nurtured in the societies where they represent the United States of America, and I have found that it has created an opportunity for us to advance in the most effective way possible the policies of the President of the United States on North Korea.

Getting the policy right is important, but I want to go back to the people. The State Department is not an \$89 billion portfolio of real estate. It is not the 276 embassies, consulates, and missions we have around the world. It is the 76,000 people who every day show up for work and advance America's interests. I will be part of the talent management process. The State Department is investing enormously in recruitment and retention and development of our professional teams, and I look forward to joining my colleagues in that effort.

Lastly, in terms of process, because of my varied experiences over the course of many years, I have come to the conclusion that America's foreign policy is strongest when it is most closely coordinated and transparently communicated internally and externally. Internally, of course, for me as a representative of the executive branch, that means maintaining a strong role in the interagency process, drawing upon the views and perspectives of various government agencies, our intelligence services, and of course, our armed forces. But also that means consultation between the executive branch and the congressional branch. And as has been said already in the opening statements, it would be very difficult for me to turn my back on that experience since I have seen it from both sides. And while there are oftentimes gray lines that divide the prerogatives of the two branches of government, communication is the mother's milk of moving forward, and I will do everything I can in the course of my job to work with the committee to respond to what are legitimately the responsibilities and requirements of the first branch of government while dutifully representing the prerogatives and protections of the second branch of government.

Lastly, let me just say that in my 30 years of experience in foreign policy, I have come to the conclusion that America's policies are most effective when they sit on a three-legged stool of our capabilities, our interests, and our values. Any two of those in combination without the third could leave us weaker and certainly presents us with uncertain prospects for success. Our interests without our values, our values without our capabilities, our capabilities without our interests, each of these in my experience has been a recipe for less not more success. But when all three work in concert, we are most effective at advancing America's interests around the world. And when I speak about values, I speak about American values, but I also speak about values that so many people share around the world: democracy, freedom, human rights, free markets. All of these are important to me, and all of these will be among the prior-

ities that I seek to advance as a representative of the Department of State, if confirmed by this committee.

I have long thought America was great, but America is not great because of the strength of our military alone. And America is not great because of the wealth of our economy alone. America is great because we are good. And I will do everything to uphold that.

Thank you.

[The prepared statement of Mr. Biegun follows:]

PREPARED STATEMENT OF STEPHEN E. BIEGUN

Chairman Risch, Ranking Member Menendez, distinguished members of the committee, I am honored to appear before you today as the nominee for Deputy Secretary of State.

I am deeply grateful to President Trump and to Secretary Pompeo for the confidence and trust they have placed in me with my nomination for this position. I also want to recognize Deputy Secretary John Sullivan for his outstanding service during the past two and a half years. I am grateful to John and to several other former Deputy Secretaries of State—both Republicans and Democrats—who have generously provided me advice and counsel as I prepare for the position for which I have been nominated.

I want to thank the men and women of the State Department—Foreign Service, Civil Service, locally employed staff—for the work they do every day in advancing American interests and protecting American citizens around the world. If confirmed, it would be my great honor to serve alongside the 76,000 employees of the State Department in advocating for and representing the United States of America.

I appreciate the careful consideration members of this committee have given to my nomination, particularly during a time when so many issues demand your attention. I am especially grateful for the courtesy of introductory meetings in which we were able to discuss your many priorities with the Department and U.S. policies. Should I be confirmed, I pledge to continue close consultation with this committee and the Congress on issues related to foreign policy.

I am a Michigander. I was born, grew up, and attended college in Michigan. I moved to Washington after graduating from the University of Michigan because I was drawn to public service. Except for a two-year break after the fall of the Soviet Union, during which I led democracy building programming in Russia on a grant from the National Endowment for Democracy, I served for nearly two decades in government, including seven years on the staff of this committee. During my time in Congress, we oversaw expansion of NATO after the end of the Cold War, Congressional approval of the PEPFAR program, sweeping reforms of the United Nations, and authorization of the State Department and foreign aid budgets over several years. I later served as the Executive Secretary of National Security Council from 2001-2003, where I directed and managed the interagency formulation, execution, and implementation of U.S. national security policies as a senior staff member to National Security Advisor Condoleezza Rice.

In 2004, I returned to my Michigan roots, following the footsteps of my grandfather and great-grandfather to become the third generation in my family to work for Ford Motor Company, one of the great American companies. At Ford, I led an 80-person team located across 20 countries advocating for U.S. business interests in overseas markets related to international trade, tax policy, and regulatory issues.

Last year, Secretary Pompeo asked me to return to public service to lead our diplomatic efforts on North Korea and tackle the problem of North Korea's nuclear weapons program, a problem that multiple administrations, both Republican and Democrat, have worked to resolve for 25 years. For the past 15 months, as Special Representative for North Korea, I have led a State Department and interagency team as we seek to eliminate the threat posed to the United States and our allies by North Korea's weapons of mass destruction and ballistic missile programs. We work closely on this effort with our allies—the Republic of Korea, Japan, and Australia in the Indo-Pacific, as well as NATO Allies—and others around the world, including China, Russia, members of the U.N. Security Council, the EU, and ASEAN. While we have not seen concrete evidence that North Korea has made the choice to denuclearize, we still believe that Pyongyang can make this choice, and if confirmed, I will continue to press U.S. efforts to make progress on the commitments President Trump and Chairman Kim Jong Un made at their Singapore Summit.

As my work on North Korea and prior service demonstrates, I am deeply committed to diplomatic solutions to address seemingly intractable problems. If con-

confirmed as Deputy Secretary, I will continue to champion diplomatic approaches to the tough challenges our Nation faces to advance American interests and ensure that America remains prosperous, secure, and strong.

My priorities will be simple: people, policy, and process. In order to operate effectively and successfully advance U.S. national security interests and American values, our number one priority must be our people, and this is an area where I plan to focus on adding value for Secretary Pompeo. The people of the State Department, with their skills, character and dedicated commitment to public service, are the champions of America's diplomacy. Having led teams at the National Security Council, Ford, and the Department, I am particularly interested in helping enhance our recruitment and retention of talent by being the employer of choice, caring for our people, developing their skills, and boosting their resiliency and well-being. Under the leadership of Secretary Pompeo, we are nearing an all-time high in hiring for the Foreign Service and are planning to reinforce Civil Service staffing to fill gaps created by a past hiring freeze. If confirmed, I will continue to advocate for and advance ongoing efforts to accelerate hiring and training of foreign service officers and civil servants into what is, and must continue to be, the finest diplomatic corps in the world. I am confident that as we look after our people, we will retain a premier diplomatic team, agile and flexible enough to take on the global opportunities and challenges we face.

During my tenure as Special Representative for North Korea, I have been privileged to lead a team of talented foreign service officers and civil servants and benefited from the unparalleled reporting, analysis, recommendations, and work conducted by State Department employees in Washington and around the world. If confirmed, I look forward to continuing to draw upon the wisdom and counsel of State Department experts. I will encourage debate and hear out dissenting views on the broad range of challenges and opportunities for which the State Department is responsible.

As we formulate the policies to take on those challenges and opportunities, we will continue to be guided by our vision and our values: a vision of a world made up of strong, sovereign, and independent nations, thriving side-by-side in prosperity, freedom, and peace, and our values of freedom, human rights, democratic ideals, and rule of law. If confirmed, I will enhance our diplomatic efforts to advance these principles and defend democratic institutions against efforts to undermine them, including by working with civil society, non-state partners, and the private sector. With competitors and adversaries, we will work to find areas where our interests align in order to advance American interests, and we will disagree where necessary. Most importantly, we must work with our allies to enhance and leverage our alliances to address the full range of foreign policy challenges facing the United States today. In tackling these challenges, we are stronger because of the alliances—in this hemisphere, across the Atlantic, and in the Indo-Pacific—that have been the foundation of our national security for decades.

And lastly, in order to ensure our people have the tools to execute our policies effectively, we have to get the process right. American foreign policy is most effective when there is smooth interagency coordination within the executive branch, when there is close communication and collaboration between the executive and legislative branches of government, and when possible, there is alignment with members of civil society and non-state partners on our policy objectives and execution. In my tenure as Special Representative for North Korea, I have sought to turn these goals into reality on North Korea policy, and pledge, if confirmed, to strive to meet these goals across all our policy priorities.

Thank you, and I look forward to your questions.

The CHAIRMAN. Thank you, Mr. Biegun. We appreciate that.

And we will go to a round of 5-minute questions. With that, Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

And I wholeheartedly appreciate your statement, particularly your view, of what makes this nation great and the role the State Department plays in that, and I would fully embrace that. And if you are confirmed, we look forward to you actually being able to fulfill that vision.

Now, I want to ask you a series of questions today of actions that you might take as the Deputy Secretary. I would rather have spent my time on policy, but if confirmed, there are a range of personnel

ethical, legal, and policy issues I think that you will confront. These are not theoretical abstractions. If they say that past is prologue, then I think there is a great possibility that you will face some of these. So let me begin.

This morning, Ambassador Sondland testified that Mr. Giuliani, the President's personal attorney with a long list of financial conflicts of interest in Ukraine and elsewhere, worked for the State Department at the direction of the President, that Mr. Giuliani was expressing the desires of the President of the United States, that Mr. Giuliani's requests were a quid pro quo, and that relevant decision-makers at the National Security Council and State Department knew the important details of these efforts, which appears to have sought to use U.S. security assistance to extort assistance on the President's personal and political agenda.

Does this sound to you like normal U.S. foreign policy?

Mr. BIEGUN. Senator Menendez, I know that in parallel with this hearing are the continuation of the hearings on the House side reviewing the activities around Ukraine. And I should start by stating the obvious, that in the 15 months I have been at the Department of State, my responsibilities have been around the issue of North Korea. So in regards to the specific matters around the Ukraine inquiry that is happening in the House of Representatives today, I do not have anything I can add to your understanding.

Senator MENENDEZ. I did not ask you that. You are an excellent attorney.

Mr. BIEGUN. I just want to say this for the record.

Senator MENENDEZ. But I am not going to have you eat up my time as the State Department does.

Mr. BIEGUN. Okay.

Senator MENENDEZ. So my question is very simple. Do you believe that fact pattern, whether you dispute it or not, whether you know it or not—that fact pattern—is that a normal foreign policy process?

Mr. BIEGUN. Senator, I rely upon on a large suite of outside advisors in my position.

Senator MENENDEZ. Those advisors have conflicts of interest against the national interests or the State Department's stated policy?

Mr. BIEGUN. I presume—but I do not always have full evidence to my advantage—that each of them is motivated sincerely by the desire to achieve a good outcome in our negotiations on North Korea.

But I will answer your question, Senator. I think the questions you raise are serious ones, and while I am not going to pass judgment at this point on facts, which I do not have firsthand, I will say that in my work as a member of the senior leadership team at the Department of State, I will seek to determine those things before I decide how to recommend we act and where I feel that it is inappropriate, I will say so.

Senator MENENDEZ. If you are confirmed and are confronted by a similar set of circumstances, what would you do?

Mr. BIEGUN. Senator, I will evaluate each case on its merit and I will make the best recommendation to my ability. If I feel that somebody is, in fact, advancing their own personal interest in the

course of interacting with American diplomats in a manner that is inappropriate, I will say so.

Senator MENENDEZ. Let me ask you this. Mr. Sondland made the point this morning that the State Department has not provided one single document to Congress regarding its inquiry into the Ukraine matter. And in fact, the State Department refused to provide him access to his own materials as he prepared for his testimony.

If confirmed, will you cooperate with the Congress and provide documents and materials as requested regarding the Ukraine investigation and other matters.

Mr. BIEGUN. Senator, as I said in my opening statement, I have a long record on both sides of the equation on the interactions between the executive branch and the Congress. I will always be accessible. I will always be straight with you where I believe the committee can extend those documents—

Senator MENENDEZ. And I look forward to that. But my question is, will you provide documents?

This administration, this State Department—forget about Ukraine for the moment. We cannot get information about the texts of an executive agreement. We cannot get the legal justification for failure to comply with the Magnitsky Law and the brutal murder of Jamal Khashoggi. We cannot get the legal basis for bypassing Congress and arguing there was an emergency that necessitated 22 arms sales to Saudi Arabia, any material—any material, not so much as one document.

So I appreciate your future open door policy. That does not guarantee me and other members of this committee, who have an oversight role over the State Department, the documentation to make independent decisions and judgments about what is going on.

Can I get from you that if you are in this position, that you will have a more forthcoming attitude in providing documentation to the committee?

Mr. BIEGUN. Yes.

Senator MENENDEZ. Now, one final set of questions, if I may. Would you commit to making clear that political retaliation is absolutely not acceptable and to hold accountable any State Department official found to have undertaken any act of political retribution at the Department?

Mr. BIEGUN. Senator, I will state it here. All of us should be guided by the professional requirements as leaders in the Department of State which precludes us from making political considerations on personnel issues or assignments.

In the case of the people who are involved in this inquiry in the House of Representatives currently, the State Department has made clear—and I believe that Under Secretary Bulatao did the same to you in a direct letter—that there will not be disciplinary action by the State Department against any of our employees who are testifying under subpoena in front of the House inquiry commission.

The State Department has gone further. We have provided resources to underwrite the legal costs that those people may acquire in the course of this inquiry, and we have also sought to provide travel orders and support so that people who are located outside



the United States of America can return to meet their responsibilities in front of the Congress.

Senator MENENDEZ. I appreciate that, although the political retribution I was speaking of certainly encompasses all those people, and I am glad to hear that is the Department's view.

But there is an Inspector General's report about political retributions against individuals outside of the Ukraine process, and there are still ongoing investigations. And it is in that context that generically across the board I would expect you to oppose any effort of political retribution against an individual.

Mr. BIEGUN. Senator, I have had the advantage of working very closely with a team in the State Department. I have a personal relationship with my entire team. If confirmed by this committee, I will have responsibilities to 76,000 men and women around the world, and I will not be able to have that same personal relationship with each of them for obvious reasons. But what I can do is have that same personal interaction with the other leaders in the Department of State, and I will reinforce the message that you just delivered.

Senator MENENDEZ. Thank you.

The CHAIRMAN. Senator Portman?

Senator Portman?

Senator PORTMAN. Thank you.

And I am very pleased that you were willing to step forward. You have amazing experience. I have seen it on the National Security Council when you worked for Condoleezza Rice. Certainly the members of this committee appreciate the fact that you were staff director of this committee as well as your experience on the House side. And it is not just about experience. It is about judgment. So I have seen that, Steve. I am glad you are willing to step forward.

As has been indicated today by my two colleagues, who have already spoken, it is an important job at an important time. And your passion for the 76,000 people who represent all of us at the State Department is also commendable, and I appreciate that part of your testimony this morning. By the way, no notes because it is a matter of you feeling this in your heart. I know that from our conversations. I think that is needed right now at the State Department, frankly. I think morale is an issue, and I think your approach will be refreshing for a lot of people. So I am glad you are stepping forward to do this.

A few quick questions. One on China. As I mentioned to you briefly this morning, the Permanent Subcommittee on Investigations yesterday issued a report. We had a hearing on China stealing intellectual property and specifically how they do it through their talent recruitment programs. Shocking. The State Department testified it was because visas are provided for a lot of these individuals who then become on contract with the Chinese government. The Chinese Communist Party actually controls this process, and then they are asked not to tell U.S.-funded entities, say, the National Science Foundation, NIH, Department of Energy, that they are, in effect, working for a Chinese institution, not allowed to disclose that. And they are required in many cases, as you know, to bring information, research back to China.

Do you agree that we need to tighten this up? And specifically, will you work with us to ensure that the visa part of this is part of the approach that we take. The screening on the visas is virtually nonexistent now in terms of individuals who we know are members of these talent recruitment programs. Can you speak to that?

Mr. BIEGUN. Yes. Thank you, Senator.

In regard to the general issue you raise, absolutely it is a very serious issue for us and it manifests itself in a number of ways not just in these visits but also it manifests itself in acquisitions of key industries and key parts of supply chains around the world, not just in the United States incidentally, although obviously our concern is principally the United States, but it happens in the countries of many of our friends and allies around the world as well. And we are not the only ones who have woken up to it. We have seen a backlash in countries like Australia and Germany, and the European Union itself is pushing in a similar direction that many here in the United States Congress are pushing.

I think it is very important for us to find a way to work with likeminded countries in reversing this because it is a global problem and because a lot of times those technologies may be made in America, but they are found all over the world. And likewise, many technologies from other parts of the world make their way here into our industries and into our economy and into our military industrial complex.

Senator PORTMAN. I think that is insightful. In fact we are working with some of those other countries because in fact we do provide, as we do here in America because we are transparent in terms of our research—we have the right ethical standards I believe.

Mr. BIEGUN. In regard to the visas, I will take a look at it, Senator. I am not sufficiently in depth on issues of how we change consular processes and how we would do that, but it is certainly something I will be willing to take a look at.

Senator PORTMAN. Great. I will tell you your representative yesterday actually seemed to be asking us to help them with legislation to be able to tighten up some of the visa requirements.

North Korea. As you know, I represent Ohio and am close to the Warmbier family. I appreciate your work there. But it has exposed this human rights disaster in North Korea to so many Americans, and through Otto Warmbier's death, I think there has been more awareness.

You are now taking a new role not just with regard to negotiating with North Korea but a broader role as Deputy Secretary. Are you willing to help us to be able to expose the human rights violations that occur on a daily basis in North Korea? And will you help this committee, in particular, to come up with the right approach?

Mr. BIEGUN. Sure. Senator, as I said in my opening statement, that is one of the core values of the United States of America that I will advance in all of my work, including in that portfolio.

I will say that like all of you I am deeply moved by what happened to the Warmbiers' son. It is unacceptable. Part of the hypothesis of our engagement with North Korea on a broad set of

issues, including denuclearization but others as well, is to create a better basis for us to be able to have discussions on some of these issues that have previously been off the table in our discussions. We are not there yet not by a long shot, but I assure you that not only will I give attention to these issues, but I will give attention to Fred and Cindy Warmbier as well.

Senator PORTMAN. My time has expired, but I just want to mention one other issue quickly, the Global Engagement Center. You and I have talked about it quite a bit. Senator Murphy is here. He may talk about it as well. We have had a tough time in the past sometimes getting State Department focus. Recently it has been good. You made a commitment to me already in private. If you could make a commitment here publicly that you are supportive of the Global Engagement Center and going after disinformation and propaganda of our adversaries, especially Russia.

Mr. BIEGUN. Yes, absolutely, Senator. The Global Engagement Center, which was an excellent idea but a little bit slow getting off the ground, is now up and running. As I mentioned to you earlier, I had a chance to sit down with the director of the center, Lea Gabrielle. She is incredibly talented. She has put together a strong team. Even more importantly, she has gotten office space inside the Department of State for that team, which is like getting blood out of a turnip. And she has also managed to get a substantial amount of funding, including support from some of the other departments, including the Defense Department, to get up and running. And she is up and running and she is doing some great work. Her and her team are in the process already of refuting some of the false narratives that we had not tools available to us to refute 4 years ago.

Senator PORTMAN. Thank you.

The CHAIRMAN. Senator Cardin?

Senator CARDIN. Thank you, Mr. Chairman.

Mr. Biegun, thank you very much for your willingness to serve our country and we thank your family because we do know there are sacrifices the family has to make.

And I must tell you I was extremely impressed by our meeting and the conversations we had and by your opening statement today. And I do not doubt your sincerity and your commitments as you have expressed them.

But I do know the pressure that you are going to be under by this administration to do otherwise. And that is why the questions we are asking are critically important, and I appreciate your answer to Senator Menendez in regards to if inappropriate conduct comes to you, you will be forthcoming in identifying that and then using your independent judgment in regards to that. At least that is how I interpreted your response to Senator Menendez.

Mr. BIEGUN. Yes.

Senator CARDIN. You are taking an oath to defend the Constitution. You know firsthand the Constitution, the independence of the legislative branch of government. And that is going to be tested because we have already seen this administration take action that to me is an affront to the Constitution of the United States as to the separation of powers and the importance of Congress to have the information it needs to conduct its affairs.

So my question to you is, if you are confirmed as Deputy Secretary of State, are you willing to exercise independent judgment in regards to the Constitution of the United States and the importance of the separation of branches of government to give your independent advice and, if necessary, publicly express that in regards to the constitutional responsibilities that the Congress has and the information that is requested from the Department of State?

Mr. BIEGUN. Senator, I will not just say it. I will live it, and if I did not, I think I would be something of a hypocrite. I have been on both sides of this debate for a very long time. We will not always agree. I should say that. There will be places where the view of the Congress and the view of the executive branch do not coincide. And that is not new, but it should not be the default position. I will be a steady presence here, and we will continue to discuss these issues and work together to try to find the appropriate place for us to meet—

Senator CARDIN. Thank you on that. Again, the loyalty is to the Constitution. And yes, we may disagree as to a request for information, et cetera, but I am depending upon you to exercise independent judgment as to what the Constitution requires not so much to be the champion for this administration.

Mr. BIEGUN. I appreciate that, Senator. I should just state for clarification. I am already under that oath. By virtue of the position I took in August of last year, I swore to uphold the Constitution and I shall continue to do so, if confirmed in this position.

Senator CARDIN. I want to get further clarity in regards—you answered the question in regards to retaliation against the State Department officials. I understand that in regards to the inquiries that are taking place.

But what I want to see from the Deputy Secretary of State is support for the independence of our career diplomats and a climate that allows them to express their views without fear that by expressing their honest views, that they will not be supported at the highest levels in the State Department. Do we have your commitment that you will encourage the independent thoughts of our career diplomats as they perform their responsibilities around the world?

Mr. BIEGUN. Within the processes of the executive branch and in support of policies promulgated by our leadership, you have my guarantee 100 percent. Again, my words alone do not need to be sufficient here. I have a reputation and experience that I fall back upon over 20 years, and my most recent experience over the last year and a half in the Department of State, my team, which is comprised of Foreign Service officers, Civil Service members, political appointees, and others, including interagency representatives—the mantra in our team is that there are no such things as bad ideas, just bad decisions. We listen to everything. We think it through and we make our best recommendations.

Senator CARDIN. I appreciate that. All of us have traveled. All of us have seen our diplomats in theater. We have also visited here in the United States. Our diplomats are not Democrats or Republicans. They are fighting for American values as you expressed so well in your opening statement. And they need a champion in the

State Department that will defend that tradition of our diplomats, and that is what we are looking for you to be able to do in your position.

I also would express protecting the values that you hold so dear that you expressed so well in the history. And that has been challenged by this administration. And we look to our Deputy Secretary of State and perhaps our Acting Secretary of State to understand that and give that type of independent commitment to those values. You are expressing that. I just want to reinforce the point that we will expect you to exercise that independent judgment based upon the statements that you have said to us today. If that is not accurate, you should clarify it before this hearing is over.

The last point I would make, Mr. Chairman, in the opening statement, Mr. Biegun has talked about his priorities for people, policies, and process. We are not going to get enough time in this hearing to go through all the different policy issues that we have concern about. So we will ask you questions for the record, which we do regularly. I want to underscore how important your answers are going to be to those questions for the record. And I just urge you to personally get engaged in those answers and do not let the White House team answer them for you. We are going to hold you to the answers of those questions for the record.

Mr. BIEGUN. Thank you, Senator. In regard to your first question, I so far have nothing that I have said that I would seek to clarify and the comments I made at the beginning of my testimony I believe sincerely.

As far as the many policy issues which we have to discuss, both you and I know that even questions for the record oftentimes are insufficient for the depth and nuance that we need to have between the two branches of government to arrive at good policy conclusions. This will not be the last time that you and I have an opportunity to talk.

Senator CARDIN. I really appreciate that answer.

Mr. BIEGUN. And I look forward to that.

Senator CARDIN. Thank you.

The CHAIRMAN. Thank you.

Senator Paul?

Senator PAUL. Mr. Biegun, thank you for your testimony and thank you for your willingness to serve.

A lot of people have criticized the President for his unorthodox approach to foreign policy. In fact, many in the foreign policy establishment would probably have no discussions with North Korea. We would have never gotten anywhere because they thought it was beneath the President to talk to the North Korean leader. They thought until they agreed to complete denuclearization, we cannot talk to them. And yet, that is a conclusion. That is why you start the talks to try to get to where you want to get. But I think we were prevented from diplomacy by orthodoxy, orthodoxy of having unacceptable parameters for discussion.

So I compliment you for being willing to take part in that knowing that there is a great deal of concern that the North Koreans will not follow through, that we will not get the agreement we wish. But I do think that having a discussion and having diplomacy and having talks is a good thing.

With regard to the President's willingness to talk, I think this also should be—the lesson of North Korea could also be taken to Iran as well in the sense that Iran wants all sanctions removed before they talk. I think that is unreasonable probably from our perspective. And we want 12 points that Pompeo has laid out. And somewhere in between, there might be a diplomatic discussion, but we have to have a discussion. So my hope is that if you are appointed to this position, you will be open to discussions with Iran. The President has said he will, and I think that is one of the President's great strengths is he is not bound up by foreign policy orthodoxy that prevents us from talking.

The President has also said that the Iraq war was the biggest geopolitical mistake of a generation. What is your opinion?

Mr. BIEGUN. Can I comment on the first two?

Senator PAUL. Sure.

Mr. BIEGUN. On North Korea, I want to thank you for that, Senator Paul. That is why I came into this position. It was a tough decision to come back into the government after 15 years outside. But the creative opportunity that the President has presented us with, being unhindered by—at least not completely hogtied by 70 years of history that preceded him, has allowed us to test new ideas which so far have not been successful, but have also allowed us to sustain a diplomatic process for over 16 months. And the President remains of a view that Chairman Kim Jong-un can make this decision to move forward, and if so, the world and certainly the Korean Peninsula will be a much more peaceful place.

In regard to Iran diplomacy, I do believe the President would be prepared to undertake diplomacy with Iran. It requires Iran to address the full range of American interests, much broader than what was discussed in the JCPOA, and a level of conduct that the President has requested of the Iranians is not unlike that which we would request of most normal countries around the world. The delta between Iran's conduct and those requirements are not because the requirements set the bar too high but because Iran's conduct is just too low.

Senator PAUL. The President has also deviated from some of the hawks around here who say we have to have regime change and we are going to begin diplomacy with saying we are going to have regime change. And he has said that that is not part of a prerequisite, obviously, for diplomacy.

Mr. BIEGUN. And that is not his policy towards North Korea either.

In regard to Iraq, you and I had a chance to discuss this during our meeting in the last week. I will tell you, Senator, as I said to you then, that the intelligence information that suggested that Saddam Hussein had an active weapons of mass destruction program proved to be wrong. And as that was the premise under which we went into the war in Iraq, it was unfortunate that we went in there on false pretense.

But as I pointed out to you, Senator, the sequence of decisions that led to the decision to go into Iraq in 2003 need to be traced back all the way to 1990 to the beginning of this process when Saddam Hussein went into Kuwait. I will not use your time to go through that sequence, but I do think it is important for us to re-

flect upon the decisions—what contributed to the decision to go into Iraq.

Senator PAUL. I guess my question is more towards the question of regime change in the sense that is regime change a good policy. We can say we went in for WMDs, but also there are many people that just simply wanted regime change. Hussein is a bad guy. Assad is a bad guy. Qaddafi is a bad guy. And I guess my point—and the President has made this point—it has not always turned out so well.

We have such a confusing situation in Libya now that I think there is more of a chance for terrorist organization in that chaos now. I am not certain from one day to the next whether our government supports the existing government of Libya or whether they support Haftar. And there have been various and confusing statements on that.

But I guess the point is and the question is, you know, has regime change worked in the Middle East, or is there a lesson to be learned from the different attempts at regime change in moving forward?

Mr. BIEGUN. Yes. There are two lessons to be learned.

One is in how decisions were made, particularly in the case of Iraq where I believe it was the sincere bipartisan judgment of Members of Congress, as well as the executive branch, that Saddam Hussein posed a compelling threat. But with the benefit of hindsight, we know that the intelligence information did not support that case. We saw what we wanted to see, and perhaps we were also overly affected by the shock to our nation that came from the 9/11 attacks, not that that was related to Saddam Hussein, but only that it was driving a sense of—a mood in this town in which decisions like that were made in a slightly more fearful manner than we should ever make such decisions.

In terms of the success or failure of those, we have a lot of work to do in Iraq, and Libya is in terrible shape. And so I cannot argue objectively with the case you laid out. My job as Deputy Secretary of State will be to take those circumstances and try to produce the best possible outcome for the United States of America.

If I may, I worked for an outstanding corporate leader who used to look at the world from the vantage point of the top of a global corporation. The world is full of problems and challenges not of this scale or severity, but in a similar context, he came to talk about challenges like this as opportunities. And that is how we have to look at it. How do we make it better? Whatever decisions were made, whatever mistaken decisions were made have been made. We need to learn from them. You are absolutely correct. We need to do better next time, but we also need to make the very best under the circumstances that this administration inherited.

The CHAIRMAN. Senator Coons?

Senator COONS. Thank you, Chairman Risch, Ranking Member Menendez, for holding this hearing.

And to Mr. Biegun, thank you for your willingness to continue your service to our nation. You bring to this challenge and this opportunity experience here in the Senate and the executive branch and the private sector, and I think you will be fully engaged and challenged in that service, if confirmed as the next Deputy Sec-

retary. And to your family, thank you for supporting what has been a meaningful career in public service and in the private sector.

I think it is more important now than ever that the State Department have leadership that stands up for the expertise and the professionalism of the folks. You referenced the 76,000 men and women who serve the State Department, whether for national Civil Service or the career Foreign Service. And I think it is important they know that they work with leadership that advances the national interests and values of our country over the narrow personal or partisan interest of any one individual.

So as we discussed when we met, this is a difficult time for career diplomats in the State Department. Supporting them will be one of the top elements of your job description. Your testimony notes you will prioritize recruitment and retention of the Foreign Service and the Civil Service.

The women and men at the State Department work hard under difficult and challenging circumstances to implement U.S. foreign policy which, as you said, stands on the three legs of capabilities, interests, and our core values. I hope you will agree these non-partisan career diplomats need and deserve our full support. I think leadership support is critical to the retention that you say will be a big priority.

What are your plans to reassure our career diplomats that as they undertake their efforts to extend our foreign policy, they can do so without concern for a partisan reprisal or narrow agendas overtaking our national interests?

Mr. BIEGUN. Thank you very much, Senator. And I very much appreciate the conversation we had last week.

Let me say that part of what I hope serves as a message to the men and women of the State Department with whom I will serve, if confirmed, is our discussion today. The messages that I have delivered to you are not intended only for your ears but also for those of the people for whom I will have the opportunity to serve with in the future, if the committee confirms my nomination.

In corporate life, we have plenty of tools to gauge the sentiment of the people in the organizations we work. We do frequent polling of our personnel, and the management and the leadership sit down and reflect upon those and determine course changes or actions, or in some cases just better explanations of tough realities are necessary in order for people to understand better and feel more part of the decisions in the organization. But I do not have that. We do not have that at the Department of State.

But let me just start without refuting your assumption that in this time of turmoil with all that is going on around us with the members of the State Department testifying before a committee of inquiry, that we have to give people confidence in the issues that you describe. I will do so not only in what I say to you but, more importantly, the behaviors that I intend to model as part of the leadership team in the Department of State.

I have had the benefit in the past year working with a small part of the State Department, but as I said, a combination of every part of the Department. We have a great team. I have been the benefit of getting absolutely the best out of that team because they understand our priorities, because they have a say in how we best imple-



ment them, and because they are aligned around that goal through their participation and they see their work and the results. Again, I cannot do that in all 76,000 people in the Department, but I can make sure that that is the leadership behavior that I model and that in doing so, that we set that tone for all of our leaders below the deputy in the Department of State.

Senator COONS. Thank you, Mr. Biegun. I look forward to consulting with you regularly and hope that that vision, that prioritization of the professional career Foreign Service will in fact characterize your service.

Let me ask, if I can, two more questions, Mr. Chairman.

The CHAIRMAN. As long as you stay within the 47 seconds you have. Have at it.

Senator COONS. Forty-seven seconds. Let me begin a question.

The ranking member asked whether Africa has been abandoned by the current leadership of this administration's State Department. And I know you referenced in your testimony that your involvement in the passage of PEPFAR and its deployment gave you a front row seat to one of the most effective, most widely celebrated initiatives in our foreign aid program.

You also remember the time when this committee annually passed authorization bills, and that strengthened its reach and its capabilities.

As we talked about, the Global Fragility Act has passed the House, has passed this committee, will pass, I hope, the Senate with strong bipartisan support and lead to better congressional oversight over a stronger strategy for stabilizing fragile states. This would be critical in the Sahel in Africa, as well as in the Northern Triangle.

Can I count on your support to actually implement that legislation if it finally passes this body? And what do you intend as a priority for U.S. Africa policy?

Mr. BIEGUN. Yes, you can, Senator. I had a chance, after our meeting, to review the Global Fragility Act. It looks like a very sound piece of legislation to me. One of my colleagues at the State Department is going to be up testifying before the Congress in a few weeks, and I am going to leave more definitive judgments or tweaks to him.

But let me say that in my experience here on the committee, while we did authorize foreign aid successfully a couple of times, the most effective foreign aid programs we did were narrow, targeted efforts to authorize specific priorities or specific regions, the SEED Act, the Freedom Support Act, the Millennium Challenge Corporation, PEPFAR. And I encourage you, Senator, to think this way. I think that is how this committee can be most effective in demonstrating the will of the Congress. Of course, you have the legislate that in order to move that through, and I assure you that the executive branch will be a partner and dialogue with you that if we have any tweaks or any priorities that we would like included in the legislation, we will communicate those to you.

Senator COONS. Thank you. I think the MCC put out a framework that has been transformative and should be applied more broadly to a lot more of our foreign aid programs, and I am hopeful that the Global Fragility Act will bring some strong bipartisan au-

thorizing and then some real partnership between the executive and legislative branch in how we deliver aid to some of the most fragile states in the world.

Thank you, Mr. Chairman, for your forbearance.

The CHAIRMAN. Thank you, Senator Coons.

Senator GARDNER. Thank you, Mr. Chairman.

And thank you, Mr. Biegun, for your service and willingness to serve.

Could you explain a little bit further your continued role in North Korea policy under this new position, if confirmed?

Mr. BIEGUN. So, Senator, as you know from our many meetings, I serve as the lead person in the Department of State. We do not have any infrastructure or bureaucracy built around the North Korea issue because the United States has never had diplomatic relations with North Korea. While ostensibly it fits, to some extent, within our East Asian and Pacific Affairs Bureau, for many, many years the State Department has determined that having a special representative is an important part of bringing focus to that.

I do not see this as detracting from my focus on North Korea. I see this as us elevating further the priority on North Korea to the Deputy Secretary position. And I think that is very important. I think that is not only an important message of the President's priority and his confidence that we can reach an agreement here, but it is an important message to our counterparts of North Korea as well.

The person who needs to negotiate with me in North Korea is the First Vice Minister of Foreign Affairs, Choe Son-hui. So far, she has not participated in these negotiations in a meaningful way, and my position as Deputy Secretary of State is going to make sure that when we engage the North Koreans, they are bringing forward a person at a sufficient level of leadership and confidence in their leadership that they can actually sit across the table from me and make decisions about how we implement the vision that the two leaders agreed to in Singapore.

Senator GARDNER. Could you describe the current status of our negotiation or posture with North Korea?

Mr. BIEGUN. We are now 15 months—I am 15 months into my tenure. We are about 16–17 months since the Singapore summit.

We have agreed with the North Koreans on a broad construct for how to pursue these negotiations. The two leaders agreed in Singapore on four priorities: transforming relations, advancing a permanent peace regime on the Korean Peninsula, denuclearization of the Korean Peninsula, and recovery of remains, which I would say more is closing the historical tragedy of the Korean War, healing the wounds of that war in a way that we were very successful with our friends in Vietnam 25 years ago when we normalized relations with them. This is a core part of two societies coming to grips and reaching closure and moving forward.

In each of these areas, we have discussed with the North Koreans feasible, specific initiatives that can begin advancing us in that direction while needing to put in place a broader construct—

Senator GARDNER. Do you believe that we are closer to denuclearization today of the North Korean regime than we were 15 months ago?

Mr. BIEGUN. I do, but I have to say, Senator, in all candor, there is no meaningful or verifiable evidence that North Korea has yet made the choice to denuclearize. But as was discussed earlier, we have to start with the point of engagement. We have listened to the North Koreans.

Senator GARDNER. And our policy remains complete, verifiable, irreversible denuclearization of the North Korean regime.

Mr. BIEGUN. Yes, sir.

Senator GARDNER. And maximum pressure continues to be the doctrine that the administration will apply.

Mr. BIEGUN. Senator, we have maintained through the entire tenure of my role here, oftentimes to the discontent of the North Koreans, the complete set of sanctions that are in place. But the President has said he would be pleased to have the opportunity to move forward in a balanced way with the North Koreans towards that ultimate goal of complete, verifiable, irreversible denuclearization if we could begin to make progress on the real issues, the tangible issues of denuclearization.

Senator GARDNER. Is China doing everything they need to be doing to enforce sanctions against North Korea?

Mr. BIEGUN. No.

Senator GARDNER. Is Russia doing everything they need to be doing to enforce sanctions against North Korea?

Mr. BIEGUN. They could do more.

Senator GARDNER. Should we continue our efforts to sanction third parties in China, Russia, and beyond that are violating the sanctions?

Mr. BIEGUN. We do.

Senator GARDNER. And you would support those sanctions and continue those sanctions.

Mr. BIEGUN. We do.

Senator GARDNER. Thank you.

Turning quickly to the burden sharing agreement with South Korea, it is your belief, if confirmed, to continue to advocate for presence of U.S. military personnel in South Korea.

Mr. BIEGUN. Countries like South Korea, with which the United States has longstanding shared interests and values, our alliance partners who are the foundation of American influence in various parts of the world, South Korea is among our most important alliance partners. That does not mean anybody gets a free ride. We have a tough burden sharing negotiation that we are in the middle of with the South Koreans. We have asked a lot of the American armed forces to serve abroad—

Senator GARDNER. But you believe we should continue a presence in South Korea.

Mr. BIEGUN. I do.

Senator GARDNER. Thank you.

Japan is the same—the SMA. Negotiations are going to continue but we should maintain a presence in Japan.

Mr. BIEGUN. Not just with Japan but with all the countries with which we have alliances currently. But it also requires those countries to take fully seriously their responsibilities in the alliance as well. I am confident we can do this through negotiations, but these are going to be tough negotiations.

Senator GARDNER. There were some very disturbing reports out of China—continue to be very disturbing reports out of China particularly related to the treatment of Uighurs, ethnic minorities in western China, in Xinjiang in particular. We have reports in the *New York Times* that students were told their behavior could shorten or extend the detention of their parents. They were threatened for their own good that their behavior fall in line with the Chinese Communist Party officials and dictates. Senior party leaders were recorded ordering drastic and urgent action against Uighurs. Some very disturbing documents have been released in the *New York Times* and others.

What should the United States be doing right now as it relates to China's treatment of ethnic minorities, Uighurs, Christians, you name it, detention camps that are more like concentration camps, reeducation camps that are simply a prison not a school, and the threat that the people of China are facing from these kinds of actions?

Mr. BIEGUN. So I saw that same press report that you described and I read the documents and they were chilling.

I also saw a press report maybe a week before that that showed some of the photographic evidence of the systematic elimination of Muslim heritage sites, cemeteries, mosques.

While I in no way question the veracity of these accounts, I have learned to be a little bit gun shy about accepting at face value either photos or reports these days because of the ease with which these can be manipulated or manufactured. But that said, I have no reason to question the veracity of these, and in fact, I think all of these reports suggest an appalling type of behavior that is targeted against an ethnic population and a religious community in China, and it is unacceptable.

Senator GARDNER. I apologize. I am out of time.

Should we pursue sanctions, Global Magnitsky sanctions, or others against Chinese officials responsible for the detention of these?

Mr. BIEGUN. We will take a look at it, Senator.

The CHAIRMAN. Thank you.

Mr. Biegun, let me follow up for just a minute on an area that was raised by Senator Gardner. You know, I was sitting in the closing ceremonies of the Olympics in 2017, the Winter Olympics, in Seoul with a number of people from the State Department when all of our cell phones went off with the news that Kim Jong-un had indicated that he was willing to talk and talk along the lines that we had to have, and that is the complete, verifiable denuclearization. And admittedly it came through the South Koreans, not the North Koreans. But I think I can tell you that all of us were shocked that that direct kind of a communication came out. Since then, of course, you and the administration are making the serious efforts that you have to try to get to that point.

We all know that this is a one-man show, and I cannot fathom that that text that came out was not authorized, and indeed, Kim Jong-un himself as much has said that that is where he was at the time.

Give me the executive summary. What is holding us up right now? Because he obviously does have the kind of power that no-

body in this country has or, for that matter, most countries have. What is holding this up right now?

Mr. BIEGUN. Senator, let me start by saying that the President continues to have confidence that the discussions that he has had in private and in larger groups with Chairman Kim convince him that we can move forward on the priorities that the two of them agreed to in Singapore. The job of my team and myself are to test the hypothesis of whether or not the North Koreans can make that choice.

In the course of the meetings that I have had over the 15 months as the lead U.S. negotiator, I have met with counterparts on the other side of the table who are capable, who are experienced diplomats. But they have no authority. They have been given no authority to work through the hard, complicated issues that we are going to have to make progress on in order to present each of our leaders in North Korea and the United States a successful path to achieve the vision they laid out in Singapore. You described the North Korea system well. This is why the administration, the President, has used direct contact at the leader level as a catalyst to change the dynamic that has failed to produce a durable solution for 25 years to these intractable issues. But at the same time, we have to convince the North Koreans to open space below the leader level for the kind of dialogue we have.

This goes back to my answer to Senator Gardner, that if confirmed in this position, I will bring a higher stature to the North Korean issue. I am fully committed, and I believe it is possible for us to get a diplomatic outcome that is satisfactory to the United States and that I believe the North Koreans at the end of the day will find satisfactory as well.

But we have yet to engage with an empowered negotiator across the table. I believe that person is the First Vice Minister of Foreign Affairs, Choe Son-hui. She has the confidence of Chairman Kim. She is among the senior leaders in the North Korean Ministry of Foreign Affairs. She is constantly in his presence, and she has been given the level of confidence by Chairman Kim that President Trump has given to me.

And let me say I fully believe in the President's policies here. I think he has created an opportunity for us that we have not had in a generation. The window is still open, but the North Koreans should not miss this opportunity. If we cannot do it with the circumstances we have now, with the alignment of leaders we have now in South Korea, Japan, even Russia and China—even with countries like Russia and China with whom we agree on very little, we do agree on the objectives for peace and stability on the Korean Peninsula and for transforming relations there to a much better future for all of us. But ultimately it is the North Koreans that have to make the choice, Mr. Chairman. And as I said earlier to Senator Gardner, we do not have any verifiable or meaningful evidence that they have yet made that choice. Our hypothesis is they can make that choice, and that is what our determined efforts are designed to test.

The CHAIRMAN. Well, I appreciate that. And I agree with everything that you have said.

I guess the thing that has troubled me is, first of all, there was no reason for Kim Jong-un to make the statement he made if indeed he was not headed in that direction. There would be no reason for him to do that.

And then secondly, when I was in North Korea, I was—as I am sure you have been—incredibly impressed with the bench on each side like Allison Hooker on our side, people who have been at the table for decades on all the details of this. And so my view of these things is that you can really get to the place that you want to get to if both sides have a common objective and if both sides are acting in good faith to get there. It is just a matter of working through the details to get there, and that has proven to be elusive it seems to me. And I am surprised at that, like I said, with the experience these people have had. These people know each other on a first name basis that have been working for decades at this.

So that is just my impression being outside of this, but your thoughts on that.

Mr. BIEGUN. When we engage in these discussions with the North Koreans, Senator, it is fairly obvious to us that we are able to reach the people. We have good discussions, even a few weeks ago when our two teams met in Stockholm. While the characterization after the meeting was quite negative from the North Korean side, during the course of a daylong discussion, we had a very constructive discussion about feasible steps that we could take moving forward to advance the vision of the two leaders. For their own reasons, they chose to characterize that as a failure. They even used the word “sickening” talks.

The dilemma we face here is there are the people and there is the system. Reaching the people is not our challenge. Penetrating the system is. But that is where we need the strong support of the leader of that system, Chairman Kim, to create the space below himself to empower a negotiator who is capable and has his confidence to advance that vision.

President Trump has given my team and myself all of the tools we need to test the hypothesis that I described. The window is still open. But we all know that events of the world move on. The provocations that we have seen in recent months, various things that happen here, congressional legislation, human rights resolutions, speeches, comments, commentators, private citizens, all are sufficient to affect the view of the North Koreans on this diplomacy. And we cannot stave all of that off. We are a democratic society. We have separate branches of government that speak for themselves. But the window is still open. That is the message for the North Koreans. The window is still open but they need to seize the moment.

The CHAIRMAN. Thank you for your optimism and your sincere work in this regard.

Senator Udall?

Senator UDALL. Thank you, Mr. Chairman.

And thank you for your service, Mr. Biegun. I really appreciate you are willing to step forward in these difficult times.

Will you recommend to the President, the Secretary of State, and the National Security Advisor that they seek an authorization from

Congress, as required by the Constitution, before entering into any hostilities with Iran?

Mr. BIEGUN. So, Senator, I have been part of this debate in the Congress.

Senator UDALL. This is a pretty straightforward yes or no here. I understand that there is a debate, but this is a constitutional issue. You are a lawyer.

Mr. BIEGUN. I am not a lawyer, sir. I am a former congressional staff member and a representative of the executive branch. But I have participated in this.

We are strongest when we have the Congress and the executive branch standing together in unity. That is what happened in 1990—1991 when George Herbert Walker Bush sought authorization for the use of force to expel Saddam Hussein from Iraq. That is what happened after 9/11. That is what happened in 2002 when we went into Iraq. It does not always guarantee success, but it is the best foundation for us to send our armed forces abroad.

At the same time, Senator, this is a subject fraught with constitutional disagreement between the two branches of government. It is one that has never been completely settled, and it is not my intention today as a non-lawyer to create any new precedent.

Let me just say that I believe that that kind of engagement between the executive branch and Congress is important and constitutes an important part of not only success in these kind of undertakings, but also in winning and sustaining the support of the American people who ultimately bear the brunt of decisions on sending their sons and daughters into conflict.

Senator UDALL. With the U.S. troop withdrawal from Syria, the Trump administration has touted that he is fulfilling a campaign promise to bring troops home. In contrast, there have been reports that the administration will now keep troops in northern Syria to defend an oil well in possible violation of U.S. and international law.

Meanwhile, we are deploying several thousand additional troops to Saudi Arabia apparently because they are paying for our petroleum and paying for our protection.

I voted for the 2001 AUMF, and I can tell you that Congress never intended to give the President permission under the 2001 AUMF to defend an oil well in Syria or to invade Syria, for that matter.

Under what legal authority is this administration maintaining troops in Syria, and who are we giving the oil to? And do we know what they are doing with the money they are getting for it?

Mr. BIEGUN. So, Senator, I will confess that I do not have all of the details at my disposal currently prior to taking the position to understand the totality of the issues that you are raising.

But let me say generally I do know that we are retaining that presence in Syria, and it is my understanding as well that it is for purposes of protecting vital economic interests but, mostly in that case or entirely in that case, to deprive some of the more malign forces that remain in Syria from seeking access to those resources to support their own aims.

The United States policy in Syria with the troops that remain there and our presence in the region of the Middle East are to

maintain the enduring defeat of ISIS, which is going to require a longer effort than we have seen so far. It is also to seek to be part of the leverage that we use to achieve a more peaceful outcome in the Syrian territory, the restoration of its sovereignty, the return of internally displaced people and refugees to their homes, and ultimately also to maintain U.S. leverage to keep Iranian influence from growing any further and, if possible, reversing it.

The authority for that is likely, Senator, the same authority that the executive branch used in the initial deployments into Syria before this President took office.

I understand the strong views here in the executive branch about the need for these authorizations. I will tell you like many other issues we have discussed today, I have been on both sides of that equation. My view is that we are at our strongest when we are unified on these issues.

Senator UDALL. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Senator Romney?

Before you start, for the benefit of the committee, we have a vote that just started, and what I intend to do is to run that along as late as we can until they are screaming for us to come down and vote. We will take a break when we do, go down and vote for the first and the second, which will be the only two in this tranche, and then come back here to finish up, just for everyone's edification.

So with that, Senator Romney.

Senator ROMNEY. Mr. Biegun, thank you for being here today and for your willingness to serve our country yet again.

Thank you, Mr. Chairman, for hosting this hearing and our ranking member.

I presume you were born at Henry Ford Hospital in Detroit. Is that right?

Mr. BIEGUN. Providence, sir. Providence.

Senator ROMNEY. I was born in Harbor Hospital in Detroit, so we have that shared beginning although not in the same hospital. I cannot imagine you would not have been at Henry Ford, given your family history.

Mr. BIEGUN. Yes. My grandfather and great grandfather both worked for Ford, but my dad slipped out of the auto industry. But I found my way back to it a generation later.

Senator ROMNEY. They should give a discount for family members.

Putting that aside, I believe the challenge of the century that we have is one where democracy, human rights, a vibrant economy, free enterprise, freedom itself is going to be challenged by an emergent China, which has an entirely different model based upon authoritarianism.

Is that a fair characterization from your point of view?

Mr. BIEGUN. It is, Senator. It has been much debated in recent years about whether or not the basic assumptions we made in the late 1990s and the early 2000s will prove to be completely wrong, and I think there is plenty of evidence to suggest they are. We thought we could bring China into global institutions, and the global institutions would change the behavior of China. But instead, what we have seen is a concerted effort by China to change the



rules of the global organizations. Those rules help us. Those rules are good for us, but they are also good for the world. And it is very important for us that we fortify across the board the effort to reinforce these global norms.

Senator ROMNEY. I totally agree. That is the challenge of the century where freedom, human rights, democracy, the prosperity of all by virtue of the power of free enterprise is being challenged by China that has an entirely different model.

They also have a very effective strategy, a very comprehensive strategy, which encompasses not only their desire to become the economic, military, and geopolitical leader of the world, but a strategy which has as its point of the spear economic warfare, if you will, of a kind, not playing by the rules that the rest of the world plays by, as well as taking away the rights of their people, indoctrinating their people, brainwashing their people, and affect public attitudes around the world.

Some people say that we have a strategy. I made a living working in strategy. We do not have a strategy that stands up under the meaning I would apply to that term. They do.

I would hope that the State Department and you in particular would augur for the creation of an American and Western strategy to protect the rules of the road as it relates to our economy, to protect our military lead, and to protect our geopolitical priorities and believe it is of the highest urgency that we contemplate the development of that kind of strategy.

Do you agree with that?

Mr. BIEGUN. I do, Senator. I agree with you that—of the desires that you see in the People's Republic of China, but I would point out that desire does not equal likelihood of success. Strategy affects likelihood of success but not desire. The Chinese may desire this, but I am not sure they have a great strategy. In many places around the world, I actually see countries reacting quite negatively to that. One of the places maybe we can be more effective is finding a way to work with likeminded partners in concert to address the issues of mutual concern.

But let me also say that I spent a lot of time in China. I spent a lot of time there in track 2 and track 1.5 dialogues. I spent many years there as a business person. The company in which I was formerly employed was and remains heavily invested in China.

China is not a monolith. I would not write off China altogether. There are many, many good people with whom we can work and with whom we can cooperate. This is a particularly tough moment, and I do have some deep concerns about the shift in the direction of Chinese leadership over the last few years, which in a single party state is of course consequential. But we should not give up on China either, Senator.

Senator ROMNEY. I totally agree. One of the statements that you made in your opening remarks was this. We must work with our allies to enhance and leverage our alliances to address the full range of foreign policy challenges facing the United States today. I totally agree.

For a small country—and we are a small country relative to China. They are almost four times our size. Their economy will be larger than ours eventually—much larger. Their military will be

larger than ours eventually given that economic base barring some kind of discontinuity which may occur. That is very possible that will occur. But they are going to be a very, very strong nation.

And the way that a smaller nation is able to defend the global interests that are associated with freedom and human rights is by linking arms with our friends around the world and strongly encourage the State Department and you as a leader to foster an attitude of cooperation and joint strategy development with our allies around the world.

Mr. BIEGUN. So, Senator, I resorted to a little corporate speak earlier. I do not know if you were here. But I worked for a former CEO of Ford Motor Company who did not refer to challenges but rather to opportunities. I see it as an opportunity-rich environment for us. We have to approach things the right way. We have a lot of partners we can work with, but I am confident that we have a lot of headroom to make some very important improvements and achieve alignment with many countries around the world on these shared concerns.

The CHAIRMAN. Thank you, Senator Romney.

Unfortunately, we are up against it on the vote. So we are going to take a break. I appreciate the inconvenience, but it is what we live with. So with that, we will be in recess until the second vote has started and we are able to vote on that.

[Recess.]

The CHAIRMAN. The committee will come to order.

I apologize for the inconvenience, but it is what it is.

Senator Cruz, you are up.

Senator CRUZ. Thank you, Mr. Chairman.

Mr. Biegun, congratulations on your nomination.

I want to start by talking about a topic you and I discussed yesterday afternoon, which is Nord Stream 2. In your judgment, what would the consequences be for Russia, for Europe, and for America if Nord Stream 2 is completed and goes online?

Mr. BIEGUN. Senator, as I said to you yesterday and I will affirm here, it is our policy in the United States government that we oppose the completion of the Nord Stream 2 pipeline. We think that it will add leverage to Russia's ability to bring political influence to bear upon many of our partners and allies in Europe. It will also potentially cause economic damage to Ukraine by bypassing Ukraine with important energy supplies. More importantly, it seems to me that it will also cement in place a certain status quo that I think needs to fundamentally change, which is that Russia should be engaged in a transparent, legitimate way with our European friends and allies, but they should not be given undue influence and certainly not under the circumstances in which we see Russian policies being guided today, which is to actively subvert many of our friends and allies in Europe. And I think this pipeline is simply one more tool they will be able to use.

Senator CRUZ. Well, I agree with you. Nord Stream 2, if completed, would help Russia. It would strengthen Putin. It would generate billions of dollars that could be used to fuel Russian aggression. And at the same time, it would hurt all of Europe by making Western Europe more dependent on Russian energy, more subject to economic coercion, more subject to economic blackmail. I think

it is better for all parties concerned for Europe to be able to get energy from sources that will not use it as economic black-mail. And were Europe to be importing energy from the United States, that means jobs here at home instead of enriching Putin.

As you know, this committee passed my bipartisan legislation on Nord Stream 2 by an overwhelming bipartisan vote, 20 to 2. That legislation is right now pending on the floor. I am hopeful that the Senate will take it up and that the House will pass it. Our window for getting this done is rapidly shrinking. Our window for getting this done—the current projections are the pipeline will be completed by January, which means we have maybe 2 months to get this done, and if we fail to get it done, we will have vastly strengthened Putin's hands at the expense of the rest of the free world. I hope that the Senate acts, takes it up on the floor and passes it. And the House does as well.

But there is an alternative way to get the job done, which is under CAATSA. The administration already has the authority to impose these sanctions. There is right now an active debate within the administration about whether or not to use that authority. The legislation that has overwhelming bipartisan support is narrowly tailored. It is designed like a scalpel to stop this pipeline and do nothing more. There are five companies on the face of the planet that have the technology to lay the deep-sea pipeline. The Russians lack that technology themselves. They have contracted with two European companies. If Congress passes the legislation or if the administration simply uses its existing authority under CAATSA to implement the same policy—to sanction any company that lays this deep-sea pipe, Nord Stream 2 will stop in its tracks.

So I want to encourage you, Mr. Biegun, to go back to the administration to the debate that is occurring as we speak and make abundantly clear that giving speeches saying the administration is opposed to Nord Stream 2 is a completely empty gesture if the administration is not willing to act under its statutory authority it has right now to stop the pipeline. The strength of the rhetoric, the strength of the denunciations of Nord Stream 2 will be measured by one simple test: did we allow the pipeline to be built or not? And the administration, with a flip of a switch, can stop this pipeline. And so I would encourage you to carry that message back.

There are voices within the administration that are resisting using this authority, and I think those arguments—and in fact, the arguments they are posing is they hypothesize that, “well, maybe Russia has ships that might be able to lay this pipeline after all.” Now, my team thinks that they are incorrect in their assessment. But even if they are correct, the worst outcome is that imposing the sanctions on the companies laying the deep-sea pipe would delay Nord Stream 2 by over a year and cost billions more to Putin, delaying the benefits. The best outcome, and the outcome that I think is likely, is we stop the pipeline altogether. Either way, that is a win-win. So, I would encourage you to carry that to your colleagues.

Mr. BIEGUN. Thank you, Senator. And as you said yesterday, you have also had a chance to discuss this with Secretary Pompeo. I have not seen him since then. He is on travel currently. But I assure you I will follow his lead on this.

The CHAIRMAN. Thank you, Senator.

I am sure you know, Mr. Biegun, that Senator Cruz's passion on this is not limited to Senator Cruz himself. This is widespread here in this institution. He speaks for the vast majority I think of the United States Congress on this issue.

Senator Markey, you are next.

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

Mr. Biegun, thank you for your service in government and leading our diplomatic outreach in North Korea.

On Monday, a senior advisor to Kim Jong-un rebuffed the suggestion from the administration to hold another summit. Meanwhile, we are 6 weeks away from the end-of-the-year deadline set by Pyongyang.

Mr. Biegun, if Washington and Pyongyang fail to make diplomatic progress regarding North Korea's nuclear weapons program before December 31st, what actions do you believe North Korea will take and how might these actions affect the security of our allies and the United States?

Mr. BIEGUN. Thank you, Senator.

In fact, we have seen an unprecedented surge in North Korean statements, not limited to the statement that you referred to, which is surprising, almost unprecedented in discipline in North Korea on the way they communicate to us. And it has caused us to ponder a bit about what is exactly going on in Pyongyang. A number of officials—in fact, over the last week, we have had seven statements under the name of five different officials on various elements of this.

Let me say clearly we have never proposed another summit with the North Koreans. It is possible that there would be another summit between President Trump and Chairman Kim, but the President has expressed the view that we should have a deal or a near deal in order to ensure such a summit actually produces an outcome that delivers on the vision of the two leaders.

Let me say likewise there has been some suggestion that I have appealed to the North Koreans to meet again in Stockholm. And let me be clear. While we are willing to do so, we would do so at the invitation of the Swedish government that has reached out to us and to the North Korean regime directly.

On a third point, on the year-end deadline, we do not have a year-end deadline, Senator. We have been at this for 25 years, and we will be at this as long as it takes. That is an artificial deadline set by the North Koreans, and unfortunately, it is a deadline that they have set upon themselves now. That does not make it any less worthy of our attention, but it is not our deadline. It is their deadline, and they put that on themselves.

You asked me what kind of provocations that we might expect in the aftermath of that. I can imagine that we could see a possibility of going back to some of the more provocative steps that preceded the start of this diplomacy to begin with. I think that would be a huge mistake and a missed opportunity by the Democratic People's Republic of Korea. The window for diplomacy is open.

Senator MARKEY. If I may, President Trump tweeted to Kim on Sunday, see you soon. So I am not saying he said let us have a summit, but see you soon—when the presidents of two countries

meet, that is a summit. That is the President perhaps engaging in diplomacy around the State Department. I do not know. But that is how he operates. And if that is a message sent to Pyongyang, then the message that came back is saying that is not going to happen. That was on Monday of this week.

Mr. BIEGUN. Senator, can I just comment briefly on that?

Senator MARKEY. I just have a couple questions.

Mr. BIEGUN. Sure. Yes, sir. Go ahead.

Senator MARKEY. So has North Korea continued to produce fissile material for nuclear weapons since the leader level summits began?

Mr. BIEGUN. Senator, in this setting, what I would say is we have no evidence to suggest that they have stopped.

Senator MARKEY. So that means your answer is yes. Is that correct?

Mr. BIEGUN. Yes.

Senator MARKEY. Has North Korea continued to test nuclear-capable missiles that can target our allies in South Korea and Japan, as well as American forces in the region?

Mr. BIEGUN. As I said, North Korea has—as I said earlier, Senator, we have seen no meaningful or verifiable evidence that North Korea has begun the process of denuclearization, taken the steps that we are asking.

However, Senator, we look at this holistically. There are a whole range of—

Senator MARKEY. Is the answer yes that they continue to test nuclear-capable missiles?

Mr. BIEGUN. That is correct.

Senator MARKEY. And next, do shorter-range missile tests help North Korea advance its intercontinental ballistic missile program?

Mr. BIEGUN. One can presume that they learn things from the short-range ballistic missiles that can be scaled up.

Senator MARKEY. Yes. So they continue to proceed. We have not, in fact, tightened up those sanctions to a level where Kim knows that we mean business. I think it is, again, a continuing problem. And as North Korea does advance its nuclear weapons or ballistic missile programs, your role is going to be even more important, and you are going to be in a position to perhaps do something about it so that you can make the recommendations as to how tough we have to make these sanctions to bring him to the table.

And finally, North Korea also engages in systematic human rights violations. Last year for the first time since 2013, the U.S. Ambassador to the U.N. failed to place on the Security Council agenda an annual meeting to discuss North Korea's abuses. I am putting together a letter from members here to Ambassador Craft to make clear that the meeting must return to the agenda because from North Korea to Cambodia to Turkey to Saudi Arabia to Burma, we are seeing an explosion of human rights violations.

Mr. Biegun, what steps would you take to help the United States strengthen our claim to moral leadership in the human rights area?

Mr. BIEGUN. Thank you, Senator. And let me also thank you for your many years of leadership on the issue. I know that you come

from a point of passion on this, as traced back the full 25 years of our diplomatic efforts.

Senator, we are grappling with a challenge that was fully manifested by the time President Trump took office and one which drove us to an unprecedented level of tensions in 2017, only to pivot to a diplomatic opportunity in 2018 that I continue to believe is possible. I believe the President's direction is sound. I have interactions with him on this issue. His inputs on this have almost—in fact, in all cases advanced what we are trying to do, including his tweets and his public messages, which are very specifically intended to reassure the North Koreans that we are prepared to engage seriously in this diplomatic—

Senator MARKEY. My time has expired. I would just say but when it is not on the agenda of the Security Council, that sends another signal to Kim.

Mr. BIEGUN. Senator, we continue to—

Senator MARKEY. The more pressure that we apply by having other countries have to deal with it, it is the more pressure Kim—

Mr. BIEGUN. Senator, we continue to make this issue a high priority. Just in the last week in the Third Committee of the United Nations, there was a similar resolution. It did not generate a very positive response by the North Koreans. In fact, one of those seven messages from five different authors that we received in the past week was a blistering denunciation, but that does not deter us, Senator. We have values that we will pursue around the world regardless of the country with whom we are interacting.

My view is that if we could advance down the road some of the objectives that the President and Chairman Kim have decided, we can find an easier way to have this discussion on sensitive issues which heretofore have not been on the agenda, at least the bilateral agenda of the United States and North Korea. It is challenging. It is one of the most difficult issues we wrestle with when it comes to North Korea. But I can assure you we are not shying away from American values on these issues.

Senator MARKEY. Put it back on the Security Council agenda. That will prove we are not shying away.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Markey.

Senator Murphy, you are next.

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

Good to see you, Mr. Biegun. Thank you for your interest in continuing to serve.

The ranking member referenced in his opening round of questions the absolutely earth-shattering testimony that we are hearing today from Ambassador Sondland testifying that under the President's orders, he and others were engaged in an effort to try to get the Ukrainian government to investigate or launch investigations connected to the President's political rivals in exchange for access to the White House and the release of security aid.

This is a really serious moment when we are learning that many, if not most, of the people at the top of America's national security leadership were asked to do things that they knew were wrong, but

they did them anyway. And they are now testifying to that in droves before the committee.

And so I do not want to dwell on this with you, but I do not think it is sufficient for you to avoid sharing with this committee your judgment on some of the most egregious events that are being detailed and upon the principles that are at stake because you are going to be in a position in which you may have to deal with similar instances, if not identical instances, especially if there are no consequences handed down for this behavior.

So let me just ask you two questions. One is a principle-based question and one is a question based upon at least one fact that has unequivocally emerged.

The first is a principle-based question. Is it ever proper to withhold access to the White House or security aid as leverage to secure political help for the President?

Mr. BIEGUN. Senator, I take my lead from the Senator from my home State of many years ago, Arthur Vandenberg, who suggested that politics best stop at the water's edge. I think that goes into the conduct of our foreign policy worldwide, and that is the dictum that I will abide by.

Senator MURPHY. The answer would be that it is not proper.

Mr. BIEGUN. It is not something I would recommend.

Senator MURPHY. Second, a fact-based question. You acknowledged that Presidents have relied sometimes on outside advisors both for domestic policy and foreign policy, and I do not deny that. There is certainly a history of relying on outside individuals to help advance the goals of the President of the United States.

But Rudy Giuliani was and still does openly advertise himself as representing the political interests of the President. He does not represent that he is helping to effectuate the national security goals of this country. He is unabashed in his representation that he is there to represent the political interests of his client, Donald Trump.

And so do you believe it was proper for Rudy Giuliani to play a role in U.S.-Ukraine policy?

Mr. BIEGUN. Senator, I do not know what qualifications an individual like that would bring to these issues, and as I said earlier to Senator Menendez, I do not have firsthand knowledge of what role he played or what he was telling the President or what opinions the President formed based upon what he was telling him.

I will tell you in my experience—and all ultimately I can be judged upon is the record of my own experience and my own reputation. I understand we will be challenged. I will be challenged both on policy issues, as well as issues of propriety, and that would happen in any administration, Senator. I have a record of not interjecting politics into the foreign policy of the United States. I work with a team of a dozen professionals at the State Department. I do not know their politics, and I do not care. Using somebody for any purposes other than to advance the policy is not something that I intend to pursue or would recommend pursuing.

Senator MURPHY. Listen, I do not think we have any other choice than to take you at your word. But we have had plenty of other nominees for important posts at the State Department who have sat in that seat and testified the exact same thing to us. And then

when they were confronted with these requests to put the political interests of the President before the national security interests, they might have complained privately and now they are complaining publicly, but for the most part, they implemented those.

Mr. BIEGUN. I understand your skepticism, and I understand the degree of concern you bring, Senator. But I want to say these are more than words. This is also my background and my experience. It is a model that I have followed.

Senator MURPHY. I appreciate that.

I will not ask you to give a long answer to this question, but you and I have talked about the really damaging diminution in U.S. diplomatic presence in Iraq. We had 2,000 diplomats there in 2012, which was a very dangerous time. Today reportedly we have 15 State Department officials working directly on core diplomatic functions, and it is not coincidental that Iraq is beginning to unravel as the United States has pulled out. It is no longer justified based on security threats to have this minimal presence because we had even greater security threats confronting our diplomatic personnel for long portions of our time in Iraq. We need to find a way to get our folks back into Baghdad before we lose everything that we have gained in that country.

Can you at least today just commit to me—I mean, there is news that this is permanent, that the Secretary has made a decision that we are just out of Baghdad, and that would be disastrous for U.S. national security interests. Can you just make a commitment to give a very hard look at our presence in Baghdad and see if there is a way to get our people back in?

Mr. BIEGUN. I will, sir.

Senator MURPHY. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator KAINE?

Senator KAINE. Thank you, Mr. Chair.

And, Mr. Biegun, thank you for your service. You have done a very good job in your current role in my view. It has not borne the fruit we would want, but that is on North Korea, not on you. And I think you have been creative, and I appreciate your persistence in that role.

One of the things you told me when we talked, which I found fascinating, is the challenge of being an American diplomat when the people you are sitting with across the table are afraid. You mentioned that some of them put a tape recorder on the table when you start talking, and they are not taping you. They are taping themselves because others want to listen to them and see if they have done a good job. It is a hell of a thing to be a hard-working public servant and worry about whether doing your job will cost you your career or cost you your safety or even cost you your life. And that is something we might expect—and condemn—from another country. That is not something that should ever be thought of about the United States.

You have an ambassador who is a career Foreign Service officer who was fired under highly unusual circumstances, and the person who currently occupies your position, John Sullivan, told her she had done nothing wrong. He confirmed that in testimony here last



week. So her career has been significantly affected. When the American with the loudest bully pulpit in the world says that she is bad news and then tweets out that she may bear some responsibility for the internal disarray in Somalia, her career has been affected.

It is more than just career. There is reporting in the *Wall Street Journal* and *Reuters* and other publications that the Army is now assessing whether they need to move one of the witnesses who has testified in the House, Lieutenant Colonel Vindman, who lives in Virginia—whether they need to move him to a military base to protect him because of allegations that have been made about his loyalty, about his patriotism, about his character, and about his judgment.

If you are confirmed into this role, you will be chairman of something that is called the “D Committee,” which I understand is the committee within the State Department that is sort of the key committee dealing with personnel. The D Committee is an internal body that reviews career candidates to serve as chiefs of missions, ambassadors, and deputy assistant secretaries, and makes recommendations to the Secretary for such positions. A key responsibility, should you be confirmed, is the assessment, of the promotion of, the protection of people who are at the State Department.

Will you commit to me that you will do everything, should you be confirmed, to protect State Department employees from any political retaliation because of their good faith public service?

Mr. BIEGUN. Yes, Senator. You have my commitment, and if confirmed, I will take those responsibilities very seriously. These folks are my colleagues. They are my team, and they are my friends.

Senator KAINE. Thank you for that. Thank you for that.

This morning, just coincidentally, I had a hearing in the Armed Services with the Deputy Secretary of the Department of Defense, so it would sort of be your equivalent, should you be confirmed, at the DOD, David Norquist. And we asked him about a letter that he sent to—it is dated October 22, 2019—I will put it in the record—to Daniel Levin, who is an attorney at White & Case.

[The material referred to is located at the end of this hearing transcript.]

Senator KAINE. And it was a letter sent to him because Mr. Levin is an attorney who was retained by Laura Cooper, who is a DOD Assistant Secretary of Defense for Russia and Ukraine. It looks to be a boilerplate letter that is being sent to those who are being summoned to testify before Congress.

The letter in its kind of operative paragraph says, this letter informs you and Ms. Cooper of the administration-wide direction that executive branch personnel cannot participate in the impeachment inquiry under these circumstances. The letter goes on to say, in the event that the committee issues a subpoena to compel Ms. Cooper’s appearance, you should be aware that the Supreme Court has held in *United States v. Rumely* that a person cannot be sanctioned for refusing to comply with a congressional subpoena unauthorized by House rule or resolution.

Do you know whether the State Department is sending this kind of a boilerplate letter to State Department employees who are being asked to testify to Congress?

Mr. BIEGUN. I do not know, Senator. But I do know that our Under Secretary for Management, Brian Bulatao, has sent a letter to the ranking member of the committee just recently in which he reaffirmed that State Department employees testifying under oath in front of the House review committee will not face any disciplinary action, that the State Department is seeking to provide provision for offsetting legal expenses for those people.

Senator KAINE. That is helpful.

Mr. BIEGUN. Their travel is and meeting the requirements of the committee will be—

Senator KAINE. And you intend to honor that commitment.

Mr. BIEGUN. It is our commitment.

Senator KAINE. Right. Thank you.

Your predecessor, John Sullivan, was here recently, and he was asked by Senator Menendez during his confirmation hearing for the Ambassador to Russia position whether he thought, quote, it is ever appropriate for the President to use his office to solicit investigations into a domestic political opponent. I appreciated that Deputy Secretary Sullivan was unequivocal. This was his response. Quote, soliciting investigations into a domestic political opponent? I do not think that would be in accord with our values.

Do you agree with that testimony of the person whose office that you might be approved to?

Mr. BIEGUN. First of all, I hear Deputy Secretary Sullivan's voice in that comment.

Senator KAINE. With the Boston accent.

Mr. BIEGUN. And he is somebody for whom I have a lot of respect, and I would not diverge from anything he said, Senator.

Senator KAINE. So you do affirm the principle that he testified to.

Mr. BIEGUN. My view is that we need to leave the politics at the water's edge.

Senator KAINE. Thank you.

One last question. Were you involved in the decision—I think I know the answer to this, but just for the record—that was recently announced by the Secretary of State that the United States would overturn decades of policy and no longer consider settlements in the West Bank a contravention of international law?

Mr. BIEGUN. Senator, I have not yet had the pleasure to expand my portfolio beyond North Korea. I look forward to taking on the full range of issues in my responsibilities as Deputy. But prior to confirmation, I have not had any—

Senator KAINE. Do you know whether it is still United States policy to support a two-state solution with a nation of Palestine and a nation of Israel living side by side in peace?

Mr. BIEGUN. My understanding is the common denominator in all of these policies over the past 2 and a half years is to create a basis for the two parties themselves to agree on all of these issues. I do not know the specific answer to your question, but I expect that as Deputy I will have enhanced responsibilities for the

Middle East. And that is an issue that we will certainly be prepared to continue to discuss with the committee.

Senator KAINE. Thank you.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you.

Senator Menendez?

Senator MENENDEZ. Thank you, Mr. Chairman.

Mr. Biegun, just a few final questions.

In reference to Mr. Cardin's statement, which I fully endorsed, that questions for the record here are going to be very important, many of Deputy Secretary Sullivan's QFR responses on issues under the Deputy's purview were either incomplete or unacceptable. So we are going to be resubmitting these questions for you. They are not specific to him. They are specific to the position. And I hope that we get a better response this time around.

I want to follow up on both Senator Murphy's and Senator Kaine's question because you are very artful in how you express yourself even though I thought you were a lawyer. So that is how well you do. But you said in response to Senator Murphy, it is not something I would recommend. And you have just repeated to Senator Kaine that I believe politics must end at the water's edge.

That was a statement used as it relates to Members of Congress, particularly of an opposing party of whoever an administration is, not to ultimately engage in criticism abroad of an administration's policies here at home. And that is something I have tried to embrace during my time in nearly 30 years in Congress on the Foreign Relations Committee in the House and the Senate.

But that is not the question. The question that was posed to you, do you believe that it is proper to ultimately create a condition to access to a meeting with the President of the United States and/or to withhold security assistance to a country for the political purposes of a domestic political opponent—to review a domestic political opponent.

So I ask you the synthesized question. I am not talking about Ukraine right now. I am talking about in a broader context. Is that proper?

Mr. BIEGUN. In principle, no.

Senator MENENDEZ. Okay.

Now, does it trouble you that the Department has not come out in a forceful defense—actually forget ?forceful?—any defense of Ambassador Yovanovitch, not when she was smeared with no basis, not when she was attacked by the President, not on Friday?

I am deeply troubled by it. I happen to know Ambassador Yovanovitch. She has had confirmation hearings here, including for her position in Armenia, as well as Ukraine. I asked her really tough questions, as I am asking you. I have the deepest respect for her as a career Foreign Service officer. But there is no defense of this Ambassador.

And I bring her up because this is the crystallization of what we have been trying to ask you in a broad context about how you are going to stand up for the Foreign Service people. Are you in any way upset by the way she has been treated?

Mr. BIEGUN. Senator, I am going to start with the point that every—it has been much mentioned in the past weeks, which is all

of us, myself included, as presidential appointees serve at the pleasure of the President. I know you are not questioning that, and I know you are not questioning the prerogatives of the President to make changes in his personnel for the reasons that he chooses. And I have seen over 30 years those types of personnel changes for many different reason, performance-related, policy disputes, in some cases because one official coveted the position of another official and used sufficient influence inside the administration to supplant them and take the position. In general, Presidents have this authority and it is unconstrained.

In regard to Ambassador Yovanovitch, I know her. And we are not close. I have not seen her in many, many years, but we worked together when she was in Moscow as a young political officer and I was working closely with Russia in a different respect. And I found her to be a very capable Foreign Service officer. And through friends and colleagues that remained in close contact in working with her over the years, my esteem has done nothing except grow for her.

It is clear to me that an outside party based in Ukraine slandered her, and that information flowed through media outlets and through other conduits into the government. And I do not know from that point at which—what perceptions were formed, why decisions were made, or on what basis.

Senator MENENDEZ. And I must be honest with you. It is less than satisfying.

Mr. BIEGUN. Well, Senator—

Senator MENENDEZ. I gather everything that you said. I am not questioning about the discretion of the President to have people serve at his will. I get that. I do not dispute that.

The question was very simply whether someone, a career Foreign Service officer, a distinguished Ambassador who, by the way, whose term in Ukraine was extended before it was abruptly ended—so you do not extend someone who is not doing a job there—who was extended before it was abruptly ended ultimately should be demeaned in the way that she was because you can serve at the pleasure but not have to publicly demean someone, undermine someone, not stop the smear campaign that was going against her, which was fallacious.

So I mean, it is not what I really want to hear from the person who is going to be the Deputy Secretary. I want to hear what happened to her for whatever reasons happened to her was not simply right, and as the Deputy Secretary, I would not tolerate it if it was under my administration. So I did not hear that from you.

Now, let me turn to—

Mr. BIEGUN. Senator, can I add a comment?

Senator MENENDEZ. Of course.

Mr. BIEGUN. If confirmed as Deputy Secretary of State, that is not how I will approach it.

Senator MENENDEZ. All right.

So one final substance thing. And I am worried. I think you are a very capable guy, but I am worried that you want to keep the North Korea portfolio, which I understand you have invested a lot of time and have a lot of knowledge in, and at the same time be the Deputy Secretary of State and if I am right—I might be totally

wrong, but if I am right, maybe very well the Acting Secretary of State. That is a huge, huge portfolio. And so are we not setting you up for failure in one of the two?

Mr. BIEGUN. Senator, I have been careful throughout the process of talking to members of this committee, as well as my internal meetings at the Department of State, to be mindful in this new position I cannot boil the ocean. I cannot take on everything.

But I have spoken to my predecessors, to Deputy Secretary Sullivan, to Deputy Secretary Blinken, to Deputy Secretary Burns, Deputy Secretary Zoellick, to Deputy Secretary Armitage, to Deputy Secretary Negroponte, Democrats and Republicans from across the last two administrations, to get their advice on many things, large and small, including this point. And the constant in that is that the Deputy Secretary does need to take the lead on some of the most important issues because it will add weight and empower the broader team that are working on that issue.

I understand your concern, and it is well placed that if the Deputy Secretary becomes overstretched, then they do not do anything well if they are trying to do everything well.

I am blessed with a phenomenally talented team. There will be some reorganization underneath me and there will be some reorganization, if confirmed, in the Deputy Secretary's office to allow for the Deputy Secretary to play a more substantial role in this. I do not think it is just a prudent step. I think it creates additional opportunities for us—

Senator MENENDEZ. I have raised the concern. You are fully aware of it, and I will trust that if you are confirmed, you will use your judgment if at some point in time you cannot fully function in both positions.

Mr. BIEGUN. Yes, sir, I will.

Senator MENENDEZ. And then finally, Secretary Pompeo was here I guess almost 2 years ago. I asked him a series of questions about our goals as it relates to North Korea. So I would like to ask you a series of simple yes or no questions today about the elements of a deal that Secretary Pompeo agreed to before this committee in testimony as being essential to any deal with North Korea and which he told us that, quote, did not need to worry, end quote, about the administration's ability to achieve within a year. That was 2 years ago.

So yes or no. As of today, do we have an agreement in writing with North Korea that the current nuclear test suspension must continue—

Mr. BIEGUN. No.

Senator MENENDEZ.—that denuclearization means the dismantlement or removal of all nuclear weapons facilities, technology, and material from North Korea?

Mr. BIEGUN. We have no agreed definition.

Senator MENENDEZ. That North Korea will end the production and enrichment of uranium and plutonium from military programs?

Mr. BIEGUN. We have yet no agreement on that point.

Senator MENENDEZ. That North Korea will permanently dismantle and disable its nuclear weapons infrastructure, including test sites, all nuclear weapons research and development facilities,

particularly with respect to advanced centrifuges and nuclear weapons enrichment and reprocessing facilities?

Mr. BIEGUN. We have no such agreement although that remains our goal.

Senator MENENDEZ. That North Korea will put forward a full, complete, and verifiable declaration of all its nuclear activities.

Mr. BIEGUN. At an appropriate point in the process.

Senator MENENDEZ. Do we have that in writing from them?

Mr. BIEGUN. No, but it is part of—

Senator MENENDEZ. My premise question goes to all of these.

Mr. BIEGUN. It is baked into our basic negotiating approach with North Korea, which partially explains, Senator, why this process has been so difficult. We are placing some very significant demands in front of the North Koreans.

Senator MENENDEZ. That North Korea has agreed to robust restriction to assure that nuclear material technology and expertise are not exported.

Mr. BIEGUN. That remains our priority.

Senator MENENDEZ. But when you say "remains our priority," I just want you to—

Mr. BIEGUN. We do not have an agreement on that issue.

Senator MENENDEZ. We do not have a written agreement.

Mr. BIEGUN. No, sir.

Senator MENENDEZ. As a matter of fact, on any of these issues that North Korea continue its—let me just go through them so you do not have to go through each one of them unless there is one that is in writing. Then I would like to know about it.

North Korea will continue its current missile test suspension, including all ballistic missiles and any space launch, and has agreed to the dismantlement of all ballistic missiles and a prohibition on all ballistic missile development; that like nuclear technology, North Korea has agreed to sufficient safeguards to assure us that no ballistic missiles and associated technologies are proliferated or exported; that North Korea will submit to a robust compliance inspection and verification regime for its nuclear and ballistic missile programs, including complete access to all nuclear-related sites and facilities with real-time verification and including anywhere, anytime inspections and snapback sanctions if North Korea is not in full compliance; that any agreement is permanent in nature with no sunsets on its provisions; that progress on sanctions relief should be dependent on dismantlement and removal of North Korea's nuclear weapons and ballistic missile programs; and finally, that any deal that gives North Korea sanctions relief for anything other than the verifiable performance of its obligations to dismantle its nuclear missile arsenal is a bad deal.

Are there any of those things in writing?

Mr. BIEGUN. No. That is a very accurate description in detail of our negotiating objectives, but we do not have that agreement in place yet to cover those issues.

Senator MENENDEZ. So my concern is that we are now moving into the final year of the administration, the ability to achieve such an agreement. If after nearly 3 years of such a negotiation and some unprecedented steps by the President, his personal input into such a situation, with greater missile tests than we have had cer-

tainly in the last year, do we really think that there is an opportunity in this closing window to actually get to such an agreement based upon what the Secretary told the committee was necessary for such an agreement?

Mr. BIEGUN. Senator, the answer is yes. We still believe that that is possible, and it amplifies, Senator, the reason why I am so personally devoted to this. I think there is a possibility here.

The President is trying to reverse 70 years of history on the Korean Peninsula. The President's policies have given us an opportunity in a manner that has not been tested before to get a different outcome after 25 years of wave after wave of negotiations by administrations on both sides that have successfully been unable to achieve the goals that you just laid out. And each day that passes, each administration that has succeeded leaves us with ever-more limited choices and an ever-more grave challenge on the Korean Peninsula.

But there are two ways for us to make sure that North Korea becomes a permanent nuclear weapons state. The first is to accept it. The other is to abandon our efforts to reverse it.

We are not going to abandon our efforts, Senator. Our goal is the complete, verifiable, irreversible denuclearization, or as we frame it, the final fully verified denuclearization of the Korean Peninsula. We believe that has to be our goal. It is not easy, Senator. It has not been a pleasurable 16 months. It has not been 3 years. It has been a year and a half since the Singapore summit, but 3 years into the administration. The President got us to the table. With Chairman Kim, they have agreed on a framework of commitments in Singapore that if we can make progress in each of these areas in parallel and simultaneously, we can begin untying this knot that is cinched so tight after 70 years.

I appreciate how formidable this task is. I probably know as well as anybody in the United States government how substantial this challenge is, Senator, and I am not Pollyannaish. But I am committed, as is the President of the United States.

Senator MENENDEZ. I would just say in closing getting to the table has never been a difficult thing. Both Republican and Democratic administrations have been at the table with the North Korean regime. Actually getting an agreement that is worthy, yes, that has been more formidable.

Mr. BIEGUN. Senator, I am not claiming victory. Trust me.

Senator MENENDEZ. I did not suggest you were. I am just trying to accurately test the—I will call the aspirations versus the reality that we are facing and the time frame we have to achieve such a goal, not that it cannot be pursued in the next administration, whoever that might be. But I think it is unrealistic from what I have seen and how Kim is acting and what he is insisting on, the same game we have seen 100 times where he basically cajoles then threatens, acts in certain ways in order to receive a response. And at the end of the day, when we have had somebody who is an international pariah now brought by the President through his direct diplomacy out of that role of pariah into a more accepted state where we stopped our defense engagement in terms of active exercises in the region, which I think are incredibly important, and several other things, that I am not sure that after making some extraor-

dinarily different moves that we are any closer. So we will look forward to continuing with you in that discussion as it moves forward.

Mr. BIEGUN. Thank you, Senator.

Senator MENENDEZ. Thank you for your, I would say, open engagement here on all of these questions.

Mr. BIEGUN. Thank you, sir. Your skepticism is well founded, and I assure you that I will continue to be accessible to the committee for the kind of private discussions in particular that we have had on this issue in order to make sure that you are aware of all of the sensitivities and strategies that we are deploying.

Senator MENENDEZ. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Menendez.

Mr. Biegun, thank you so much for your service. I think your descriptions of what you are trying to do on the Korean Peninsula are nothing short of heroic. The heavy lift that you have there is I think fully appreciated by everyone here. Unfortunately, we have a political situation in the United States today regarding the President of the United States that really undermines the discussions that take place regarding this. You are to be commended for keeping your eye on the ball and your focus towards trying to obtain what will be a tremendous victory for the American people if we can get this done and for the Korean people and for the people of the world. It is certainly one of the biggest challenges that America has had in recent times.

So thank you again to you and your family for your willingness to serve.

For the information of the members, the record will remain open until the close of business on Friday, including for members to submit questions for the record. When you get the questions for the record, if you would get them back to us as quickly as possible. We want to move your confirmation because of the importance of this position, but we are going to need the responses. So thank you so much.

And with that, the committee is now adjourned.

[Whereupon, at 12:58 p.m., the hearing was adjourned.]

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### Additional Material Submitted for the Record

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#### RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO STEPHEN BIEGUN BY SENATOR JAMES E. RISCH

*Question.* In response to the Venezuela crisis, the U.S. has provided over \$472 million in humanitarian aid, sanctioned over 130 associates of the Maduro regime, and worked with other democracies in the region to invoke the Inter-American Treaty of Reciprocal Assistance (TIAR). The lack of European support for credible measures that would convince Maduro and his accomplices to give way to a democratic future in Venezuela is very concerning.

- What factors explain the general reluctance by the European Union to join other democratic nations in taking credible measures against the Maduro regime? To what extent are European economic interests in Cuba and Venezuela obstacles or leverages to reach a solution to the crisis?

*Answer.* European support for pressure against the former Maduro regime is critical to show that the international community will not stand for Maduro's continued



abuses of power and manipulation of well-intentioned negotiation processes. We have been able to work closely with our allies to implement sanctions, but more must be done. We share information and coordinate in advance of sanctions announcements as a way of encouraging the EU and other European partners to implement their own sanctions and visa restrictions. At the same time, we have made it clear that European-based companies should limit all transactions with the former Maduro regime and the Cuban government, particularly those that may trigger U.S. sanctions.

*Question.* How can the U.S. better work with the international community to increase the pressure campaign on the Maduro regime and support Interim President Guaidó?

*Answer.* We are using a whole-of-government approach to engage the international community to build pressure against the former Maduro regime, including through the Rio Treaty and with the 57 other countries that recognize Guaidó. We will continue to assist Guaidó's efforts to shore up current partners' support while building the international coalition of supporters. We will also continue to identify those responsible for committing and contributing to human rights abuses and corruption that are subject to sanctions or penalties under U.S. law to deter those malign activities.

*Question.* What steps should we take with our partners to encourage them to take a stronger stance and pressure the Maduro regime in support of democracy for the Venezuelan people?

*Answer.* The United States will continue to work closely with our partners in the international community to support the Venezuelan people, interim President Guaidó, and the National Assembly in their efforts to restore democracy. We work closely with our partners around the world to amplify the voices of Venezuela's democratic actors, including as they peacefully protest against the former Maduro regime. At the same time, we urge partners to exert more pressure, either through sanctions or other measures, to drive Maduro to negotiate in good faith toward free and fair presidential elections.

*Question.* The Merida Initiative is the cornerstone of U.S.-Mexico security and rule of law efforts and has strengthened our law enforcement partnership to address drug trafficking and crime. However, the future of the Merida Initiative remains unclear, as Mexican President Obrador has shifted Mexico's security strategy to a softer approach. Organized crime and violence in Mexico has since increased, seeing record violence in 2018.

- How would you rate our bilateral law enforcement cooperation with the national authorities in Mexico?

*Answer.* My understanding is there is strong bilateral law enforcement cooperation between both countries and we will remain closely engaged with the Mexican government to ensure this remains a high priority. As evidenced by the brutal killing of American families recently in the state of Sonora and the many ruthless attacks against Mexican citizens by the cartels, transnational criminal organizations pose a serious threat to both Mexico and the United States. Our governments must strengthen our collaboration to address these mutual challenges, including through law enforcement cooperation. Effectively addressing these shared challenges requires a comprehensive approach to counter narcotics, removing illicit profits from drug traffickers and addressing the trafficking of arms and money from the United States to Mexico.

*Question.* Are existing U.S. law enforcement training authorities sufficient for the United States to successfully train subnational-level law enforcement agencies in Mexico and other Latin American countries?

*Answer.* Yes. Within our authorities, we are able to effectively target capacity-building needs in partner countries. The Bureau of International Narcotics and Law Enforcement utilizes a variety of partners to train law enforcement agencies at various levels in Mexico and other Latin American countries, relying on the expertise of U.S. federal, state, and local law enforcement, determined by an analysis of how best to meet partner institution needs.

*Question.* The countries of Sudan and Ethiopia are in the midst of major transitions that, if successful, would represent a tectonic shift in the democratic trajectory of the East and Horn of Africa sub regions. Both of these nations are of tremendous strategic importance to the United States.

- Are we prepared diplomatically to increase our support of these democratic transitions? Do you have any concerns that these transitions are occurring with

engagement from global and regional actors from China to Russia, to the Gulf States and Egypt, nations with interests that might be in conflict with our own? Is the United States sufficiently prioritizing engagement with Sudan and Ethiopia?

*Answer.* In both Sudan and Ethiopia, we have unique opportunities to ensure that the efforts of the Sudanese and Ethiopian people are able to achieve our shared goal of democratic transformation. To help these countries succeed, it is imperative that China, Russia, and Gulf states with interests in Ethiopia and Sudan do not undermine the current reform efforts. If confirmed, I will work with our Special Envoy for Sudan and the Bureau of African Affairs to continue to prioritize efforts that provide all required diplomatic support, work with partners in advancing this transition, and counter any elements impeding democracy.

*Question.* How do you see the U.S. role in both the Sudanese and Ethiopian transitions? Do you believe we have a leadership role to play? If so, what do you envision?

*Answer.* I believe that the United States should continue to support the Sudanese people to achieve peace, democracy, and economic opportunity. The United States should continue to lead efforts to mobilize international political and financial support to enable the civilian government to lead the nation to free and fair elections.

We have a historic opportunity in Ethiopia and the United States supports Ethiopia's Prime Minister Abiy Ahmed and the Ethiopian people's democratic aspirations. To spur economic development, the Department seeks to continue foreign assistance efforts and coordinate with like-minded countries to identify foreign investors to counter Chinese and Russian influence.

*Question.* Recently, the African Union has signaled an increased willingness to play a more forward leaning security role and to be more proactive in addressing undemocratic actions of the member states (e.g., "third-termism," coups, peace processes).

- How do you see the strategic partnership between the United States and the African Union evolving as challenges from across the spectrum continue to test democratic institutions and actors in countries throughout the continent?

*Answer.* The U.S. strategic partnership with the African Union (AU) is key to advancing peace and security, democracy and governance, and economic development across the continent. The AU also serves as an important forum for African partners to proactively work through diplomatic and security challenges before they arise, and to provide credible, African-led, multilateral responses to resolve ongoing conflicts and other security challenges. I believe targeted U.S. advisory, technical, and limited operational assistance in coordination with like-minded partners is the most effective way to further the AU's ability to advance these objectives.

*Question.* What can the United States do to better incorporate continental multilateral institutions like the African Union in our diplomatic efforts?

*Answer.* I believe our partnership with the African Union is critical to advancing U.S. strategic interests in Africa. The United States was the first non-African partner to establish in 2006 a dedicated diplomatic mission to the African Union. The African Union is increasingly at the forefront of securing peace and stability on the continent, and it is driving continental economic integration, in particular through the African Continental Free Trade Area.

If confirmed, I will look to strengthen our diplomatic efforts with the African Union Commission and its member states in the areas of peace and security, two-way trade and investment, democracy and governance, health, and opportunity and economic development.

*Question.* South Sudan continues to face one of the worst humanitarian disasters on the continent and in the world. The United States has played a crucial role in meeting the humanitarian needs of the South Sudanese people, as well as the political and economic needs of the world's youngest country.

- Do you believe the United States' diplomatic efforts to date are sufficient?

*Answer.* Bringing a definitive end to South Sudan's civil war and enabling that country's transition to democracy and prosperity is and should remain a diplomatic priority of the United States. If confirmed, I will work closely with the Bureau of African Affairs and other relevant bureaus to implement cost-effective ways to enhance our senior-level diplomatic engagement with key regional countries and institutions. I view U.S. diplomatic leadership as critical in helping the region end this conflict and the suffering of the South Sudanese people.

*Question.* Do the United States' diplomatic efforts sufficiently complement our overwhelming investment in the humanitarian relief and the early efforts of American diplomats to usher through freedom and independence for the South Sudanese people?

*Answer.* The failure of South Sudan's leaders to create the conditions necessary to form a national unity government by their self-imposed deadline of November 12 has shown the need for all of the country's partners to increase their diplomatic efforts to build a definitive peace for the South Sudanese people. If confirmed, I will remain cognizant of both our historic links to South Sudan's independence struggle, and our vast humanitarian investments, as I work closely with our Bureau of African Affairs and other relevant bureaus to ensure effective American diplomatic leadership in partnering with our regional allies to resolve this conflict.

*Question.* The African continent has increasingly become a focus of various global and regional powers. This focus has taken the form of investment, military support, and sometimes malign activities such as resource manipulation, corruption, and negative influence on internal political processes such as elections.

- What must the United States do to ensure democratic institutions and the continent's people are not just bystanders in this global and regional scramble for influence?

*Answer.* American strength and influence lies in our fundamental democratic identity based on individual freedom, the rule of law, and protection of human rights. We champion American ideals as a means of combating the spread of authoritarianism, terrorism, and democratic subversion. If confirmed, I will promote the rule of law and access to justice, respect for human rights, adherence to constitutionally mandated term limits, and strong democratic institutions, including civil society, which are all fundamental to a long-term peace and prosperity on the African continent.

*Question.* Who do you believe should be our partners in this fight for the people and democracies on the continent? Which countries and regions deserve our keen focus in the immediate years ahead?

*Answer.* African countries have made important but fragile gains in democracy and institution building, but there are still too many countries where the transition to democracy is uneven. We need to continue to support democratic governments through diplomacy and development assistance, and encourage new opportunities for democratic transition, especially in places like Angola, the Democratic Republic of the Congo, Ethiopia, Sudan, and The Gambia. We must take advantage of the opportunity presented by reform-minded leaders to build more stable, democratic societies through improving the capacity and governance of core institutions to improve human rights, increase accountability, open political space, and combat corruption.

*Question.* What would you describe as the administration's Africa strategy for the United States? Which tools and tactics would best ensure a U.S. place in the future of Africa?

*Answer.* I support the administration's Africa Strategy's focus on three core objectives: supporting key African states' progress toward stability, citizen-responsive governance, and self-reliance with all of our diplomatic tools; protecting the United States from cross-border health and security threats by early intervention; and advancing trade and commercial ties with key African states to spur sustainable economic growth. I believe the new Prosper Africa initiative can bring a whole-of-government focus to substantially increase two-way U.S.-Africa trade and investment, while the \$60 billion and tools available through the U.S. International Development Finance Corporation could help catalyze private-sector investment and accelerate development.

*Question.* How can we ensure that the more than 1 billion people expected to be added to the African population over the rest of this century view America as a friend and partner?

*Answer.* The United States remains a committed partner to help build a free and prosperous Africa, by advancing economic growth, good governance, and rule of law. This is a critical moment for government and business to invest in young Africans and provide them with tools to face current and future challenges. With programs like the Young African Leaders Initiative, we are taking steps towards ensuring the increasing population benefits from opportunities for economic growth and strengthening their ties to the United States. If confirmed, I will work to promote two-way

trade and investment, support young, talented leaders, and strengthen our economic and security partnerships across the African continent.

*Question.* Cameroon is facing a major security and political crisis driven on the back of ethnic, geographic, and historical divisions, and poorly handled by the host government. Global actors such as the French also have a longstanding colonial history in the country, and a questionable post-colonial record that has aggravated challenges facing the Cameroonian people today.

- What do you believe should be done to ensure the French are more constructive actors in resolving the ongoing civil war in Cameroon?

*Answer.* France is a major donor to Cameroon and has deep ties to the country. If confirmed, I will work with the Bureau of African Affairs to engage with the French and other partners on helping Cameroon through its current challenges, including through multilateral fora. The Department will continue to urge France and other partners to engage closely with civil society and to encourage the government of Cameroon on one side, and separatist groups on the other, to relinquish any hopes for a military solution and to enter into open-ended dialogue without preconditions.

*Question.* How can the United States utilize its multiple international engagements with the French to elevate the Cameroon crisis, and compel the French government to act more responsibly not just in Cameroon but the larger Francophone Africa region?

*Answer.* If confirmed, I will work with the Bureau of African Affairs to keep Cameroon on the agenda in our bilateral relations with France and address Cameroon issues in our international engagements and through multilateral fora. We will continue to call attention to the crisis in the Anglophone Northwest and Southwest Regions of Cameroon. In public and private, we will continue to express our concerns and push our prominent partners to take an assertive role in resolving the crisis. As successful democracies with strong economies, France and the United States are natural allies as permanent members of the U.N. Security Council. Like the United States, France contributes to the development and better governance of sub-Saharan Africa, including Cameroon.

*Question.* Mr. Biegun, I'd like to ask you about the growing number of Americans detained in Russia. There have been several cases this year, most coming to a quick resolution. However, one American, former U.S. Marine Paul Whelan, has been detained nearly a year for alleged espionage, without any evidence produced. One of the State Department's primary responsibilities is to help keep U.S. citizens safe while abroad.

- How is the U.S. government working to bring Mr. Whelan home? Does the case of Paul Whelan bring to light any issues within our consulate response system? Are you comfortable that system is up to current challenges?

*Answer.* The safety and welfare of our U.S. citizens abroad is of the utmost importance to the Department of State and the entire U.S. government. The Department takes seriously its responsibility to assist U.S. citizens who are incarcerated or detained abroad. Paul Whelan's case receives attention at the highest levels of the U.S. government. If confirmed, I will continue to urge the Russian government to ensure a fair and transparent judicial process without undue delay. My team will also continue to monitor Mr. Whelan's case closely and to press for fair and humane treatment, unrestricted consular access, access to appropriate medical care, and due process.

*Question.* Mr. Biegun, over the past few years, the transatlantic relationship has experienced some tension: from the Paris Climate Agreement, the JCPOA, and NATO defense spending, to Chinese investment in 5G, and accusations of unfair trade practices. In these, the U.S. has one position, and Europe has another. While we may not agree on every issue with our European cousins, we must work through them because keeping the U.S.-Europe relationship strong is critical to U.S. prosperity and security.

- How do you view the current transatlantic relationships, including political relationship and the military capabilities of NATO? As Deputy Secretary of State, what would you do to ensure our relationship with Europe stays strong, through our disagreements, in defense, trade, and diplomacy?

*Answer.* Europe and NATO remain America's closest and most capable partners and Allies. We are united by enduring values, shared interests, and the fundamentals of our relationship remain strong. NATO continues to remain the cornerstone of transatlantic security, and our NATO Allies and European partners are who we

turn to first to deal with the full range of global security concerns. Our NATO Allies acknowledge the need to improve burden sharing and are stepping up with increased defense investment, more ready forces, and modernized capabilities, which contributes to all of our collective security, and if confirmed, I will continue to engage our European Allies on these issues as well as how we can address global security concerns.

*Question.* The media has reported that the State Department does not plan to fill the role of Special Envoy to the Russia-Ukraine conflict.

- Is this accurate? If so, through what channels does the U.S. intend to engage the Kremlin on this vital issue?

*Answer.* United States support for Ukraine's sovereignty and territorial integrity is unwavering, and we welcome President Zelensky's commitment to achieving a diplomatic resolution to the conflict in eastern Ukraine. We will continue to support peace efforts through existing diplomatic channels. I am not aware of any plans at present to appoint another Special Representative for Ukraine Negotiations after the departure of Kurt Volker, but I intend to be personally involved in this issue if confirmed.

*Question.* Over the past few years, several of the five Central Asian countries have taken steps to incrementally open up their long-closed countries to outsiders, including the West. For example, Uzbekistan has made several meaningful reforms, such as loosening some media controls, opening border crossings with its neighbors, and liberalizing visa requirements to allow people to enter and exit more easily. There are encouraging signs in the other four, as well. While all five are still considered closed and authoritarian, these are positive developments in a region sandwiched between Russia, Iran, and China.

- Mr. Biegun, how should the U.S. react to these developments? How can we support and encourage more reforms in such a strategic but long neglected region? Should our government and our businesses prioritize engagement and investment in the region?

*Answer.* The United States is committed to supporting the sovereignty, independence, and territorial integrity of the Central Asian states. If confirmed, I will work to grow our partnerships to increase regional economic connectivity and benefit U.S. businesses, improve security cooperation and military-to-military exchanges, and support necessary reforms for the promotion of democracy and protection of fundamental freedoms, such as those begun in Uzbekistan and underway in the Kyrgyz Republic. Annual bilateral dialogues, the C5+1 diplomatic platform, Trade and Investment Framework Agreement discussions, and support for economic and educational reforms are key to building stability and prosperity in the region.

*Question.* In violation of both the 1994 Budapest Memorandum and the Ukraine-Russia Friendship Treaty, Russia's seizure of Crimea, establishment of the Sevastopol military base, and deployment of S 400 missile systems to the peninsula have resulted in a militarization of the Black Sea that is largely surrounded by NATO and non-NATO allies. Furthermore, Russia has used Sevastopol to support its operations in Syria.

- Is the U.S. doing enough to push back on Russia's occupation of Crimea and its militarization of the Black Sea? Are our allies equipped to push back on Russia's violations of this strategic body of water?

*Answer.* As Secretary Pompeo announced in the July 25, 2018, Crimea Declaration, the United States rejects Russia's attempted annexation of Crimea and will maintain this policy until Ukraine's territorial integrity is restored. Our Crimea-related sanctions will remain in place until Russia returns control of the Crimean peninsula to Ukraine. Russia's militarization of Crimea threatens the security of the Black Sea region and is used as a platform for destabilizing actions in Syria and Eastern Mediterranean. The United States has committed over \$1.6 billion in military assistance to Ukraine. NATO adopted a package of measures on Black Sea security in April that includes maritime security training, increased port visits, and strengthened information sharing, as well as deepened cooperation with NATO's partners in the region.

*Question.* For the third year in a row, Congress has rejected efforts to impose deep cuts across the international affairs budget. For the second year in a row, Congress has pushed back against efforts to rescind billions of dollars in previously appropriated funds. Though the Office of Management and Budget (OMB) ultimately abandoned efforts to rescind funds through legally established procedures, the Department of State and the U.S. Agency for International Development (USAID) ex-

perienced significant disruptions this summer after OMB executed a last minute re-apportionment exercise, resulting in programmatic uncertainty and delays, excessive and unnecessary bureaucratic burdens, and the expiration of funds that were intended to advance key U.S. priorities.

- Mr. Biegun, do you support a healthy international affairs budget? Why or why not?

Answer. I strongly support an international affairs budget that advances the Department's core mission to support the United States' most critical foreign policy goals. I understand that recent budget requests have reflected the administration's priorities to advance peace and security, expand American influence, and address global crises, while making efficient use of taxpayer dollars. I value and respect the important role that Congress plays in providing funds to support U.S. government operations and programs, including for the State Department and USAID. If confirmed, I look forward to continuing discussions with Congress on funding for foreign assistance and diplomacy programs.

*Question.* What areas of the budget deserve the greatest attention?

Answer. Above all else, I believe the Department and USAID's budget must support effective American foreign policy, prioritize embassy security and the protection of diplomats and staff, and provide for strategic partnerships and diplomatic progress. It is also important to ensure that the budget makes programs more effective, while increasing burden sharing in order to lessen the burden on American taxpayers and maximize global outcomes. If confirmed, I look forward to working with Congress to ensure these priorities are reflected in the international affairs budget.

*Question.* Experience over the past three years demonstrates that Congress is not prepared to rubberstamp deep, arbitrary, across-the-board cuts.

- Do you have specific recommendations for foreign assistance reforms for congressional consideration? Are you prepared to work with Congress in an open, transparent, and timely manner to achieve strategic, targeted reductions?

Answer. The President's budget request seeks to enable the Department of State, USAID, and other international programs to protect U.S. citizens, increase American prosperity, and advance the development of democratic societies. Continuously reviewing the effectiveness of our foreign assistance programs will maximize the impact of our investments. We must assess what is working, what is not working, and continuously learn and adapt as contexts across the globe evolve. If confirmed, I will prioritize continued coordination with Congress as we deliver strategic, effective, and coordinated resources on behalf of the American people.

*Question.* Will you commit to personally intervene in and engage the non-transparent "foreign aid reviews" that have been underway for the past three years and presumably will continue in order to ensure that final recommendations are informed by the views of the career diplomats and development professionals that actually deliver and oversee U.S. foreign aid programs? If not, why not? If so, how?

Answer. Delivering foreign assistance is an important mission of the Department of State and USAID, and if confirmed, I am committed to working with Congress to ensure it serves our national security interests. The Department will continue to critically review foreign assistance programs to ensure that U.S. efforts carry out the President's direction, align with our core national interests, and maximize the impact of American taxpayer investments. If confirmed, I plan to ensure the voices of career diplomats and development professionals are at the forefront of our work.

*Question.* I strongly support reforms to U.S. humanitarian assistance programs that will enable the United States to save more lives in less time and at less cost. In partnership with multiple administrations, Congress has demonstrated bipartisan support for reforming U.S. food aid programs, in particular. The President has attempted to advance food aid reforms in the past three budget requests by defunding antiquated Title II Food for Peace programs and, alternatively, prioritizing resources for the fully reformed Emergency Food Security Program (funded through International Disaster Assistance [IDA]). Unfortunately, this effort has been undermined by the failure request funds under the IDA account that reflect actual needs.

- Mr. Biegun, what are your views on the nexus between food security and national security? Do you agree that food security is a vital part of national security?

Answer. I agree that food security is a vital component of national security. Food insecurity is a driver of conflict, political instability, social unrest, and migration.

Food and food insecurity are used as both weapons and recruitment tools by terrorist organizations and corrupt governments. Famine and famine-like conditions are a major budgetary expense for the U.S. government and our allies. Additionally, food production shortfalls and global price spikes have implications for our own economy and the well-being of American consumers.

*Question.* If so, are you willing to advocate for a budget level under the IDA account that reflects actual U.S. food aid needs rather than an arbitrary percentage reduction?

*Answer.* The United States takes our role in improving global food security seriously. Through our Food for Peace programs we remain the largest donor of emergency food assistance in the world. Our global food security initiative, Feed the Future, brings partners together to help developing countries transform their food systems to boost growth, opportunity, food security, resilience and stability. If confirmed, I will be committed to making sure this important work is efficient, effective, and funded at an appropriate level, through the most relevant mechanisms.

*Question.* How important is it for U.S. diplomats to regularly get outside of the embassy to engage local populations? How do you assess the current ability of U.S. diplomats to engage face-to-face with local populations at posts abroad? Does the Department need to make engaging outside of our embassies and consulates a higher priority?

*Answer.* The Department prioritizes face-to-face interaction as a core element of diplomacy. We weigh the value of getting outside the embassy against the security threats in any given country. Our officers consider engaging local populations a key part of their jobs, and seek as many opportunities as possible to pursue these engagements.

*Question.* Given the sharp rise in Chinese economic diplomacy across the globe, do you believe that the State Department should increase its emphasis on economic diplomacy, including by increasing the number of economic officers posted abroad?

*Answer.* The Department is focused on confronting unfair economic competitors, including China. I understand the Department is aligning economic work across the interagency and throughout our missions. Part of this work includes assessing our staffing and capabilities. We seek to use the staffing and resources already allocated to the State Department to execute U.S. foreign policy. This year we have assigned, for the first time ever, Foreign Service Officers with China expertise to serve as regional China officers to Europe, Africa, Latin America, South Asia, the Middle East, and the Pacific Islands. Should we find a need for additional resources, the Department will work with Congress to properly resource our economic efforts.

*Question.* State Department coordination with the Department of Defense is a key to advancing U.S. national interests across the globe.

- Do you believe that DoD details to the State Department are an important effort to bolster cooperation between the departments? What about State Department details to DoD? Do you support encouraging and, where possible, providing incentives, for State Department Civil and Foreign Service Officers to participate in non education details to DoD?

*Answer.* The Department of Defense and Department of State Exchange Program, and other mutually beneficial detail opportunities that permit officers from each Department to serve within the other, are critical to increasing interagency understanding, synchronizing our efforts to strengthen relations our partners and allies, and assisting in bridging the diplomacy and defense worlds. We have a shared responsibility for national security and bolstering the work of each other as we cover foreign policy objectives around the globe. If confirmed, I will support these professional development opportunities.

*Question.* Civil service hiring is still below pre-hiring freeze levels and morale has yet to fully recover.

- How do you intend to increase the pace of hiring as well as improve morale?

*Answer.* Eliminating the deficit of Civil Service personnel is one of our top management priorities. The Department has finalized an agreement with the Defense Finance and Accounting Service (DFAS) to outsource pending recruitment requests and DFAS is already on pace to supplement other hiring actions. In addition, I understand that the Department is using policies for shared certificates, direct hiring authorities, Veterans-only announcements, and other non-competitive authorities to comprehensively address staffing shortfalls. Increased staffing, along with an in-

creased emphasis on improving communications, a more supportive managerial culture, and workforce flexibilities are all intended to improve morale.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO STEPHEN E. BIEGUN BY SENATOR ROBERT MENENDEZ

*Question.* The State Department has refused to make Department lawyers available to State Department employees providing information and testimony to Congress in the House of Representatives' impeachment inquiry of the withholding of security assistance to Ukraine. To date, the Department has not provided a single document to Congress on this matter.

- Please describe in detail the steps you will take as Deputy Secretary to ensure that no retaliatory action, demotion, reassignment, transfer, or curtailment of duties or assignment for giving testimony to Congress will occur.

*Answer.* Under Secretary Bulatao wrote to you on November 18, 2019, assuring you that no employee has faced any adverse action by the Department for testimony before Congress on this matter. The Department will not discipline any Department employee for appearing before Congress in response to a subpoena. Department counsel has been made available to every Department employee involved in this matter, both to assist the employee and the employee's personal counsel. Department counsel has also been available to assist employees to prepare for and attend Congressional hearings and interviews. Additionally, the Department has proactively established a program to provide financial assistance with respect to private counsel legal fees incurred by Department employees. Diplomats who have testified before the House have prepared for testimony and appeared before the House while on regular pay status and with approved travel orders so that they have not had to expend personal leave or incur travel-related expenses. If confirmed, I would uphold the Department of State's well-established system for assignments, consistent with U.S. law, to include the Foreign Service Act for assignment of its personnel. If confirmed, I will publicly reiterate this position during my first days on the job.

*Question.* Do you commit that the Department will not seek to interfere with, block, preclude, or dissuade any Department employee or former Department employee from providing any testimony to Congress related to Ukraine/impeachment?

*Answer.* While I have not been directly engaged in responding to this inquiry, I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office and the Department of Justice. I have enclosed an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*Question.* Do you commit that the Department will cease sending any form of written or oral communication to any Department employee or former employee that has the direct or indirect purpose of seeking to dissuade an individual from testifying before Congress on Ukraine/impeachment?

*Answer.* While I have not been directly engaged in responding to this inquiry, I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office and the Department of Justice. I have enclosed an October 8 letter from White House Counsel Pat Cipollone and a November 1 letter from Assistant Attorney General Steve Engel.

*Question.* What steps will you take to ensure the Department produces documents to Congress in a timely and efficient manner?

*Answer.* While I have not been directly engaged in responding to this inquiry, I understand that the Department has been consistent in relying upon instructions and advice from the White House Counsel's Office. I have enclosed an October 8 letter from White House Counsel Pat Cipollone in this regard.

*Question.* How will you work with Secretary Pompeo and push him to respond to Congressional document requests produce documents to Congress in its impeachment inquiry?

*Answer.* If confirmed, I look forward to working with Secretary Pompeo and the White House to review the request. Bullying Concerns: Ambassador McKinley testified before the House of Representatives that he forwarded allegations to senior officials at the Department, including to the current Deputy Secretary, about intimidat-



tion and bullying of Department employees who had been asked to provide testimony to Congress.

*Question.* How do you plan to address concerns of bullying and intimidation at the Department?

*Answer.* While I have not been engaged in responding to this inquiry, if confirmed I look forward to reviewing the allegations of bullying referred by Ambassador McKinley to determine whether any actions are warranted. As a general matter, I do not tolerate bullying in the workplace and, if confirmed, will make clear to the Department's personnel that Secretary Pompeo and I expect a workplace that prioritizes professionalism consistent with the Department ethos.

*Question.* What steps will you take to ensure Department personnel are aware of protections against such prohibited personnel practices?

*Answer.* If confirmed, I am committed to ensuring that all Department personnel operate in an environment that is professional and where bullying and intimidation are not tolerated. I will personally advise employees of their rights and protections regarding prohibited personnel practices. I will ensure our policies in this regard are widely disseminated on a regular basis to raise awareness of protections against these practices. I also commit to coordinating closely with all relevant offices, including the Office of the Inspector General, the Office of Civil Rights, the Director General, and the Under Secretary for Management, to review and update our policies as needed. I do not know the facts and circumstances regarding the allegations discussed by Ambassador McKinley. I look forward to reviewing them if confirmed and taking any appropriate actions as warranted.

*Question.* Do you agree with Secretary Pompeo's statement in his October 1, 2019 letter to the House Committee on Foreign Affairs that the House of Representatives' request for the Department's cooperation in its impeachment inquiry "can be understood only as an attempt to intimidate, bully, and treat improperly the distinguished professionals of the Department of State"?

*Answer.* As I understand Secretary Pompeo's October 1, 2019 letter, he highlighted the fact that the House of Representatives was refusing to allow Department personnel to coordinate testimony with the Bureau of Legislative Affairs and the Office of the Legal Adviser, and was prohibiting Department counsel from being present in depositions to protect classified information and Executive Branch confidentiality interests. Yovanovitch: At your confirmation hearing, you stated that Ambassador Yovanovitch, a 33 year career diplomat, was very capable and your esteem for her has grown over the years. You also acknowledged that an outside party in Ukraine slandered her inappropriately and defamed her character. In a divergence from the Department's current senior leadership, who have remained silent on this subject, you stated that "if confirmed, as Deputy Secretary of State, that is not how I will approach it." However, you did not specify what you would do to defend Ambassador Yovanovitch.

*Question.* How exactly would you have handled the attacks on Ambassador Yovanovitch? Please provide a detailed explanation.

*Answer.* As I said in my hearing, I was not involved in the events surrounding Ambassador Yovanovitch. Without being party to all the circumstances and information, I cannot speculate as to how I would have acted. However, I can tell you about the approach I will take, if confirmed, to leadership and management, reflecting the approach I have taken over the past 30 years in government and the private sector in empowering, supporting, and protecting members of my team and ensuring their work is valued. If confirmed, one of my first acts will be to address the Department workforce and to highlight what I stated publicly at the hearing: I have the utmost respect for the 76,000 women and men serving at the State Department. I will assure Department leaders and their teams that they have the full support and trust of Department leadership as they perform the important work of advancing American interests. As I stated at the hearing, Ambassador Yovanovitch is an example of this professionalism and excellence.

*Question.* Do you think the Department could have and should have done more to publicly support her?

*Answer.* As I have stated, I was not involved in the events surrounding Ambassador Yovanovitch and without being party to all the circumstances and information, I cannot speculate as to how I would have acted. However, I want to highlight my record of supporting members of my team, as well the leadership and management principles I have discussed as being important to me that I plan to carry into the Deputy Secretary position, if confirmed. I will address Department leaders and

their teams and assure them that they have the Department's full support and trust.

*Question.* Please detail how you plan to defend Ambassador Yovanovitch and other Department personnel that have testified in the impeachment inquiry moving forward.

*Answer.* If confirmed as Deputy Secretary, I will reiterate the pledge set out in Under Secretary Bulatao's November 18 letter. I can assure the committee, that if confirmed, I will ensure that Ambassador Yovanovitch, and other Department personnel who have testified in the House proceedings, will not face any disciplinary action for their appearance. I will make this position clear in my interactions with senior Department leaders and their teams. Standing Up for Employees: It is apparent that several State Department senior officials were aware of the "irregular channel" spearheaded by President Trump's personal agent Rudy Giuliani to smear Ambassador Yovanovitch and pressure Ukraine to conduct political investigations. Documents aimed at smearing Ambassador Yovanovitch even made it into the Department and were circulated among senior leaders. Yet, it seems no one spoke up in defense of a widely respected Ambassador.

*Question.* What do you think it says about State Department culture, senior leadership, and fostering an environment where the oath to the constitution is understood and valued?

*Answer.* As I stated in my hearing, one of my top priorities, if confirmed, will be to ensure that we look after our people in order to retain the finest diplomatic corps in the world. A critical part of that is ensuring that the State Department is an environment in which employees feel respected, supported, and valued. I plan to focus on caring for our people, developing their skills, and boosting their resiliency and well-being.

*Question.* Do you think additional steps are necessary to encourage the moral courage and leadership skills so senior officials will stand up and voice their concerns? How will you effect these changes?

*Answer.* Encouraging debate and hearing out dissenting views has long been a principle of my leadership and management style. If confirmed as Deputy Secretary, this will continue to be important to me and I plan to meet early on with Department leaders and their teams to communicate the importance of encouraging debate. Whistleblowing

*Question.* What steps will you take to ensure whistleblowers know their rights, know how to raise concerns through appropriate channels, and are not subject to retaliation for exercising their rights?

*Answer.* If confirmed as Deputy Secretary of State, I will be a strong and consistent advocate for ensuring that all Department employees know their rights and where to report concerns without fear of retaliation. I will personally advise Department employees of their whistleblower rights and the various avenues to raise concerns, working in close coordination with the Inspector General. I will provide assurances to all employees that they will not be subject to retaliation for exercising their rights and will ensure that our policies are widely disseminated on a regular basis to increase awareness of whistleblower rights and protections among all Department employees. Additionally, should any employee be found responsible for engaging in retaliation, I will ensure that he/she is held accountable.

*Question.* What steps will you take to ensure whistleblowers know their rights and are not subject to retaliation for exercising them?

*Answer.* As stated above, if confirmed as Deputy Secretary of State, I will personally advise all Department employees of their whistleblower rights and provide assurances that they will not be subject to retaliation for exercising them. I will ensure our policies are widely disseminated on a regular basis to increase awareness of whistleblower rights and protections among all Department employees. Additionally, should any employee be found responsible for engaging in retaliation, I will ensure that he/she is held accountable.

*Question.* In August 2019, the Office of the Inspector General (OIG) found that senior leadership in the Bureau of International Organization Affairs (IO) targeted career employees for their perceived political beliefs. This month, the IG also found that at least one employee was politically targeted and discriminated against for her national origin and perceived political affiliation. Since the OIG released its findings, the Department has failed to take serious steps to hold perpetrators of political targeting and other prohibited personnel practices accountable. Do you agree that any targeting of or retaliation against career employees based on their perceived po-

litical beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government?

Answer. Retaliation for protected whistleblowing activity or other protected activity has no place in the federal government. I agree that any employee found responsible for engaging in a prohibited personnel practice should be held accountable. I agree that targeting or retaliation against employees is inappropriate.

*Question.* Do you agree that anyone found to have engaged in retaliation should be held fully accountable, up to and including losing their job?

Answer. Yes. Retaliation for protected whistleblowing activity or other protected activity has no place in the federal government. I agree that any employee found responsible for engaging in a prohibited personnel practice should be held accountable.

*Question.* If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

Answer. I take allegations of such practices seriously, and if confirmed, I will ensure that all employees under my leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated. If confirmed, I will ensure that all Department employees are aware of the laws and policies regarding prohibited personnel practices, and that they know how to report violations. I will continue to ensure that all employees are protected from prohibited personnel practices by requiring Department managers to receive training on the laws and policies they must adhere to.

*Question.* What else can the State Department do to prevent and counter retaliation?

Answer. As a leader and supervisor, I am accountable for the employees who work under me. If confirmed, I will ensure that employees know that I will not tolerate violations of merit systems principles. Additionally, the Department will continue to advise employees of their rights through Department Notices and other messages from the bureau of Human Resources, the Office of Civil Rights, and the Office of the Inspector General. I will further ensure that employees receive training on application of merit system principles, and I will take steps to ensure that all Department employees know how to report violations.

*Question.* Will you commit to periodic updates every 60 days regarding progress on addressing retaliation in IO and at the Department for your first six months?

Answer. The Department takes seriously any allegations of prohibited personnel practices, including politically motivated retaliation against career Department employees. If confirmed, I pledge to work with Department leadership to provide periodic updates regarding the progress on addressing retaliation in IO and across the Department.

*Question.* Will you commit to disseminating guidance to empower employees against retaliation and discrimination and warn Department supervisors of the consequences for engaging in such prohibited personnel practices?

Answer. If confirmed, I will ensure that employees understand the Department takes seriously allegations of retaliation or discrimination, and that anyone engaging in such behavior will be subject to disciplinary action, up to and including separation. I take allegations of reprisal seriously. As such, if I become aware of a violation of merit systems principles, I will report the violation to the Office of Inspector General, the Office of Civil Rights, or the Office of Special Counsel as appropriate. I will not tolerate prohibited personnel practices at the Department, and I will ensure that all employees who fail to follow merit systems principles, regardless of rank, will be held accountable.

*Question.* What steps are you taking to address low morale at the Department and in the IO Bureau?

Answer. If confirmed, I will commit to building and maintaining a positive working environment across the Department, domestically and overseas, including the IO Bureau. I plan to work with the Department's senior leadership to ensure that we have a strong, well-resourced workforce, and that all our employees and families have the support they need. The Department takes seriously any allegations of prohibited personnel practices, including politically-motivated retaliation against career employees. The Department is implementing the Corrective Action Plan for the IO Bureau, including through improving communication, mandatory training for IO of-

ficers, and increasing engagement with the Office of the Under Secretary for Political Affairs.

*Question.* Have you personally been made aware of any concerns regarding or reports of prohibited personnel practices during your tenure at State? If so, what actions have you taken to address them?

*Answer.* I have not been made aware of any allegations of prohibited personnel practices relative to my work at the Department. During my tenure, I have observed the vast majority of Department employees adhere to the highest standards of conduct, and I am confident the Department has appropriate mechanisms in place to appropriately investigate and take action regarding allegations of misconduct.

*Question.* This year, the OIG determined that the ill-planned hiring freeze under Secretary Tillerson had a negative or very negative effect on morale for one hundred percent of bureaus and offices at the Department. If confirmed as the Deputy Secretary of State, you will be responsible for improving the Department's approach to its personnel and developing a plan to address these issues moving forward. Please review the OIG's August 2019 report on the effects of the hiring freeze. What measures will you take to undo the extensive damage created by the hiring freeze, cited in the OIG's report?

*Answer.* If confirmed, I commit to support actions to grow Foreign Service and Civil Service staffing levels and bolster morale. Building on work that I understand Director General Carol Perez has already started, I will continue to promote workplace flexibilities and overall workforce agility to ensure the Department remains an employer of choice and competitive in today's talent market. Since the hiring freeze was lifted, the Department has instituted measures to increase Foreign Service and Civil Service hiring, with the goal of reaching employment targets stipulated in the Department's FY 2018 Statement of Managers and funded in recent appropriations. If confirmed, I will continue to build upon these efforts.

*Question.* As you know, the Department is plagued by numerous key vacancies, departures of senior employees, and a shrinking Foreign Service Officer pool. What is your biggest concern and how will you tackle it?

*Answer.* The Foreign Service Officer pool has returned to levels prior to the hiring freeze, and is expected to increase in the upcoming year. Projected intake of Foreign Service Officers for FY 2020 is planned to be higher than normal, and it will be higher than the projected attrition. Attrition among the senior ranks remains stable. Promotions are anticipated to backfill losses with highly talented and experienced mid-level officials. Retaining our people is a critical concern, as they are the Department's greatest asset and if confirmed, I will work closely with our Under Secretary for Management, the Director General and other relevant offices to ensure that we strengthen our retention efforts.

*Question.* In the last three years, the Department has seen its smallest incoming Foreign Service Officer classes in years. Does this concern you? Do you commit to revisit the incoming class numbers and assess whether additional FSOs slots should be approved for this year?

*Answer.* If confirmed, I am committed to assessing Department needs and adjusting intake based on the requirements of the Foreign Service. From my understanding, Foreign Service Officer classes over the past two years have returned to a more stabilized level. Projected intake of Foreign Service Officers for FY 2020 will be at the highest level since FY 2016, well above attrition levels.

*Question.* Do you commit to revisiting the current hiring and promotion policies in place and report back to Congress on what steps you think are necessary to ensure that we have a robust and experienced workforce going forward?

*Answer.* I am committed to assessing Foreign Service employment needs and adjusting intake based on the candidates on the registers and the requirements of the Foreign Service. If confirmed, I will conduct this assessment and report to Congress on steps the Department is taking to ensure that the Department recruits, develops, retains, and promotes the best talent that this country has to offer.

*Question.* Many experienced diplomats have expressed extreme concern about the retention of experienced Foreign Service Officers and civil servants and the impact on the Department's short-and long-term ability to carry out its diplomatic function. Do you agree this is a critical area of concern? What will you do to ensure that we are not hemorrhaging experienced Foreign Service Officers and civil servants, and that the Department will have the experience it needs for the next 5 to 10 years?

Answer. Retaining the Department's diplomats as its greatest asset is a critical concern. Over the past ten years, attrition rates among career employees have been less than four percent for Foreign Service Officers, approximately five percent or less for Foreign Service Specialists, and about eight percent or less for the Civil Service. These attrition rates are lower than the government-wide rates, which from 2014 to 2018 ranged from 12 to 15 percent according to the Bureau of Labor Statistics. Nevertheless, the Department is committed to enhancing workplace flexibilities and overall workforce agility in order to retain an experienced workforce and attract new talent.

*Question.* Will you review all current workforce planning and report to Congress on what additional steps related to staffing and personnel you think the Department should take this year?

Answer. Yes, if confirmed, I will review the Department's workforce plans and work with Congress this year.

*Question.* How many mid-level foreign service officers have left the Department since the beginning of the administration (January 20, 2017)?

Answer. Between January 31, 2017, and October 31, 2019, 270 career mid-level Foreign Service (FS) officers left. Mid-level FS officer attrition rates have been very low and stable, varying from 2.5 percent to just over 3.5 percent across the past 10 years. Retirements, both voluntary and mandatory for the FS at age 65, constitute the majority (over 70 percent) of the attrition. In FY 2019, the overall attrition rate for mid-level FS officers was 3.2 percent, slightly above the FY 2017 rate of 2.8 percent and the FY 2018 rate of 2.9 percent.

*Question.* How many senior foreign service officers have left the Department since the beginning of the administration (January 20, 2017)?

Answer. Between January 31, 2017, and October 31, 2019, 154 career Senior Foreign Service (SFS) officers left. SFS attrition rates vary more than the mid-level because they are a smaller population. Over the past 10 years, the SFS attrition rate has ranged from nine to just over 12 percent, with retirements constituting the majority (over 99 percent) of the separations. In FY 2019, the overall attrition rate for SFS officers was 12 percent, slightly lower than the FY 2017 rate of 12.3 percent and higher than the FY 2018 rate of 10.7 percent.

*Question.* How does the current number of civil service personnel compare to the number on December 31, 2017?

Answer. As of October 31, 2019, the Department's Civil Service full-time permanent employment level was 10,118, which is 385 below the December 31, 2017, level of 10,503.

*Question.* How do you plan to compensate for the loss of expertise with the exodus of senior level officials?

Answer. Attrition among the senior ranks has remained stable. The Department has a deep bench of experienced and capable Foreign Service officers. As is routine in the Foreign Service, promotions of talented and experienced mid-level officers are anticipated to backfill losses.

*Question.* Which bureaus currently face the most difficult staffing challenges? Why?

Answer. Currently, I understand that the Administrative and Management bureaus are the most under-staffed bureaus because these bureaus received few Civil Service hiring exemptions/waivers under the hiring freeze. This includes the Bureau of Administration, the Foreign Service Institute, the Bureau of Human Resources, and the Bureau for Overseas Buildings Operations. The Department has raised the staffing level targets for these bureaus for FY 2020 in order to produce a robust recruitment pipeline that should eliminate a significant part of the staffing gaps that hamper current operations.

*Question.* Does Human Resources need additional tools to help increase civil service hiring? What?

Answer. Increasing Civil Service hiring is a top management priority. The Department is committed to innovation, developing new tools and implementing policies to streamline processes and increase capacity. The Department finalized an agreement with the Defense Finance and Accounting Service to outsource pending recruitment requests. The Department is utilizing Shared Certificates, Direct Hiring Authorities, Veterans-only announcements and other non-competitive appointing authorities. The Bureaus of Human Resources and Diplomatic Security are partnering in order

to streamline the security clearance process to further expedite the onboarding of candidates.

*Question.* Do you commit to taking steps to ascertain the reasons why employees are retiring or leaving the Department?

*Answer.* If confirmed, I am committed to improving how the Department collects information from employees separating from the agency, as well as enhancing the quality of the data so that it can be used to inform our policies and procedures. The Department is updating existing exit survey questionnaires in order to collect more granular data, adopting more agile technology for survey administration, and developing a marketing campaign for the survey launch. I expect that modernizing the process and formally launching the exit survey tool will improve response rates and data distribution throughout the Department of State. If confirmed, I will support all efforts to ensure that this new system is operational as soon as practicable.

*Question.* Does the Department have a formal retention program that provides guidance and support to those contemplating resignation?

*Answer.* The Department supports the retention of a high-performing workforce and continues to facilitate professional development. Foreign Service Officers contemplating resignation may consult with their Career Development Officers for advice and guidance. Resigning officers are asked to complete a voluntary Resignation Questionnaire to provide us insight into their reasons for resigning. This questionnaire is currently being revised. The Department also provides services to all employees to ensure that their professional development is responsive to the Department's needs, to include access to the Career Development Resource Center, which provides one-on-one career counseling both domestically and overseas.

*Question.* Do you or does anyone from the Department interview personnel resigning from the Foreign Service?

*Answer.* The Department does not conduct exit interviews for separating personnel at this time. In lieu of interviews, all Foreign Service personnel separating from the Department are asked to complete a voluntary exit survey. All respondents receive the same questions and can respond confidentially, which limits the introduction of bias in their responses. Low participation rates have prevented the Department from maximizing the exit survey data we have collected; however, I believe participation rates will improve with the launch of the new exit survey this fiscal year.

*Question.* What is your assessment of the Department's ability to retain experienced and talented employees?

*Answer.* I have met and worked with many experienced and talented Department employees. My understanding is that the Department's retention rates have remained steady over the long-term. If confirmed, I will be committed to enhancing workplace flexibilities and overall workforce agility in order to ensure the Department remains an employer of choice and competitive in today's talent market.

*Question.* What else can the Department do to improve the ability to retain experienced and talented personnel?

*Answer.* Employees and family members are the Department's greatest asset. The Department supports retention of talented personnel and offers a variety of professional development opportunities through the facilitation of training and career development for both Foreign Service and Civil Service employees. The Department supports details to other USG agencies and programs for those who wish to pursue advanced degrees. The Department also participates in programs allowing Foreign Service Officers to work for a year in the Foreign Ministry of another country and in the U.S. Congress. The Department offers a variety of work-life flexibility programs such as telework, flexible work schedules, and leave without pay, and is developing additional such programs.

*Question.* What will you do to ensure Bureaus are adequately staffed to respond to pressing foreign policy challenges as well as operational functions of the bureau?

*Answer.* If confirmed, I will support necessary programs to ensure adequate staffing. In FY 2020, the Department is projected to hire Foreign Service Officers above anticipated attrition, consistent with the Department's recent appropriations. For the Civil Service, the Department is taking several actions to accelerate hiring, including finalizing an agreement with the Defense Finance and Accounting Service to outsource pending recruitment requests, and utilizing a variety of other policies to comprehensively address staffing shortfalls. Anticipated employment growth, in both the Foreign and Civil Service, should enhance the Department's capacity to fill

key vacancies worldwide and ensure that Bureaus are adequately staffed to respond to policy challenges.

*Question.* Do you commit to meeting and communicating directly and frequently with career employees? How will you achieve this?

*Answer.* Yes. The Department has no greater resource than our people, the more than 75,000 career employees—Foreign Service, Civil Service, and Locally Employed staff—who work at home and abroad to advance the United States’ foreign policy goals. If confirmed, I commit to engage our career workforce regularly through “meet and greet” opportunities when I travel to our missions overseas, conversations at home and abroad, and meetings with employee groups and unions. I will also leverage technology to enhance employee communication. I understand that Director General Perez and her team have launched creative tools to that end, and I look forward to working with her and the Bureau of Global Public Affairs to connect with our people regularly.

*Question.* If confirmed, you will be charged with representing the interests of the American people and communicating the foreign policy viewpoints of the U.S. government. This includes on any official social media profiles you have. As a February 2019 report by the State Department Inspector General found, a number of Ambassadors have not complied with the Department’s social media policies. Are you familiar with the IG Report? Have you read it?

*Answer.* Yes. In response to the 2019 OIG recommendation, the Department developed and distributed guidance and illustrative examples of the types of postings appropriate for official and personal social media accounts, as well as those that could violate Department policy. Further, the Department is providing employees, including ambassadors and other senior officials, with regular social media policy reminders, and is ensuring that social media policies are adequately addressed during orientation and through regular training. The Department is finalizing a standard operating procedure to assess and address potential violations of social media policies. If confirmed, I commit to ensuring the policy is followed.

*Question.* Have you reviewed the Department’s social media policies?

*Answer.* I have been briefed that in response to the 2019 OIG recommendation, the Department developed and distributed guidance and illustrative examples of the types of postings appropriate for official and personal social media accounts, as well as types of postings that could lead to violation of Department policy. Further, the Department is providing employees, including ambassadors and other senior officials, with regular social media policy reminders, and is ensuring that social media policies are adequately addressed during orientation sessions and through regular training. I commit to supporting the Department’s efforts to ensure that appropriate uses of official and personal social media accounts are followed.

*Question.* Do you commit to following them going forward?

*Answer.* Yes. Pursuant to the Department’s policies, accounts that are or have been used for official communications are considered Department accounts and are either retained by the Department for use by the incumbent’s successor or retired in accordance with applicable records disposition schedules, as appropriate.

*Question.* What are some examples of the types of posts that you understand would require review by the Department?

*Answer.* The personal capacity public communications of all Department personnel must be reviewed if the content addresses a topic “of Departmental concern.” The term “of Departmental concern” is defined to mean “[p]ertaining to current U.S. foreign policy or the Department’s mission (including policies, programs, operations, or activities of the Department of State or USAID), or which reasonably may be expected to affect the foreign relations of the United States.” Further, personal accounts and posts on such accounts must not claim to represent the Department or its policies, or those of the U.S. government, nor may they use any Department or other U.S. government seals or logos.

*Question.* Do you commit to seeking review of any social media posts on a personal account that could be considered a matter of Departmental concern?

*Answer.* Yes, if confirmed, I commit to reviewing all allegations of potential violations of the Department policy and other applicable rules.

#### *Responsiveness*

*Question.* At your nomination hearing, you committed to have a “more forthcoming attitude in providing documentation” to the Senate Foreign Relations Com-

mittee and said “you would be more accessible.” More pointedly, however, do you commit to the following:

- Will you respond timely and promptly to all requests for information from each and every member of this committee?

Answer. Yes, with the understanding that any such effort would be organized through the Department of State’s Bureau of Legislative Affairs and Office of the Legal Adviser and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Will you respond timely and promptly to all requests for documents from each and every member of this committee?

Answer. Yes, with the understanding that any such effort would be organized through the Department of State’s Bureau of Legislative Affairs and Office of the Legal Adviser and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Will you provide briefings in a timely and prompt manner in response to requests by each and every member of this committee?

Answer. Yes, with the understanding that any such effort would be organized through the Department of State’s Bureau of Legislative Affairs and Office of the Legal Adviser and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* How, specifically, do you plan to improve the Department’s responsiveness to this committee?

Answer. As I stated during my confirmation hearing, I intend to emphasize as a leader that a strong foreign policy must include consultation between the Executive Branch and the Legislative Branch. With experience in both branches, I have seen that there are often gray lines that divide the prerogative of the two branches of government, and communication is essential to moving forward. If confirmed, I will do everything I can to work with the committee to respond to what are legitimately the responsibilities and requirements of the legislative branch of government while dutifully representing the prerogatives and protections of the executive branch of government and I will make myself personally available to members of the committee in order to advance this goal.

#### *Investigations by Foreign Power.*

*Question.* Do you think it is ever appropriate for the President to use his office to solicit investigations into a domestic political opponent?

Answer. No.

*Question.* If you discover that this occurs, if confirmed, what will you do?

Answer. I would immediately refer any such actions giving rise to such allegations to the Office of the Legal Adviser and to the Office of the Inspector General for their review to determine whether such allegations should be referred to the Department of Justice for further action.

*Question.* Despite widespread employee concerns that they lack adequate resources and human capital, the Trump administration continues to propose massive budget cuts, including an almost 30 percent budget cut for the State Department in Fiscal Year (FY) 2019 and a 23 percent cut for FY 2020. These budget requests would leave the Department of Defense without strong U.S. diplomatic or development partners. Given the importance of cultivating institutional development expertise within our civilian workforce, I am deeply concerned about the proposed budget cuts to the State Department and USAID and the ongoing staffing vacancies. Given these budget constraints, are you confident that you will be able to put in place the 21st-century workforce your agency needs and demands? Can you share with the committee your staffing plan?

Answer. If confirmed, I look forward to working to align available resources and staffing with strategic priorities, and to advocate for the budget to address potential gaps. It is my understanding that the Department’s FY 2020 budget request would fund existing workforce levels for the Department of State and USAID, and the Department continues to accelerate hiring efforts. I will support Secretary Pompeo in requesting funding that serves national interests and to ensure we have the personnel to support excellence.

*Question.* The State Department should accurately reflect the American people. Unfortunately, we currently have a huge diversity gap in our Foreign and Civil Service workforce, especially at the higher ranks. This committee has specifically in-



cluded language in past years outlining that the State Department Human Resources Bureau has a responsibility to recruit and manage a talented and diverse workforce. If confirmed, what will you do to elevate and embrace the diversity of people, voices, and backgrounds within the State Department's workforce?

Answer. The Department must ensure that each of our colleagues feels valued and respected and has an equal opportunity to develop and contribute their talents. If confirmed, I will meet with employee affinity groups on a consistent basis to understand and support the needs and interests of those groups.

I understand that Under Secretary Bulatao has coordinated the Department's Diversity and Inclusion Strategic Plan (DISP) Taskforce. Each bureau has designated a representative to contribute to the enterprise-wide framework for diversity and inclusion efforts, which include efforts to recruit widely for diversity. I will ensure the DISP is communicated broadly and hold the Department accountable to the established plan. If confirmed, I will ensure that senior leaders prioritize diversity and inclusion in their internal and external mission.

*Question.* Will you commit to fully support the full funding and maintenance of the Rangel Fellows program, and diversity initiatives at large within the State Department?

Answer. Yes. If confirmed, I will continue to support all the Department's diversity programs, including the Rangel Fellows program. A main focus in the Department's recruitment efforts is working with organizations such as the Hispanic Association of Colleges and Universities and placing some of the Diplomats in Residence at Historically Black Colleges and Universities such as Howard University and Florida A&M. Fellowship programs such as the Pickering and Rangel programs provide a pipeline into the Foreign Service and typically account for 20 to 25 percent of Foreign Service Officer intake every year.

*Question.* How do you plan to address that gap and assure that we have a vibrant, robust and diverse workforce at the Department of State?

Answer. The Department's recruitment strategy involves identifying, recruiting, and hiring on merit from the broadest, deepest pool of diverse candidates to ensure a strong pipeline of Civil Service and Foreign Service personnel. To meet these goals and provide nationwide coverage, the recruitment team includes Washington, D.C.-based recruiters with diversity-focused portfolios and 16 regional recruiters, known as Diplomats in Residence. Recruiters engage with undergraduate and graduate students at colleges and universities as well as professionals at national-level associations and conferences. As of September 13, 2019, the recruitment team participated in 208 diversity-focused events this year, specifically geared toward recruiting women, individuals from underrepresented populations, and veterans.

*Question.* What efforts will you make to address inclusion and retention at the State Department with professional development, unconscious bias training, sexual harassment and assault training, and career advancement opportunities?

Answer. The Department's Foreign Service Institute has integrated diversity and inclusion into required training and development for all employees, particularly supervisors, to ensure they are aware of their roles and responsibilities to support diversity and inclusion in the workplace. The emphasis placed on supervisors ensures that they know the laws and rules that prohibit certain personnel practices, as well as those that provide special hiring authorities that affirm the role of diversity in the government. If confirmed, I will fully support these programs.

*Question.* If confirmed, what will you do to support more minority candidates applying and successfully receiving promotions within the Senior Foreign Service?

Answer. If confirmed, I will advocate for programs that advance a diverse and inclusive workforce, with a particular view to promoting minorities and underrepresented groups into the senior ranks. I will also work with the Director General and her team to understand the barriers these groups face and identify possible solutions. I will encourage all pursuing the Senior Foreign Service (SFS), especially those from underrepresented backgrounds, to identify and participate in training and development opportunities throughout their careers to prepare them for senior leadership. If confirmed, I will also encourage current SFS officers to mentor officers of all backgrounds and work to formalize that initiative.

*Question.* In October 2019, President Trump selected his own property, Trump National Doral Miami to host the 2020 Group of Seven (G7) summit before abruptly reversing its decision a day later. The President's selection and the subsequent reversal raises questions about the site-selection process. Do you think the selection

of President Trump's own property for the G7 summit affects the Department's ability to promote transparency and anti-corruption efforts?

Answer. The Department and I remain committed to efforts to promote transparency and anti-corruption efforts. As President Donald J. Trump announced on October 19, the G7 Leaders' Summit will not be held at Trump National Doral in 2020.

*Question.* To the extent the State Department plays a further consultative role in the selection of the G7 site, will you advise the President to select a site that does not benefit him financially, and therefore risk undercutting our global anti-corruption work?

Answer. I understand that neither the Office of Presidential Travel Support nor the Office of the Procurement Executive have been involved in the site selection process for the 2020 G7. The Department is wholly committed to promoting anti-corruption efforts globally, and the G7 site selection process does not impact that commitment.

*Question.* Do you believe that climate change should be on the agenda for the 2020 G7?

Answer. The White House sets the agenda for the U.S. G7 presidency, in consultation with the Department and other cabinet agencies. I understand that the 2020 agenda has not yet been finalized, but the administration has decided to focus our presidency on a "back to basics" G7 Presidency with the following economic themes: rejuvenating incentives for growth and prosperity; rolling back onerous prosperity-killing regulations; ending trade barriers; and opening energy markets.

*Question.* What role has, does, and will the Department play in the agenda-setting process for the 2020 G7, including on decisions such as whether to include climate change?

Answer. The White House sets the agenda for the U.S. G7 presidency, in consultation with the Department and other cabinet agencies. I understand that the 2020 agenda has not yet been finalized, but the administration has decided to focus our presidency on a "back to basics" G7 Presidency built primarily around economic themes.

*Question.* Does the Department have a total estimated budget for the 2020 U.S. Chairmanship of the G7 in its entirety, including a total estimated budget for the 2020 G7 leader-level summit, and including the Department's portion? What is that total? Please do not refer to any other documents.

Answer. In my current role, I have not had any involvement in the site selection process for the G7 Summit. I understand that the site selection process is still ongoing and that the budget for the G7 Summit, including the Department portion, has not been finalized.

*Question.* How much of that would go directly to the host venue?

Answer. As a final decision regarding the site for the G7 Leaders' Summit has not been made, the Department cannot outline the line item for costs incurred at the host venue at this time.

*Question.* Which Department Bureaus, Offices, and personnel in the Department will be involved in the G7 site selection process moving forward?

Answer. In my current role, I have not had any involvement in site selection for the G7 Summit but I understand that neither the Office of Presidential Travel Support nor the Office of the Procurement Executive were involved in the selection of Doral to host the 2020 G7. If confirmed, I will look into this matter.

*Question.* Please provide dates for the selection of the location for the G7 summit, including the date that the site selection process for the 2020 G7 began, the date that an initial solicitation was sent out, when proposals were received, when Doral was selected, when Doral was decided against, when the process of selection began again, and the deadline for a new site to be selected.

Answer. In my current role, I have not had any involvement in site selection for the G7 Summit but I understand that neither the Office of Presidential Travel Support nor the Office of the Procurement Executive were involved in the selection of Doral to host the 2020 G7. If confirmed, I will look into this matter.

*Question.* In the past, the White House would pick the host city and the Department would choose the hotels for the G7 site. Is that the process that will be followed in the site selection process moving forward?

Answer. As the G7 is a domestic conference, the State Department's Office of Presidential Travel Support did not participate in the site selection. State Department employees from the Presidential Travel Support office do not stay at Trump properties when they travel and have never stayed at the Doral in particular.

*Question.* Do you believe it is appropriate for the U.S., or even has the authority, to unilaterally strike an issue, like climate change, from the agenda of the G7?

Answer. The country holding the rotating presidency of the G7 has wide latitude to set an agenda that reflects its priorities. As the G7 is a consensus-based group, it is appropriate for the administration, as it sets the agenda, to focus on those issues where it is possible to build consensus among all members.

*Question.* On February 14, 2019, I sent a letter asking for information regarding the brutal murder of Jamal Khashoggi, and specifically asking for the Department's legal determination that it is not required to submit a report to the Chairman and Ranking Member of the Senate Foreign Relations Committee pursuant to section 1263(d) of the Global Magnitsky Human Rights Accountability Act. Will you commit to provide the committee with the Department's legal justification for not making the determination required under the Global Magnitsky Act?

Answer. I understand that this authority remains with the President; however, accountability and justice for Jamal Khashoggi is crucial. At President Trump's direction, the United States was the first nation to impose visa restrictions and financial sanctions on individuals implicated in his murder. If confirmed, I commit to urge the government of Saudi Arabia—and all governments around the world—to protect human rights.

#### *Vetting Outside Conflicts*

*Question.* At the hearing, in response to my question regarding irregular channels and whether Rudy Giuliani's involvement in foreign policy was demonstrative of "normal" foreign policy, you responded that you often have worked with outside advisors in your current position.

- If confirmed, do you commit that you will personally ensure the Department has a policy to vet any such "outside advisor" who is playing a significant role in U.S. foreign policy, is subject to vetting, including a conflicts of interest and financial check?

Answer. I agree with you and with Secretary Pompeo on the need to recruit talented personnel to represent the United States in all positions, including Department leadership. I will work hard to ensure qualified candidates are vetted carefully during their consideration for overseas ambassadorial and domestic positions requiring Senate confirmation, including in coordination with the White House. As for outside advisors, I will not allow any individual outside the Executive Branch to play a role in my work other than an advisor role, based on their expertise, and I will seek to ensure this does not contribute to any conflict of interest.

*Question.* The Department's Dissent Channel was set up during the Vietnam War era as an avenue for foreign and civil service officers to raise concerns with senior management about U.S. foreign policy, without fear of retribution. The Foreign Affairs Manual explicitly states "Freedom from reprisal for Dissent Channel users is strictly enforced." In the past, the Trump administration has said that Foreign Service Officers using the "Dissent Channel" to express their views on Presidential Executive Orders should "either get with the program or they can go." Are you aware of the Department's Dissent Channel policies?

Answer. It is the Department of State's policy that all U.S. citizen employees should be able to express dissenting or alternative views on substantive issues of policy in a manner that ensures serious, high-level review and response. All drafters of Dissent Channel cables are offered anonymity and are guaranteed by the FAM freedom from reprisals. I fully support the Department's Dissent Channel policies.

*Question.* Do you commit to upholding these policies and holding accountable any personnel who engage in retribution against employees who use the Dissent Channel?

Answer. The Department has a strong interest in facilitating open dialogue on substantive foreign policy issues. I take seriously my responsibility to foster an atmosphere supportive of such dialogue, including the opportunity to offer dissenting opinions without fear of penalty. Freedom from reprisal for Dissent Channel users is strictly enforced. Anyone found to have engaged in retaliation against a Dissent Channel drafter, or to have divulged to unauthorized personnel Dissent Channel messages, will be subject to appropriate disciplinary action. Dissent Channel mes-

sages, including the identity of the authors, are one of the most sensitive elements of our internal deliberative process and are protected accordingly.

*Question.* How specifically will you encourage employees to utilize the Dissent Channel and combat any chilling effects against using the Dissent Channel stemming from the White House?

*Answer.* If confirmed, I will strongly encourage employees to utilize the Dissent Channel. The Dissent Channel was created to bring in alternative views on substantive foreign policy to the attention of the Secretary of State, and other senior State Department leaders, in a manner that protects the author from any penalty, reprisal, or recrimination. I believe that use of the Dissent Channel is a sign of the strength of the employees of the Department of State, not a weakness.

#### *Role of State Department*

*Question.* Mr. Biegun, in the past Secretary Pompeo has characterized the State Department political nominees the administration has sent to this committee as “excellent” and “outstanding” candidates. While I have great respect for qualified career State Department Foreign Service Officers, we have also received political nominees that are, to put it bluntly, unqualified and unfit. I recognize that yours would not be the only voice in approving nominations. But you would have role in the process, so I would like to know, if confirmed, if will you sign-off on:

- A nominee who has, on social media, made personal attacks on members of this committee or their family members?

*Answer.* I agree with you and with Secretary Pompeo on the need to recruit talented personnel to represent the United States in all positions, to include Department leadership. I will work hard to ensure qualified candidates are vetted carefully during their consideration for overseas ambassadorial and domestic positions requiring Senate confirmation, including in coordination with the White House.

*Question.* A nominee who has retweeted a post with anti-Semitic or racist content, or expressions of religious bigotry and intolerance?

*Answer.* I agree with you and with Secretary Pompeo on the need to recruit talented personnel to represent the United States in all positions, to include Department leadership. I will work hard to ensure qualified candidates are vetted carefully during their consideration for overseas ambassadorial and domestic positions requiring Senate confirmation, including in coordination with the White House. The Department works to combat anti-Semitism, bigotry, and intolerance around the world, including through our public diplomacy efforts and our Special Envoy to monitor and combat anti-Semitism. Additionally, the Department’s Office of Civil Rights works daily foster an environment of fairness, equity, and inclusion within the Department.

*Question.* Nominees who have had restraining orders issued against them?

*Answer.* I agree with you and with Secretary Pompeo on the need to recruit talented personnel to represent the United States in all positions, to include Department leadership. I will work hard to ensure qualified candidates are vetted carefully during their consideration for overseas ambassadorial and domestic positions requiring Senate confirmation, including in coordination with the White House. The Department carefully reviews the criminal history of every applicant as part of the hiring and clearance process.

*Question.* Someone who may have committed tax fraud?

*Answer.* I agree with you and with Secretary Pompeo on the need to recruit talented personnel to represent the United States in all positions, to include Department leadership. I will work hard to ensure qualified candidates are vetted carefully during their consideration for overseas ambassadorial and domestic positions requiring Senate confirmation, including in coordination with the White House. All Department employees are required to comply fully with U.S. tax law.

*Question.* A nominee who has been involved in sexual harassment lawsuits?

*Answer.* I agree with you and with Secretary Pompeo on the need to recruit talented personnel to represent the United States in all positions, to include Department leadership. I will work hard to ensure qualified candidates are vetted carefully during their consideration for overseas ambassadorial and domestic positions requiring Senate confirmation, including in coordination with the White House. The Department is committed to providing a workplace that is free from sexual harassment. Sexual harassment in the workplace is against the law and will not be tolerated. When the Department determines that an allegation of sexual harassment is credible, it takes prompt and appropriate corrective action.

*Question.* A nominee for a strategic post with literally no foreign policy experience?

Answer. I agree with you and with Secretary Pompeo on the need to recruit talented personnel to represent the United States in all positions, to include Department leadership. I will work hard to ensure qualified candidates are vetted carefully during their consideration for overseas ambassadorial and domestic positions requiring Senate confirmation, including in coordination with the White House. The President may appoint Ambassadors based on their unique qualifications and experience, including in outside sectors, such as private business.

*Question.* Can I have your commitment, if confirmed, that you will oppose political nominees with these sorts of marks in their files from being nominated?

Answer. I agree with you and with Secretary Pompeo on the need to recruit talented personnel to represent the United States in all positions, to include Department leadership. I will work hard to ensure qualified candidates are vetted carefully during their consideration for overseas ambassadorial and domestic positions requiring Senate confirmation, including in coordination with the White House. If confirmed, I will seek out and support political nominees who are highly qualified and demonstrate a track record of excellence and integrity.

*Question.* Foreign diplomacy under this administration has been frequently carried out outside official diplomatic channels. In the Gulf, we've seen certain officials in the White House develop personal relationships with senior Gulf leaders, including Mohammad bin Salman and operate—from what we understand—completely outside of the standard diplomatic channels. Do you think it's appropriate for the NSC or anyone in the White House to be pursuing policies with the Kingdom without the input, sign-off or even awareness of the Chief of Mission, the State Department, or any other embassy staff? If confirmed, what will you do if you run across such a situation?

Answer. The U.S. government should always act as one unit in the execution of foreign policy. If confirmed, I will forcefully work to ensure that U.S. government officials in Washington and at our missions overseas are operating in the most coordinated manner possible.

*Question.* What steps will you take to ensure U.S. diplomats are kept in the loop and U.S. relationships are conducted through normal diplomatic channels?

Answer. If confirmed, my policy as Deputy Secretary will be to have Department representatives and appropriate interagency counterparts directly involved in every official meeting and communications channel with foreign government interlocutors, to the extent possible. I believe strongly the U.S. government should always act as one unit in the execution of foreign policy, and all U.S. officials with formal responsibilities on a specific issue or country should be involved, commensurate with their ranks and roles.

*Question.* If one of our senior diplomats warned you that ending Temporary Protected Status (TPS) for a country and stripping hundreds of thousands of people of humanitarian protections would jeopardize our national security, yet a Trump administration political appointee recommended that you accelerate the termination of TPS so it wouldn't be a liability during the 2020 election, what would you do?

Answer. The decision on whether to designate or extend a country's designation for TPS is made by the Secretary of Homeland Security, after consultation with appropriate agencies. I understand that, as part of the process, the Secretary of Homeland Security usually consults with the Secretary of State. If confirmed, I will seek to ensure the Secretary has what he needs to properly inform the DHS decision.

*Question.* If one of our senior diplomats told you ending TPS would send hundreds of thousands of people back to countries ridden with crime and violence, but a Trump administration political appointees recommended it anyway, what would you do?

Answer. The decision on whether to designate or extend a country's designation for TPS is made by the Secretary of Homeland Security, after consultation with appropriate agencies. I understand that, as part of the process, the Secretary of Homeland Security usually consults with the Secretary of State. If confirmed, I will seek to ensure the Secretary has what he needs to properly inform the DHS decision.

*Question.* If one of our senior diplomats told you that hundreds of thousands of American citizen children would face crime and violence if they accompanied their TPS recipient parents back to their homeland, yet Trump administration political appointees still recommended it, what would you do?

*Answer.* The decision on whether to designate or extend a country's designation for TPS is made by the Secretary of Homeland Security, after consultation with appropriate agencies. I understand that, as part of the process, the Secretary of Homeland Security usually consults with the Secretary of State. If confirmed, I will seek to ensure the Secretary has what he needs to properly inform the DHS decision.

*Question.* A hallmark of U.S. leadership has long been our commitment to our partners and allies. President Trump doesn't seem to appreciate that, and his actions undermine American credibility. The Syrian Democratic Forces (SDF) have fought on the frontlines against ISIS, in close partnership with the United States and United States allies, and lost more than 11,000 lives as a result. It seems to me that the United States should continue this partnership with the SDF in order to defeat ISIS and protect U.S. national security. Have our Kurdish partners in Syria been a reliable ally?

*Answer.* U.S. actions in Syria remain driven by our core objectives: the enduring defeat of ISIS and al-Qa'ida; a political solution to the Syrian conflict in line with United Nations Security Council Resolution 2254; and encouraging the removal of all Iranian-backed forces from Syria. The United States longstanding interests have been clearly stated and align with our Kurdish-led Syrian Democratic Force (SDF) partners in these areas.

Many Kurdish SDF fighters in Syria and Iraqi Kurds fought valiantly against ISIS. The United States sincerely appreciates the tremendous sacrifice these forces made. The Kurdish-led SDF remains a reliable partner in U.S. efforts to ensure the enduring defeat of ISIS in northeast Syria, and the U.S. will continue working with them.

*Question.* Would we have defeated the physical ISIS caliphate without the Kurds?

*Answer.* The Kurdish-led Syrian Democratic Forces are an important partner in our efforts to ensure the enduring defeat of ISIS. Many Kurdish fighters in both Iraq and Syria courageously fought alongside U.S. and Coalition forces to defeat ISIS. The United States sincerely appreciates the tremendous sacrifice these forces made.

*Question.* Do our Kurdish partners view us as a reliable partner?

*Answer.* On October 23, the spokesperson for the Kurdish-led Syrian Democratic Forces thanked President Trump on Twitter for his support and efforts to stabilize the region. The Kurdish-led Syrian Democratic Forces remain an important and reliable partner in our efforts to ensure the enduring defeat of ISIS in northeast Syria. The President has clearly and publicly articulated his support for our Syrian Democratic Forces partners. I understand that Ambassadors Jeffrey and Roebuck remain in daily contact with the SDF leadership.

*Question.* How will this decision impact our ongoing ability to confront continuing ISIS threats?

*Answer.* The Kurdish-led Syrian Democratic Forces remain our partners in northeast Syria as the United States continues to pursue and defeat ISIS. As the President has stated, some U.S. troops will remain in Syria for now to help ensure that ISIS does not reconstitute or gain control of oil fields in northeast Syria.

*Question.* Withdrawing troops in northern Syria and greenlighting Turkey's incursion paves the way for continued Iran adventurism in Syria. A reduced U.S. presence in Syria with increased Russian activity all but guarantees that Iran will fill in the vacuum, positioning itself to build its long sought land bridge to the Mediterranean. From there it can easily deliver arms and supplies to Hezbollah and further threaten our ally Israel. Does the administration have a plan for countering Iran in Syria?

*Answer.* U.S. policy in Syria remains the removal of all Iranian-backed forces from Syria, the enduring defeat of ISIS and al-Qa'ida, and a political solution to the conflict in line with U.N. Security Council Resolution 2254. The administration opposed the Turkish invasion of northern Syria. Turkey has a role to play in resolving this crisis, but it has acted unwisely and dangerously despite warnings and incentives from this administration to pursue different courses of action. The administration remains committed to pushing back on malign Iranian influence in the region, including full support of Israel's right to self-defense.

*Question.* If so, please explain what it is and how it will account for recent gains by Iran-backed, pro regime forces that are filling the vacuum the departure of U.S. troops created in northern Syria.

*Answer.* The United States is conducting a campaign of economic pressure to deny the Iranian regime funds that it uses for its malign regional activities, including in Syria. Since May 2018, our sanctions have reduced Iran's crude oil exports by more than 90 percent, depriving the regime of around \$25 billion in export revenues and as much as \$50 billion in revenue annually going forward. The administration is putting effective pressure on Iran for the first time in a long time. U.S. efforts supporting a political resolution in Syria in line with U.N. Security Council Resolution 2254 counter Iran's actions to prop up the brutal Assad regime and the U.S. supports Israel's action against Iranian forces threatening Israel from Syrian soil.

*Question.* What commitments, if any, do we have with Turkish and Iraqi authorities to prevent Iran from moving fighters and supplies from Iraq through northern Syria?

*Answer.* Iran is the biggest cause of insecurity in the Middle East, and routinely violates the sovereignty of Iraq by sending personnel and material through Iraq to Syria. We have routinely pressed the government of Iraq (GOI) to control its borders and prevent these movements, while providing substantial security assistance to Border Guard Forces. The United States has bilateral and NATO instruments with Turkey to ensure border security, including information-sharing arrangements related to the threat posed by foreign terrorist fighters. The United States expects the GOI and the government of Turkey to continue cooperation with the United States and others to prevent Iran's malign activities.

*Question.* If there are no commitments, what steps with the U.S. take to prevent this from happening?

*Answer.* The United States regularly presses the government of Iraq to monitor and control its borders and prevent the movement of illicit actors into northeastern Syria. The Global Coalition to Defeat ISIS and the United States work with the Syrian Democratic Forces to ensure the enduring defeat of ISIS and prevent the emergence of a security vacuum in northeast Syria that could be exploited by Iran, ISIS, or other malign actors.

*Question.* How has the Turkish incursion into northeastern Syria impacted Iranian ability to operate directly or through proxies in Syria?

*Answer.* The United States is conducting a campaign of economic pressure to deny the Iranian regime funds for its malign regional activities, including in Syria. Since May 2018, U.S. sanctions reduced Iran's crude oil exports by more than 90 percent, depriving the regime of around \$25 billion in export revenues and as much as \$50 billion in revenue annually going forward. For the first time in many years, this administration placed effective pressure on Iran. Efforts by the United States supporting a political resolution in Syria in line with U.N. Security Council Resolution 2254 counter Iran's actions to prop up the brutal Assad regime and the United States supports Israel's action against Iranian forces threatening Israel from Syrian soil.

*Question.* Recent reports indicate that the U.S. may wind up with 900 troops stationed around oil fields in eastern Syria, only 100 fewer than the 1,000 that were in Syria before the President's withdrawal announcement. A significant number of those troops appear to include National Guard armored units. What are the administration's current priorities in Syria and is our current posture enough to achieve them?

*Answer.* The administration's Syria policy consists of three priorities: the enduring defeat of ISIS and al-Qa'ida; a political solution to the Syrian conflict in line with U.N. Security Council Resolution 2254; and the removal of all Iranian-backed forces from Syria. I fully support the administration's approach of using all political and economic tools available to pressure the Assad regime and advance the political process in line with 2254 to deliver real reforms that have a real impact for all Syrians, including those in the diaspora, while maintaining a U.S. military presence in northeast Syria to ensure the enduring defeat of ISIS.

*Question.* The President keeps referring to the mission of the U.S. Armed Forces stationed in Syria as "protecting the oil"; he often also speaks of "taking" the oil. Do you believe that the U.S. "taking" the oil, or bringing in outside companies to extract the oil, without the permission of the Syrian government, is illegal under international law?

*Answer.* The enduring defeat of ISIS is a key priority of the administration's Syria policy and is critical to the national security of the United States. Oil fields were a major source of revenue for the ISIS territorial caliphate, which the United States has now 100 percent destroyed. The United States will deny ISIS access to critical

resources and revenue that could allow them to regain strength. The United States will continue to partner with the Syrian Democratic Forces to prevent an ISIS resurgence, including by denying them access to the revenues they could generate from oil fields.

*Question.* Does the President have any authority under the Constitution or under any Authorization of Use of Military Force to militarily protect the Syrian oil fields from Syrian government forces or Russian forces? If not, then do you believe that the President would need a new AUMF in order to do so?

*Answer.* Legal authorities for our presence in Syria have not changed and the administration is not seeking an additional AUMF. The President has sufficient constitutional and statutory authority to direct the U.S. Armed Forces to carry out the mission of denying ISIS access to critical resources and revenue that could allow them to regain strength. Oil fields were a major source of revenue for the ISIS territorial caliphate. The enduring defeat of ISIS is a key priority of the administration's Syria policy and is critical to our national security, which the President is charged with protecting.

*Question.* In the wake of the administration's maximum pressure campaign, Iran has renounced many of the nuclear commitments it made in the JCPOA. Iran has restarted its enrichment program at Fordow, a fortified laboratory hidden beneath a mountain. The Institute for Science and International Studies warned in early September that over time these steps could "shrink precipitously" the amount of time Iran needs to produce the material for one nuclear weapon, known as breakout time. Would you agree that the nuclear steps Iran has taken since July have shrunk their breakout time below one year?

*Answer.* If confirmed, I will defer to the intelligence community and the Department of Energy for their analysis of the impact of Iran's recent nuclear escalations on their breakout timeline. The maximum pressure campaign is putting the Iranian regime under unprecedented economic strain. Since May 2018, U.S. sanctions have reduced Iran's crude oil exports by over 90 percent, depriving the regime of over \$25 billion in export revenues. The regime would have used this money to fund destabilizing activities, including its nuclear program.

*Question.* Given Iran turning away from its JCPOA nuclear commitments and increased aggressive actions against the Gulf states and in the Strait of Hormuz, is now the time to take into account and debate the differing views and ideas across the branches of government? Do you assess that Iran is now closer to achieving its goal of building a nuclear weapon than it was before the maximum pressure campaign was initiated?

*Answer.* If confirmed, I will approach with an open mind the many challenges Iran poses to the United States and the world. I look forward to engaging with Congress and the relevant interagency partners on how to best achieve our objectives. Iran is facing an unprecedented economic crisis as a result of the maximum pressure campaign. Iran therefore must choose between funding its terrorism proxies abroad or stabilizing its economy.

*Question.* What is the administration's strategy for reigning in Iran's nuclear program now that Iran has said it is no longer bound by the commitments it made in the JCPOA?

*Answer.* The JCPOA was a flawed deal because it did not permanently address our concerns with respect to Iran's nuclear program or its destabilizing conduct. The fact that Iran has been able to return to higher levels of nuclear enrichment so easily reflects the deal's deficiencies. The purpose of the maximum pressure campaign is to bring Iran to the negotiation table to address both its nuclear program and its destabilizing activities. The United States is also engaged in robust international engagement to bring multilateral pressure on Iran and to raise the costs of its nuclear escalation. At the same time, the United States continues to support the IAEA's continued professional and independent verification and monitoring of Iran's program.

*Question.* At what point will the size and sophistication of Iran's nuclear program force the administration to consider whether military action is necessary to restrain Iran's nuclear program?

*Answer.* The President has been clear that we do not seek war with Iran. That is why the maximum pressure campaign is solely diplomatic and economic in nature, forcing Iran to choose between ceasing its destabilizing activities or facing greater economic pressure and isolation. Iran must meet our diplomacy with diplomacy, not with violence and extortion.



*Question.* What concrete steps are you taking to get Iran back to negotiations to address its nuclear activity, including ballistic missile production?

*Answer.* The maximum pressure campaign is putting the Iranian regime under unprecedented economic strain. Since May 2018 our sanctions have reduced Iran's crude oil exports by over 90 percent, depriving the regime of over \$25 billion in export revenues, and as much as \$50 billion in revenue annually going forward. The purpose of the campaign is to get Iran back to comprehensive negotiations that address not only its nuclear activities but also its missile program, destabilizing activities in the region, and continued unjust detention of American and foreign citizens.

*Question.* How are our European partners responding to Iran's nuclear developments? What steps are you taking to ensure international coordination on efforts to constrain Iran's nuclear ambitions?

*Answer.* The UK, France, and Germany have all expressed concern with Iran's recent decisions to advance its nuclear program through increased uranium enrichment and research efforts in advanced centrifuge design. Cooperation with European allies and partners to address the range of threats posed by Iran remains robust and we are in regular communication with our allies and partners regarding our Iran policy and how to increase pressure on Iran for its nuclear escalations. I understand that the U.S. welcomed the E3's September 23 statement urging Iran to reverse its nuclear developments and accept negotiations on a framework for its nuclear and missile programs.

*Question.* Iran's violent response to ongoing protests throughout the country are the same response we have seen to previous protests. How are these protests similar or different from earlier protests that the regime was able to repress?

*Answer.* The current protests began after the regime's announcement on November 15 that it would raise gasoline prices substantially. We have been closely monitoring these protests and the regime's response, but it is too early to make a definitive comparison to the protests in late 2017 and early 2018. Our early assessments indicate that they were widespread and damage to property was extensive. The unconfirmed number of protesters killed by the regime also appears to be higher than in the 2017-2018 protests. The decision by the regime to shut down Internet access almost completely for several days across the country was more extensive than actions it had taken previously.

*Question.* What is the administration's strategy to engage these protests? How does the administration plan to balance support for these protesters with the maximum pressure campaign??

*Answer.* A key component of our Iran strategy is support for the Iranian people, who are the longest suffering victims of the Iranian regime. During the recent protests, we have called for the regime to respect their human rights. This is consistent with the maximum pressure campaign, which seeks to comprehensively change the behavior of the regime so that the Iranian people can have the government they deserve. The State Department, working with other agencies, is committed to using sanctions and other authorities to hold human rights abusers accountable. For example, the United States sanctioned Iran's Minister of Information and Communication on November 22 for his role in restricting Internet access to the people of Iran.

*Question.* In Iraq and Lebanon, we have seen massive protests in response to, among other things, Iran's undue influence in politics and corruption in those countries.

- What steps is the administration taking to counter malign Iranian influence in those countries and around the region?

*Answer.* The economic strain caused by the maximum pressure campaign means the Iranian regime has less money to support its proxies and spread terror across the region. Earlier this year, Hizballah Secretary General Hassan Nasrallah publicly appealed for donations for the first time ever. In Iraq, Embassy Baghdad continually highlights the difference between positive, constructive American engagement and the exploitative and destructive malign influence of Iran. Iranian proxies in Syria and elsewhere are going unpaid, and the services they once relied upon are drying up. Hamas has also enacted what it calls an "austerity plan" to deal with a lack of funds from Iran.

*Question.* What steps is the administration taking to engage protesters and support their calls for responsive governments free from corruption and malign Iranian influence?

*Answer.* One of the chief goals of the maximum pressure campaign is to curb the Iranian regime's malign influence in the region. Recent protests in Iraq in particular

demonstrate that people are demanding responsive government and reduced Iranian influence. The Iranian people also continue to call on their government to invest more at home and less on misadventures abroad. The United States supports the Iranian people's demands, and the Department will continue to work with our partners to counter Iran's malign behavior and support transparent, improved governance free from corruption.

*Question.* In the U.N. Special Rapporteur for extrajudicial, summary or arbitrary executions' report on Jamal Khashoggi's murder, she found that there is "credible evidence warranting further investigation of high-level Saudi officials' individual liability, including the crown prince."

- Have you read the report? If not, will you commit now to reading it?

*Answer.* I have been briefed on the report, and if confirmed, am committed to reviewing, all information available to the U.S. government regarding the murder of Jamal Khashoggi.

*Question.* Do you commit to assisting any U.S. government efforts to investigate the cause of Khashoggi's murder?

*Answer.* I am committed to any U.S. government efforts to collect all the facts regarding the horrific murder of Jamal Khashoggi.

*Question.* Do you believe that any individuals, regardless of who they are, should be held responsible?

*Answer.* Yes. The President and Secretary of State have been clear that Saudi Arabia must hold accountable every individual implicated in the horrific murder of Jamal Khashoggi, regardless of rank. If confirmed, I will do my utmost to advance this goal. As you are aware, the United States was the first country to take significant action to promote accountability in the case, including use of Global Magnitsky sanctions authorities to aggressively pursue individuals who had a role in the killing. If confirmed, I will support continued action as new information becomes available.

*Question.* Do you commit to urging Saudi Arabia to conduct trials that are free and fair, and to investigate the individuals responsible for Khashoggi's murder?

*Answer.* Yes. If confirmed, I will continue to urge the government of Saudi Arabia to fully investigate the murder, hold all parties involved accountable, and conduct a fair and transparent judicial process.

*Question.* Do you commit to publicly raising concerns about other human rights abuses inside Saudi Arabia?

*Answer.* Yes. If confirmed, I will continue to raise human rights issues both publicly and privately, whether with the government of Saudi Arabia or other governments around the world. I will continue to urge the Saudi government to ensure fair trial guarantees, transparency, rule of law, and freedom from arbitrary and extrajudicial detention. If confirmed, I will call on Saudi Arabia to treat prisoners and detainees humanely, to ensure that allegations of abuse are investigated quickly and thoroughly, and that those found responsible are held accountable.

*Question.* Please detail the U.S. embassy presence at the Saudi trials of those it says it is holding responsible for the death of Jamal Khashoggi.

*Answer.* U.S. embassy observers have attended all eight hearings of the Jamal Khashoggi murder trial. I understand the trial remains ongoing.

*Question.* What efforts you are taking to secure the release of Americans in prison in Saudi Arabia?

*Answer.* The safety and welfare of U.S. citizens overseas is one of my top priorities. If confirmed, the U.S. Embassy Riyadh team and I will continue to press the Saudi government for the fair and humane treatment of all U.S. citizens detained in Saudi Arabia and for an expeditious and transparent judicial process so their cases may be resolved quickly.

*Question.* Foreign diplomacy under this administration has been frequently carried out by unofficial diplomats. In the Gulf, we've seen certain officials develop personal relationships with senior Gulf leaders, including Mohammad bin Salman and operate—from what we understand—completely outside of the standard diplomatic channels. Is it appropriate for official staff or anyone affiliated with the White House to be pursuing policies with Saudi Arabia without the input, signoff or even awareness of the Chief of Mission, the State Department or any other embassy staff?

**Answer.** The U.S. government should always act as one unit in the execution of foreign policy. If confirmed, I will forcefully work to ensure that U.S. government officials in Washington and at our missions overseas are operating in the most coordinated manner possible.

*Question.* What steps will you take to ensure U.S. diplomats are kept in informed of unofficial exchanges and U.S. relationships are conducted through normal diplomatic channels?

**Answer.** If confirmed, my policy as Deputy Secretary will be to have State Department representatives and appropriate interagency counterparts directly involved in every official meeting and communications channel with foreign government interlocutors, to the extent possible. I believe strongly the U.S. government should always act as one unit in the execution of foreign policy, and all U.S. officials with formal responsibilities on a specific issue or country should be involved, commensurate with their ranks and roles.

*Question.* As I have recently noted in letters to Secretary Pompeo, Ambassador Abizaid and Twitter CEO Jack Dorsey, I am extremely troubled by Saudi attempts to spy on and intimidate activists over social media, as shown by the charges recently brought by the U.S. Department of Justice. What steps is the State Department taking, specifically, to raise concerns with Saudi officials about using U.S. technology companies to monitor and gather information on dissidents and those critical of the Kingdom?

**Answer.** I share your concerns and understand the Department immediately raised the issue with Saudi Arabian officials in Riyadh and Washington. The reported misuse of American technology companies and social media to access personal data of dissidents is unacceptable. I know Department officials in both capitals regularly raise with Saudi leaders a range of human rights issues and advocate for Saudi Arabia's adherence to international principles, including respect for civil liberties and the rights to freedom of association and expression, including peaceful dissent. If confirmed, I pledge to continue raising these issues with Saudi leadership.

*Question.* How is the administration working with technology companies to ensure they are not being exploited by foreign countries, including Saudi Arabia, for surveillance of dissidents?

**Answer.** The United States engages with technology companies on a variety of subjects, including defending against state and non-state actors. Specific to Saudi Arabia, the U.S. Commercial Service team in country is in regular contact with U.S. technology companies and other U.S. businesses to address their concerns in conducting business in Saudi Arabia, including privacy and data protection. The Commercial Service will lead an inbound Digital Economy Mission in January 2020 to engage the Saudi Arabian government on these issues.

*Question.* The Associated Press, Human Rights Watch, Amnesty International, and the U.N. Panel of Experts on Yemen have all issued reports detailing the torture of Yemeni detainees by Yemeni forces receiving support from the UAE. There are also allegations that at times UAE forces themselves have directly participated in the torture and illegal detention of Yemeni detainees in a network of secret prisons. Have you read these reports? If not, will you commit now to reading them?

**Answer.** I will read these reports.

*Question.* Given the findings of these reports, do you agree or disagree with their conclusions that the UAE has responsibility for the torture and disappearances of detainees in Yemen by its own forces or by Yemeni forces under the UAE's effective control or direction?

**Answer.** I have been briefed that the administration is not able to independently verify the allegations upon which the findings of the reports are based, but, given the seriousness of the allegations, the United States has raised and will continue to raise with the UAE through diplomatic, intelligence, and military channels.. It is crucial for the United States to investigate such reports and ensure that any forces found to have engaged in such abuses are held accountable.

*Question.* What should the United States' role be in investigating the allegations of illegal detention and torture?

**Answer.** The administration takes allegations of illegal detention and torture by all sides in the Yemen conflict very seriously and closely monitors human rights conditions in Yemen. The Department reported on allegations of illegal detention and torture in Yemen in the most recently published Human Rights Report. If con-

confirmed, I will continue to raise such allegations with government counterparts at senior levels through diplomatic, intelligence, and military channels. I would also emphasize the importance of investigating such reports and ensuring that those responsible for such abuses are held accountable.

*Question.* What steps will you take to push the UAE to release any and all unjustly held individuals in UAE-run facilities in Yemen and to hold accountable those responsible for arbitrary detention and torture?

*Answer.* If confirmed, I will work closely with administration colleagues to continue to urge all parties, including the UAE, to treat prisoners and detainees humanely and to ensure that abuses are investigated and those responsible are held accountable. In any engagements with Yemeni government and Saudi-led coalition officials, I will urge all parties to allow regular access by the International Committee of the Red Cross to any detention facilities in Yemen under their control to ensure detainees are being treated in accordance with international law.

*Question.* I remain concerned over reports that the UAE has transferred U.S. origin weapons, including small arms, anti-tank missiles and armored vehicles to armed Yemeni groups that include affiliates of al Qaeda fighters and hardline Salafi militias. Such transfers are in direct violation of sales agreements made between the U.S. and the UAE. I understand the Department is also continuing to review these allegations. If confirmed, what steps will you take to ensure there is a thorough investigation into these transfers and make certain that they do not happen again?

*Answer.* The Department takes all allegations of unauthorized transfers of U.S.-origin defense articles very seriously. We continue to investigate this matter and intend to reach a determination soon. If a partner country does violate provisions of any transfer agreements, the Department will typically work with the country to ensure that they have a complete understanding of their requirements and assist in establishing procedures for appropriate oversight. Depending on the severity of the violation, we may consider other measures.

*Question.* Going forward, what steps should the U.S. take to prevent such transfers that were not taken in this instance?

*Answer.* As with all such cases, we will first determine what occurred and will then take steps relevant and applicable to whatever circumstances occurred. In all such cases, our goals include ensuring there are no violations.

*Question.* On July 1, Iraq's Prime Minister issued a decree attempting to more closely integrate the Popular Mobilization Forces (PMFs) into the Iraqi Armed Forces. As you know, these militias, some of which are backed by Iran, contribute to Iraq's instability, especially in the northern regions. What continuing support, if any, does Iran provide to PMF units? What is your assessment of the PMF threat to Iraq's security and the steps taken by the Iraqi government so far to address that threat?

*Answer.* Iran provides support to some PMF units. This includes logistical, advisory, and material support as well as training. The actions of undisciplined PMF units such as Kata'ib Hezbollah, Harakat al-Nujaba, and other Iran-backed groups are destabilizing and threaten Iraq's internal security.

The prime minister's July 1 decree ordering PMF units to depoliticize, remove checkpoints, and forego economic activities was a positive step toward reform. Iraq had made minor progress implementing the decree before the country was racked by wide-spread protests in October.

*Question.* What is your assessment of the role played by Iran-backed Popular Mobilization Forces (PMF) in the violent response to recent protests?

*Answer.* The Department assesses that some members of Iran-backed PMF units have taken part in the violent suppression of protests in Iraq. Not all PMF units have taken part in quelling protests; some disciplined units that are sponsored by Iraq's Shia religious authorities—the Marja'iyah—have refrained from violence against demonstrators. As Secretary Pompeo said on November 19, “the United States is prepared to impose sanctions on those responsible for the deaths and wounding of peaceful protesters.” We expect to announce new sanctions in the coming days.

*Question.* Please describe how the United States is supporting Iraqi efforts to integrate security forces into government control. What steps will be taken going forward?

*Answer.* The prime minister's July 1 decree ordering PMF units to depoliticize, remove checkpoints, and cease economic activity was a positive step. The timeline by which PMF units are integrated into the Iraqi security forces as called for by the decree is for the government of Iraq to decide. Prior to the start of protests in October, Prime Minister Adel Abd al-Mahdi was steadfast in his statements that the PMF must reform into a disciplined and apolitical security service, yet progress was negligible. The United States is prepared to offer technical assistance to the government of Iraq to reform its security sector and to take punitive action against spoilers who, through violence or corruption, attempt to block legitimate reform efforts.

*Question.* We recently passed the seventh month mark since the State Department instituted ordered departure of all non-emergency personnel from Iraq. With little congressional engagement in the interim, the ordered departure in Iraq appears to have been lifted. Additionally, proposed security assistance to Iraq has taken a cut under this administration's FY 2020 budget proposal. What exactly is the plan for U.S. presence in Iraq?

*Answer.* On May 14, Mission Iraq went on ordered departure due to credible threats from armed groups not under the control of the Iraqi government. The evacuation included the Baghdad embassy compound, the Baghdad diplomatic support center, and Consulate General Erbil. In late June/early July, the Department developed a new minimal staffing plan to advance the President's strategic objectives while minimizing the number of personnel working in a high threat, high-risk volatile environment. On November 5, the Department terminated ordered departure. The Department has consulted with Congress on this new minimal staffing plan and is preparing a formal Congressional notification.

*Question.* While I recognize that you may not be able to share numbers in an unclassified format, please describe how many personnel are currently in country and where? When does the administration plan to be at full staffing levels in Iraq, given the lifting of the ordered departure? What percentage of pre-departure levels will they be?

*Answer.* Mission Iraq terminated ordered departure on November 5. During ordered departure, the Department developed a new minimal staffing level. Consistent with the findings of the staffing review, the current plan is to reduce Mission Iraq staffing levels by 28 percent below the pre-ordered departure staffing levels (inclusive of U.S. direct hires, personal service contractors, and third-country nationals, excluding certain personnel) by May 31, 2020. The Department has consulted with Congress on this plan and is preparing a formal Congressional notification.

*Question.* What have been the impacts of reducing diplomatic presence in our diplomatic facilities, especially given the ongoing protests?

*Answer.* The reduction of our diplomatic staff in Iraq has had minimal impact on the State Department's ability to address the protests. Ambassador Tueller leads a team of our best and most effective diplomatic professionals at our embassy in Baghdad and our consulate in Erbil. As the largest donor to humanitarian, stabilization, demining, and security assistance, our efforts are aimed at helping the government of Iraq improve its delivery of essential basic services, encouraging it to institute reforms demanded by the protesters, and urging the security forces to exercise maximum restraint and refrain from violence in dealing with protesters.

*Question.* Please provide an unclassified description of the current threat level in Iraq and the decision making process that led to the lifting of the ordered departure.

*Answer.* In May, in the face of credible threats from armed groups not under the control of the Iraqi government, the Department authorized an ordered departure and evacuated all non emergency personnel to reduce the potential threat against U.S. facilities and personnel. In early November, the Department lifted the ordered departure, implementing a staffing plan that leaves the minimal number of staff at our posts necessary to accomplish the U.S. government's mission. The Department continues to monitor the security situation and adjusts staffing levels as appropriate. The Department has consulted with Congress on the new minimal staffing levels and is preparing a formal Congressional notification.

*Question.* Will you commit to keeping Congress informed about staffing and personnel plans?

*Answer.* Yes, we are committed to keeping Congress appropriately informed.

*Question.* Along with many of my colleagues, I continue to be concerned about the closure of our consulate in Basra. Outreach to Iraq's Shia heartland seems more important than ever given the ongoing protests there. Please describe the administra-

tion's plans for engagement with the southern governorates of Iraq closure of the U.S. Consulate in Basra.

*Answer.* Ambassador Tueller and his team in Baghdad will continue to engage with a variety of contacts in southern Iraq to keep apprised of the situation there. We will continue to engage officials at the highest levels within the government of Iraq and urge them to address the protesters' demands throughout the country and not to use violence against peaceful protesters.

*Question.* What effects has the U.S. withdrawal had on U.S. interlocutors among the local Iraqi populations in the south?

*Answer.* Ambassador Tueller and his team in Baghdad have made use of an extensive network of relationships with contacts in southern Iraq—built over many years—to work around the challenges posed by the reduction of our diplomatic presence in Basrah. This is how Embassy Baghdad has been able to monitor the protests in southern Iraq and events elsewhere in Iraq.

*Question.* Although the State Department, including Secretary Pompeo have publicly supported the right of Iraqis to peacefully protest and urged the Iraqi security services to use restraint against protesters, I am concerned that the recent drawdown has handicapped our ability to respond to events on the ground. Please provide an unclassified assessment of the Embassy Baghdad's response to the recent protests during the drawdown period.

*Answer.* Our staff has been able to monitor the protests throughout the country and has kept the Department fully informed through timely and insightful reporting, despite the reduction of our diplomatic presence in Iraq. Our efforts are aimed at helping the government of Iraq improve its delivery of essential basic services, encouraging it to institute reforms demanded by the protesters, and urging the security forces to exercise maximum restraint and refrain from violence in dealing with protesters. Ambassador Tueller has repeatedly delivered this message in recent weeks to the prime minister, president, speaker, minister of defense, and other Iraqi leaders. We have also said that we will hold accountable those responsible for abusing the human rights of Iraqis and stealing the country's wealth through rampant corruption. I understand that we plan to announce sanctions against such individuals in the coming days.

*Question.* What is the plan for Embassy engagement in the protests going forward, now that the ordered departure has been lifted?

*Answer.* We have conducted a full review of our minimal staffing needs and, now that ordered departure has been lifted, we have been able to return to full staffing as determined by the review. Our efforts are aimed at helping the government of Iraq improve its delivery of essential basic services, encouraging it to institute reforms demanded by the protesters, and urging the security forces to exercise maximum restraint and refrain from violence against the protesters.

*Question.* How would that plan be different if staffing levels returned to pre-departure levels?

*Answer.* The current full staffing level, as determined by the review, is lower than pre-ordered departure numbers, but it enables us to engage diplomatically with government of Iraq officials, opposition leaders, academics, civil society, and a host of others. Ambassador Tueller and his team are leveraging a vast network of Iraqi contacts, as well as coordinating closely with other country missions and the U.N. Assistance Mission for Iraq, to promote U.S. interests amidst the protests. Our staff has been able to monitor the protests throughout the country and has kept the Department fully informed through timely and insightful reporting based on this active engagement.

*Question.* What further steps will the administration take, both through Embassy Baghdad and in Washington, to urge the Iraq government to address protester concerns and respond less violently?

*Answer.* As Secretary Pompeo has said, the United States urges Iraq's leaders to protect human rights as Iraqis lift their voices to secure a flourishing democracy. We remain the largest humanitarian donor to Iraq, providing more than \$2 billion in food, water, medicine, and shelter since 2014. And we are the largest donor as well to stabilization, rebuilding more than 500 schools, 100 health centers, and 50 water treatment plants, with many more projects coming soon.

Our commitment continues. The United States will not hesitate to use its available legal authorities to sanction corrupt individuals who are stealing the public wealth of the Iraqi people and those killing and wounding peaceful protesters.

*Question.* How do you think the United States can best secure our interests, including an independent and stable Iraq, whose government is responsive to the demands of its people?

*Answer.* The United States remains committed to our bilateral relationship with Iraq, which is key to our national security priorities in the region, and continues daily diplomatic engagement to counter malign Iranian influence in Iraq. Iranian efforts to undermine the Iraqi government, propagate sectarianism, and increase Iraq's dependency on Iran have alienated many Iraqis, as has become clear during the current protests. In contrast, our public diplomacy outreach highlights the marked difference between positive, constructive American engagement and the exploitative and destructive malign influence of Iran in Iraq and the broader region. We will continue to work with the Iraqi security forces to ensure the ISIS caliphate does not re-emerge.

*Question.* Until recently, the U.S. was consistent in its support for the internationally recognized government of National Accord as well as the U.N.-brokered political process. However, that record was muddied by President Trump's April 15 telephone call with General Haftar, which appeared to embolden the General in his advance on Tripoli. Soon after that, the U.S. reportedly vetoed a U.K.-drafted U.N. Security Council Resolution calling for a ceasefire in Libya. What is the administration's current policy towards Libya?

*Answer.* To my knowledge, the United States did not veto a U.N. Security Council Resolution on Libya. The United States is engaging all Libyan parties and their external backers to urge them to de-escalate, agree to a ceasefire, and return rapidly to dialogue and U.N.-facilitated political mediation. The United States supported the U.N. Security Council's unanimous adoption of strong language supporting the arms embargo when it renewed the U.N. Support Mission in Libya's mandate in September (UNSCR 2486), and is participating in German-hosted discussions as part of the three point plan U.N. Special Representative Salame outlined to the U.N. Security Council.

*Question.* Is it still our position to back the internationally recognized government of National Accord?

*Answer.* Yes, there has been no change to U.S. policy with regard to recognition of the Libyan government of National Accord (GNA). The United States is engaging all Libyan parties and their external backers to urge them to de-escalate, agree to a ceasefire, and return rapidly to dialogue and U.N.-facilitated political mediation.

*Question.* Does the U.S. support a ceasefire and resumption of U.N.-brokered talks in Libya?

*Answer.* Yes. The United States continues to make clear this position, in public and private.

*Question.* Recent media reports have warned that Russian paramilitary snipers deployed to Libya threaten to tip the balance of fighting in Tripoli in favor of General Haftar. What is your assessment of these reports?

*Answer.* The United States supports Libya's sovereignty and territorial integrity in the face of Russia's attempts to exploit the conflict against the will of the Libyan people. I agree with the U.N.'s Special Representative of the Secretary-General, who said on November 18, "[T]here is growing involvement of mercenaries and fighters from foreign private military companies. The insertion of these experienced fighters has naturally led to an intensification in the violence."

*Question.* What is your assessment of Russia's role in Libya more broadly?

*Answer.* The United States strongly condemns Russia's destabilizing interference in this conflict. Libyan civilians suffer the most when foreign mercenaries are brought in to fight, and the Libyan economy is weakened when billions of counterfeit Libyan dinars are secretly funneled to parallel, illegitimate Libyan authorities. Libya's future should be for Libyans to decide, and Libya's resources should be for the benefit of the Libyan people. This tenet is in danger.

The United States has noted deep concerns about attempts by terrorist groups to exploit a security vacuum in Libya. By fueling the conflict, external actors create space for these terrorists to regroup.

*Question.* How does Russia's influence with Haftar compare to other regional actors?

*Answer.* General Haftar maintains relationships to varying degrees with a range of countries. The United States prioritizes engagement with foreign backers of the Libyan parties as an essential part of a diplomatic strategy to press for a ceasefire

and a return to U.N.-facilitated political mediation. The United States emphasizes to these countries that the conflict is endangering our shared interests, particularly by degrading counterterrorism cooperation, fostering instability in Libya's oil sector, and renewing migration pressures across the region.

*Question.* I have serious concerns about the erosion of political and human rights in Egypt, the systematic choking off of avenues for legitimate dissent, press freedom and LGBTQ people and the threat this poses for Egyptian stability. I am especially concerned by Egypt's crackdown on the recent protests and this administration's minimal public engagement on this issue. These protests have been mostly peaceful, but still prompted a brutal response by Egyptian security services. At least 4,300 people have been detained and there are credible reports of protesters being tortured while in detention.

- What points of leverage can the U.S. use to push the Egyptian government to improve its human rights record?

*Answer.* I have serious concerns about human rights and governance in Egypt. The State Department will continue to raise these concerns at the senior-most levels of the Egyptian government and urge progress in addressing them. We are especially concerned by recent reports of arrests and mistreatment of activists and protesters and are following these cases closely. The Department will continue to stress to the Egyptian government how respect for human rights and universal freedoms are required for a robust civil society that helps ensure stability.

*Question.* If confirmed, will you commit to publicly raising concerns regarding political and human rights in Egypt and to meet with Egyptian civil society actors?

*Answer.* Yes. If confirmed, I commit to continue the State Department's engagement with Egypt on political and human rights concerns.

*Question.* What further steps can the U.S. take to address the challenges facing the Coptic community in the context of broader human rights concerns in Egypt?

*Answer.* I am aware, despite the positive steps Egyptian President Sisi has taken to protect Coptic Christians and promote their rights, that governmental and societal discrimination against Copts remains a problem. The administration continues to urge protection for religious minority groups, and Egypt participated in the Secretary's July ministerial on international religious freedom. We will continue to emphasize privately and publicly the importance of respect for the freedoms of expression, peaceful assembly, association, and religion to ensure the Egyptian government takes steps to end discrimination and to ensure the safety of all Egyptians, including Coptic Christians, and their places of worship.

*Question.* As the United States provides significant military assistance to Egypt, I am concerned about their deepening relationship with Russia. I am specifically concerned about Egypt's reported purchase of 20 Russian Sukhoi SU-35s and the loan that Moscow has provided to construct the nuclear power plant at Dabaa.

- The per unit cost for a Su-35 is about \$85 million, meaning this deal for 20 SU-35 is worth about \$1.7 billion dollars. Does the administration consider a \$1.7 billion sale of 20 fighter jets to be a "significant transaction" for the purposes of CAATSA?

*Answer.* The administration is deeply concerned about Egypt's reported purchase of Russian Sukhoi Su-35s. Prior to the Secretary of State's determination, I cannot prejudge whether a specific transaction will result in sanctions. The Secretary has made clear that he is committed to implementing CAATSA, and the administration has urged Egypt to forgo transactions with Russia that could trigger mandatory CAATSA section 231 sanctions. As the Secretary said to Congress last spring, the Department has told Egypt that, without a waiver, the law requires imposition of CAATSA sanctions on any person who knowingly engages in a significant transaction with the Russian defense or intelligence sectors.

*Question.* What does it say about the U.S.-Egypt partnership that Egypt is pursuing these deals with Russia?

*Answer.* Russia seeks greater influence in Egypt and across the Middle East and Egypt's political, economic, and military cooperation with Russia is longstanding. In recent years, Egypt has signed major arms deals with various suppliers other than the United States, including France, Germany, and Russia. While Russia-Egypt relations have improved during President Sisi's tenure, I do not believe these relations threaten the strong and longstanding U.S.-Egypt partnership. U.S. assistance to Egypt has long played an important role in Egypt's economic and military development, and Egypt continues to demonstrate that the United States is Egypt's preferred partner for arms sales and to address its most pressing challenges.



*Question.* If confirmed, how will you engage with the Egyptian government to stress that these sorts of deals run against the spirit of that partnership and, in the case of the Sukhoi, make it liable for sanctions under CAATSA?

*Answer.* The administration has repeatedly warned Egypt against taking delivery of the Russian Sukhoi Su-35s because such an arms transaction risks triggering CAATSA sanctions. If confirmed, I will continue this warning to the highest levels of the Egyptian government and reiterate that CAATSA is not aimed at undermining our partners' defense or security capabilities; it is aimed at addressing Russia's malign behavior by imposing costs and depriving it of the revenue, access, and influence derived from defense and intelligence transactions. I also will stress the central role U.S. military cooperation and assistance has played in Egypt's military development, maritime and border security, and counterterrorism efforts as well as in regional security.

*Question.* Gulf States like Saudi Arabia and the UAE have grown increasingly involved in the Red Sea basin, building bases and ports along the Red Sea corridor and the Horn of Africa and engaging neighboring countries in a "Red Sea forum." Please describe U.S. national security interests in the Red Sea Corridor.

*Answer.* U.S. interests in the Red Sea region are anchored in maritime security, including freedom of navigation through the Suez Canal and the Bab al-Mandeb Strait. These sea lanes carry significant volumes of international seaborne trade and oil shipments and are strategic corridors for the Navy in support of operations in the Gulf and the Indo-Pacific theater. The United States also seeks to limit Iranian malign regional influence, counter piracy and terrorism, and limit Chinese and Russian malign influence in the region. We work closely with partners on both sides of the Red Sea to encourage cooperative efforts to promote regional stability. We also have an interest in maintaining access to Camp Lemonnier and associated posture locations in Djibouti.

*Question.* Has the U.S. been invited to participate in a "Red Sea forum"? If so, what has been the response?

*Answer.* The United States has not been invited to participate in a "Red Sea forum" by any governments or international organizations in the region. The State Department has participated in informal dialogues and forums organized by the United States Institute of Peace (USIP) and National Defense University's Near East—South Asia (NESA) Center and Africa Center for Strategic Studies (ACSS). The Department has worked with these entities to ensure that the results of these discussions can inform policy deliberations toward the Red Sea region.

*Question.* What role do you think the U.S. should play in such a "Red Sea forum"?

*Answer.* Any role for the United States in a "Red Sea forum" should ensure that it functions as an inclusive mechanism to promote regional security and stability in a way that advances our interests in the region and limits the ability of Russia and China to expand their regional influence. We encourage dialogue and cooperation among Middle Eastern and African states and welcome constructive, coordinated engagement by Gulf states in the Horn of Africa. We will continue to work with Gulf states to support the transition to a civilian government in Sudan and promote efforts in Somalia to enable the AU Mission in Somalia transition plan.

*Question.* I am troubled by the minor role that the State Department is playing in facilitating discussions and/or negotiations between Egypt and Ethiopia over construction of the Grand Ethiopian Renaissance Dam (GERD). Please explain how the Treasury Department has come to lead this engagement, when the issues involved and technical expertise are clearly within the purview of and located at the State Department.

*Answer.* The Department of State has been deeply involved in the planning for the GERD meeting hosted by Secretary of the Treasury Mnuchin. The Department will continue to be directly engaged, as long as the three governments of Egypt, Ethiopia, and Sudan believe our involvement is useful and appropriate.

*Question.* Please describe the intended role of the Treasury Department, including the commitment to providing a neutral environment; and mitigating circumstances should these talks fail/fall apart.

*Answer.* I defer to the Department of the Treasury regarding their role.

*Question.* Please describe the role that the State Department has played in these talks, and the role that the State Department is expected to play going forward.

*Answer.* I understand that the Department has been engaging at various levels to move these countries toward a mutually acceptable, sustainable resolution while

ensuring parity in our engagements between the countries. The Department has participated as an observer in the most recent Treasury-organized GERD talks and will continue to serve as an observer throughout these talks. The Department continues to provide background information and policy recommendations to the Department of the Treasury. The Department of State will continue to engage as long as the three countries find our involvement useful and appropriate.

*Question.* I am concerned by Under Secretary of State for Political Affairs David Hale's testimony on November 20 that the Office of Management and Budget (OMB) has not removed its hold on \$105 million in FMF for Lebanon. However, as shown by Secretary Pompeo's release of Ukraine FMF over the objections of OMB, the State Department can release funds in spite of OMB objections. While there are concerns about Hezbollah's role in the LAF, I understand that the interagency, with the exception of OMB is in consensus that FMF to support the Lebanese Armed Forces (LAF) serves U.S. national security interests.

- Please confirm that OMB is opposed to releasing these funds and that neither the State Department nor other members of the interagency are opposed.

*Answer.* The Secretary remains committed to the Lebanese Armed Forces (LAF) and views that support as a key element of our Lebanon strategy. The U.S. government's assistance helps to ensure a LAF free of Hizballah's influence and one able to secure Lebanon's borders, defend its sovereignty, and preserve its stability.

*Question.* What reasons have been given for the hold?

*Answer.* The budget process involves a continual review of all assistance programs to ensure we are meeting U.S. foreign policy objectives and optimizing value for the American taxpayer.

*Question.* If the State Department is not bound by OMB objections to the release of funds, as shown with Ukraine's FMF, why has the State Department not released the funds and when can we expect them to be released?

*Answer.* Strengthening the capacity of the Lebanese Armed Forces is critical to securing Lebanon's borders, defending its sovereignty, and preserving its stability.

*Question.* Have there been any disruptions to either the delivery of weapons systems or current or potential sales to the LAF? If not, at what point do you anticipate any disruptions and what would those disruptions be?

*Answer.* To date, no Lebanese expenditures or purchases of military materiel have been delayed.

*Question.* Turkey's taking delivery of Russian S-400s clearly counts as a significant transaction that merits sanctions under CAATSA Section 231. However, no sanctions have been placed. With countries like Egypt and Serbia also considering purchasing Russian military equipment, this failure to follow the CAATSA law undermines our diplomats' ability to dissuade them from these purchases. Why has State not yet made a determination on whether the Turkish government's acceptance of S-400s constitutes a significant transaction?

*Answer.* I cannot prejudge a sanctions decision prior to a determination by the Secretary of State, nor can I preview a timeline for a CAATSA decision. The Secretary has made clear he is committed to implementing CAATSA and that he will comply with the law.

The administration is not waiting for the outcome of CAATSA deliberations to take strong action. The decision to unwind Turkey from the F-35 program makes clear how seriously we take this issue. As President Trump told President Erdogan during his recent visit, resolving the S-400 issue is vital to achieving progress on other elements of the bilateral relationship.

*Question.* When will this determination be made?

*Answer.* I cannot preview a timeline for a sanctions determination by the Secretary of State. The Secretary has made clear he is committed to implementing CAATSA and that he will comply with the law. Any decision to impose sanctions requires a thorough, complex deliberative process conducted on a case-by-case basis to ensure that the law is followed and that possible consequences of various courses of action are assessed. We intend to get this right rather than rushing a decision.

*Question.* Have other parts of government, including the White House, attempted to influence State's determination?

*Answer.* Any decision to impose sanctions requires a thorough, complex deliberative process conducted on a case-by-case basis to ensure that the law is followed and

that possible consequences of various courses of action are assessed. The current sanctions deliberations have involved robust interagency discussions.

*Question.* If confirmed, how will you engage with the governments of India, Egypt, Serbia, and other countries considering significant military transactions with Russia to convince them not to do so?

*Answer.* If confirmed, I will continue the Department's vigorous global implementation of CAATSA Section 231. The Department always emphasizes that the law is not aimed at undermining our partners' defense or security capabilities, but rather at addressing Russia's malign behavior by imposing costs and depriving it of the revenue, access, and influence it derives from defense and intelligence transactions. If the Department identifies a transaction of potential concern before it occurs, it seeks to engage partner states as far in advance as possible to help ensure they do not engage in sanctionable activity. As a result of our CAATSA section 231 implementation efforts, U.S. allies and partners have taken action to forego many billions of dollars in arms purchases from Russia.

*Question.* How are our European partners responding to Iran's nuclear developments? What steps are you taking to ensure international coordination on efforts to constrain Iran's nuclear ambitions?

*Answer.* The UK, France, and Germany have all expressed concern with Iran's recent decisions to advance its nuclear program through increased uranium enrichment and research efforts in advanced centrifuge design. Cooperation with European allies and partners to address the range of threats posed by Iran remains robust and we are in regular communication with our allies and partners regarding our Iran policy and how to increase pressure on Iran for its nuclear escalations. I understand that the U.S. welcomed the E3's September 23 statement urging Iran to reverse its nuclear developments and accept negotiations on a framework for its nuclear and missile programs.

*Question.* How do you believe China and Russia will interact with Iran once restrictions against arms imports set in the JCPOA begin to fall away?

*Answer.* If confirmed, I will defer to the intelligence community for an assessment of Chinese and Russian intentions of transacting arms deals with Iran upon the expiration of the U.N. arms embargo. However, continuing the U.N. arms embargo on Iran beyond the current expiration of October 2020 is a priority for this administration. We do not assess, based on Iran's malign activity and its role in supporting militias across the region, that conventional arms restrictions on Iran should be removed. If confirmed, I will ensure that the Department continues to work with our partners on the UNSC to build support for an extension of the arms embargo. In addition, we will utilize other tools available to us in our efforts to both block Iran from acquiring the weapons currently restricted under the existing U.N. arms embargo, as well as to prevent the supply, sale, or transfer of arms and related material from Iran.

*Question.* As I, along with the Chair of the Senate Foreign Relations Committee and the Chair and Ranking Member of the Senate Armed Services Committee, wrote in an op-ed, Turkey's taking delivery of Russian S-400s clearly counts as a significant transaction that merits sanctions under CAATSA Section 231. However, no sanctions have been placed.

- Why has State not yet made a determination on whether the Turkish government's acceptance of S-400s constitutes a significant transaction?

*Answer.* I cannot pre-judge a sanctions decision prior to a determination by the Secretary of State, nor can I preview a timeline for a CAATSA decision. We intend to get this right rather than rush a decision. The Secretary has made clear he is committed to implementing CAATSA and that he will comply with the law.

The administration is not waiting for the outcome of CAATSA deliberations to take strong action. The decision to unwind Turkey from the F-35 program makes clear how seriously we take this issue. As President Trump told President Erdogan during his recent visit, resolving the S-400 issue is vital to achieving progress on other elements of the bilateral relationship.

*Question.* When will this determination be made?

*Answer.* I cannot preview a timeline for a sanctions determination by the Secretary of State. The Secretary has made clear he is committed to implementing CAATSA and that he will comply with the law. Any decision to impose sanctions requires a thorough, complex deliberative process conducted on a case-by-case basis to ensure that the law is followed and that possible consequences of various courses of action are assessed. We intend to get this right rather than rushing a decision.

I further note that the announcement in September 2018 of our previous decision to impose sanctions on a Chinese entity under CAATSA took place months after the delivery to China of Su-35 fighter jets and S-400 equipment.

*Question.* Have other parts of government, including the White House, attempted to influence State's determination?

*Answer.* Any decision to impose sanctions requires a thorough, complex deliberative process conducted on a case-by-case basis to ensure that the law is followed and that possible consequences of various courses of action are assessed. The current sanctions deliberations have involved robust interagency discussions.

*Question.* Ahead of the Erdogan-Putin talks in Sochi, what discussions did the United States have with the Turkish government regarding the planned content of those talks? How does the State Department assess the compatibility of that agreement with U.S. interests?

*Answer.* U.S. objectives in Syria remain the enduring defeat of ISIS and al-Qa'ida, a political solution to the Syrian conflict in line with U.N. Security Council Resolution 2254, and the removal of all Iranian-backed forces from Syria. We shared these objectives with Turkey. We remain skeptical about Russia's commitment to upholding its responsibilities as outlined in the October 22 Russia-Turkey arrangement for northeast Syria. The October 17 U.S.-Turkey joint statement has saved lives and limited violence. No subsequent arrangements made with other countries replace or modify Turkey's commitments under its arrangement with the United States. We remain ready to re impose sanctions should Turkey fail to uphold commitments outlined in the Joint Statement.

*Question.* I am deeply concerned by Turkey's decision to drill exploratory wells in the Republic of Cyprus's Exclusive Economic Zone (EEZ). I appreciate that the State Department has urged Turkey to halt its drilling, but that does not seem to have impacted Turkey's actions. Has State Department communicated directly with the Turkish government on this issue, and at what level is that communication happening? What consequences has the State Department told Ankara could occur if it does not stop its illegal drilling?

*Answer.* Turkey's drilling operations escalate tensions in the Eastern Mediterranean and erode trust in the region. Secretary Pompeo and other senior officials expressed concern publicly and privately about Turkey's exploration and drilling activities and made clear we consider Turkey's actions damaging and provocative. We clearly stated to Turkey and to others in the region longstanding U.S. policy on the right of the Republic of Cyprus to develop natural resources and that the resources of Cyprus and its EEZ should be shared equitably among the communities.

*Question.* The European Union has imposed aid cuts and suspended high-level talks with Ankara due to its illegal drilling in Cyprus's EEZ, and has threatened harsher sanctions in the future. What discussions has the State Department had with the EU regarding its planned and future response to Turkey's illegal drilling? The U.S. has taken no action to date in response to Turkey's activities in the EEZ. What measures are being considered?

*Answer.* We regularly raise with EU partners longstanding U.S. policy on the right of the Republic of Cyprus to develop resources in its EEZ. We continue to support the development of an equitable solution for sharing the benefits of Cyprus' hydrocarbon resources between the two communities. We have warned publicly and privately that Turkey's drilling and exploration operations are provocative and raise tensions. The Department, on August 19, issued a statement terming Turkish drilling activities within the territorial sea of Cyprus "unlawful." We urge all states to settle maritime disputes peacefully and in accordance with international law and to make every effort to avoid jeopardizing the reaching of a final maritime agreement.

*Question.* 1.5 million Armenians perished during the Ottoman Empire's systematic campaign to eliminate the Armenian population. Attempts to deny that this campaign happened, or to pretend it was anything other than a genocide not only deny a clear truth, but also make it impossible to learn from this horrific part of history and prevent it from ever happening again. Other than Turkey's objections, what factors have prevented the U.S. government from recognizing the reality of the Armenian Genocide?

*Answer.* The U.S. government acknowledges and mourns the 1.5 million Armenians who were deported, massacred, and marched to their deaths at the end of the Ottoman Empire. Each year, on April 24, the U.S. government commemorates the Meds Yeghern, one of the worst mass atrocities of the 20th century. We welcome

efforts of Armenians and Turks to acknowledge and reckon with their painful history.

*Question.* Recently, a number of humanitarian organizations have highlighted the impact of U.S. counter-terrorism and sanctions policies as inhibiting humanitarian action in conflict settings.

- What do you see as the major obstacles facing humanitarian actors in reaching populations in need in conflict affected environments?

*Answer.* The greatest obstacles preventing humanitarian actors from reaching populations in conflicts are the myriad security challenges posed by both state and non-state armed groups, as well as unduly delayed or denied permission for humanitarian personnel and/or goods, restricted access to populations, and limitations on life-saving activities. If confirmed, I will encourage the U.S. government's support for humanitarian organizations in insecure areas while maintaining accountability for U.S. taxpayer funds and respecting applicable domestic and international law. For example, the Treasury Department may, in appropriate circumstances, issue licenses to authorize the provision of assistance that may otherwise implicate U.S. sanctions authorities.

*Question.* What do you see as the State Department's responsibility with respect to partner forces who are impeding humanitarian assistance abroad?

*Answer.* If confirmed, I will support the U.S. government's long-standing policy to promote compliance with the law of armed conflict by the foreign militaries we train and to promote access to humanitarian assistance that is not unduly impeded. The State Department closely monitors reports of undue impediments to rapid humanitarian response and raises verified reports with the relevant government. It is also important to emphasize adherence to the law of armed conflict and taking all feasible measures to protect civilians, including humanitarian personnel, and civilian objects.

*Question.* How will you work with DoD and allied government to ensure partner forces in Yemen (and Nigeria and elsewhere) are meeting their obligations under International Humanitarian Law to facilitate safe passage civilian populations and for humanitarian assistance?

*Answer.* If confirmed, I will ensure the Department continues to work closely with DoD to promote compliance with the law of armed conflict by the foreign militaries we train and encourage best practices for the protection of civilians. This includes taking reports of civilian casualties and impediments to humanitarian response seriously and intervening with partner governments and military leadership to adjust training, operations, and accountability mechanisms as necessary. I support emphasizing to both civilian and military leadership the importance of adherence to the law of armed conflict and taking all feasible measures to protect civilians, including humanitarian personnel, and civilian objects.

*Question.* How will you work with humanitarian agencies to ensure they 'don't get in their own way', when it comes to their responsibilities and opportunities to provide lifesaving assistance to populations in need?

*Answer.* If confirmed, I will continue the Department practice to encourage our international and non-governmental partners to provide humanitarian assistance based on their mandates, technical capacities, geographic reach, and comparative advantage under international humanitarian coordination mechanisms such as U.N. Humanitarian Response Plans, which provide a comprehensive assessment of humanitarian needs at the regional or country level and present coordinated and prioritized response plans. By providing the most accurate assessment of needs and how best to meet them, these plans mobilize resources focused on the people, sectors, and areas that need them the most and promote coordinated and effective humanitarian response.

*Question.* All international staff of humanitarian NGOs have evacuated from northeast Syria, but local Syrian staff remain—many work for U.S. implementing partners and continue to deliver programming and work to meet humanitarian need. Many have already been displaced multiple times and most have few options to relocate to seek safety for themselves and their families. They find themselves in increasing danger—from Turkish advances from the north and from advancing government of Syria troops from the south—including threats of conscription, detention, or worse.

- What steps is the administration taking to ensure the safety and security of local humanitarian workers in Syria?

*Answer.* The United States is committed to supporting the safety and security of humanitarian aid workers inside Syria. The U.S. government funds partner organization duty of care policies in Syria to assess risks to staff and provide funding to support staff members who need to depart quickly or lose their jobs. As the situation in northeast Syria continues to unfold, the Department will remain flexible with our partners and with our funding, and it will use the full range of diplomatic tools available to advocate for the safety of our partners and humanitarian workers in Syria.

*Question.* If you were to become Acting Secretary of State, would you utilize the emergency authorities of the Arms Export Control Act to bypass Congress to export arms without prior timely consultation with this committee?

*Answer.* If confirmed, I will fully comply with the provisions of the Arms Export Control Act and only consider exercising this option in the event of an emergency. The Department respects Congress' oversight role in the arms transfer process and commits to continued consultation with the Senate Foreign Relations Committee and House Foreign Affairs Committee.

*Question.* Do you believe that the May 24th emergency declaration for 22 arms sales to Saudi Arabia and the UAE was necessary to deter Iran from attacking either country, as was claimed by the Secretary of State at the time? If so, was it successful?

*Answer.* I was not involved in these matters as Special Representative for North Korea but believe that accelerating the delivery of defense equipment to our partners, in particular that related to air and missile defense, was both vital to reassuring to our partners of our support in the face of increasing Iranian malign activities and an important step to improve their readiness while deterring Iran.

*Question.* Do you agree that continuing arms sales to countries that use them in human rights abuses, including violations of the law of armed conflict, can do more harm to the national security of that country, and to U.S. national security, foreign policy, and reputational interests, than discontinuing or conditioning those sales?

*Answer.* The United States considers all such issues consistent with applicable law and policy, including the Conventional Arms Transfer Policy. Our goals with arms sales include promoting the national security and foreign policy interests of the United States.

*Question.* Congress amended the Arms Export Control Act in 2002 to give Congress more oversight over the export of firearms to foreign countries, and to enact joint resolutions of disapproval on firearms sales that were unwise or dangerous. As part of this oversight process, for example, sales of firearms proposed by State to President Erdogan's thuggish bodyguards—after they had beaten peaceful protestors in Washington—were halted.

- Why does the State Department now seek to take away that oversight role from Congress by moving these firearms to the Commerce Department?

*Answer.* The Department is focused on maintaining a U.S. Munitions List (USML) that controls those items that provide the United States with a military or intelligence advantage. This supports a competitive defense industrial base while ensuring that the Department's resources are focused on the export of technologies that pose a threat to America's military edge. This effort removed a significant number of items from the USML and transferred them to the export jurisdiction of the Department of Commerce. Further to your concerns, under the final rule notified to Congress earlier this month, semiautomatic firearms will continue to require export licenses and remain subject to foreign policy review, including for human rights concerns.

*Question.* As part of that proposed transfer of export of firearms to Commerce, the technical information to 3D print nearly-undetectable guns will also go to Commerce, which has informed committee staff on multiple occasions that it cannot effectively control the Internet posting of such information by its own export regulations, unlike on State U.S. Munitions List, which controls that information now.

- Do you believe that it is a good idea to allow the global Internet dissemination of 3D printing gun blueprints? Would that make foreign air travel safer or less safe for Americans? Would that make U.S. embassies and consulates abroad safer or less safe?

*Answer.* The Department of Commerce drafted rules, which were provided to Congress, that would control the technology to manufacture 3D firearms under its export control system. Commerce maintains a fulsome compliance and enforcement system to support the export controls it administers. Further, I understand the De-

partment of State utilizes a multilayered approach to respond to emerging threats in order to protect our facilities and employees, providing a secure environment for the conduct of U.S. diplomacy. I understand the Department will continue to review new technologies to develop effective mitigation strategies.

*Question.* Earlier this year, I sent a letter to the Secretary of State asking about several reports of American citizens providing defense services abroad under suspicious circumstances, including Erik Prince providing training to Chinese security services; an American acting as a military officer for the UAE; and more nefarious services in Yemen. I asked if these persons had State licenses under the International Trafficking in Arms Regulations, and if not, were there any investigations into these reported activities. The response from the Assistant Secretary of Legislative Affairs told me, in effect, to mind my own business; the information was, quote, “non-public” and “potentially proprietary”, and State would inform Congress if there were any results of any investigations.

- Do you agree that it is none of Congress’s oversight business to ensure that the laws of the United States are being faithfully implemented by the Department of State? If you do not agree, how do you propose we verify that State is doing its job?

*Answer.* As a matter of policy and practice, the Department does not confirm or deny the existence of investigations into possible violations of the International Traffic in Arms Regulations (ITAR) arising from direct commercial sales transactions. I would note, however, we do routinely brief Congress on administrative settlements resolving such investigations upon their conclusion, and I certainly commit to continuing this established practice if confirmed.

*Question.* China’s rise presents something new and different, and outside our experience of the past 240 years, a nation with an economy equal or greater than our own, and a competitor across every dimension of power. I agree with President Trump that China is a serious threat to the United States. And while I would welcome the emergence of a China that follows established international economic rules, and supports international institutions, laws, and norms, I am very concerned that that does not appear to be the China that we are seeing. But more immediately troubling, for all the tough talk out of the Trump administration on China, I simply do not see the evidence that your administration’s approach to China is working to change China’s behavior. Merely being more confrontational with China does not make us more competitive with China.

- China’s aggressive maritime activities in the South China Sea, including recent incursions into Vietnamese, Filipino and Malaysian waters, and on-going building of infrastructure that could easily be turned to military use continues unchecked.
- China has yet to make any significant concessions on any of the deep structural issues that lie at the heart of our trade and economic imbalance. Instead, China is going toe-to-toe with us in a “good” in an “easy to win” trade war and our economy is suffering.
- China’s “belt and road” continues to expand and make in-roads around the world.
- China continues to provide support for North Korea even as North Korea continues to move forward with its missile and nuclear programs unconstrained, and with the United States no longer conducting necessary military exercises to assure readiness on the Peninsula.
- China’s digital authoritarianism continues apace, with ever-greater repression at home and soup-to-nuts systems fully installed for dictators and despots around the globe.
- China’s great leap backwards on human rights and governance is gathering momentum, with the administration conspicuously silent as the people of Xinjiang and Tibet suffer, and Chinese civil society space is crushed.
- Beijing continues to squeeze Taipei, including the loss of several of Taiwan’s diplomatic allies on Trump’s watch. Can you point me to any significant area of success where the Trump administration has successfully engineered a change in Chinese policy or behavior on security, trade, human rights, diplomatic or other issues?

*Answer.* This administration is committed to countering the People’s Republic of China’s counterproductive behavior, while defending American interests and values. The administration succeeded in securing China’s commitment to schedule fentanyl as a controlled substance, and in November, China carried out its first fentanyl-related prosecution. We obtained Chinese support for unprecedented DPRK-related U.N. Security Council Resolutions, which brought Pyongyang to the negotiating

table. We have taken concrete actions to respond to the repression in Xinjiang and are strengthening partner capacity to resist Beijing's interference in their maritime activities. We support Taiwan as it resists efforts to constrain its appropriate participation on the world stage.

*Question.* If you can't point to any evidence that the current policy is working, what alternative or new ideas do you plan to propose to get China right if you are confirmed as Deputy Secretary of State?

*Answer.* If confirmed, I will continue to vigorously implement the administration's policy of strategic competition with the People's Republic of China (PRC), as outlined in the President's 2017 National Security Strategy. Through this policy, we are holding the PRC accountable for its counterproductive behavior, defending American interests and values, and bolstering our partners' ability to resist the PRC's coercive actions. I will work to build on the concrete progress we have already achieved towards these goals, including with respect to counternarcotics, the DPRK, the South China Sea, Taiwan, human rights, and other priority issues.

*Question.* Chinese companies such as Huawei and ZTE are global competitors in the electronics and telecommunications industries. As part of their expanding efforts, these companies are investing in emerging markets and building out 5G infrastructure globally. While 5G alternatives to Huawei are available, such as Ericsson or Samsung, the United States itself does not have an integrated 5G alternative. One key concern surrounding cyber and U.S. national security is its impact on nuclear weapons. As we modernize our nuclear systems, they additionally become increasingly linked with the cyber domain, potentially opening our deterrent capabilities to new vulnerabilities.

- How will the proliferation of these Chinese-enabled 5G technologies impact U.S. and allied security interests? What is the U.S. doing to combat China's growing influence in the telecommunications field?

*Answer.* I take the national security issues associated with 5G technology very seriously and, if confirmed, will continue to make this a high priority for the Department. The United States is advocating with our allies and partners for telecommunications networks that are secure and free from suppliers that are subject to foreign government control or undue influence, which poses risks of unauthorized access and malicious cyber activity.

*Question.* Does the administration have a plan to aid U.S. development of 5G? How can the United States be a main player on 5G when we are not at the forefront of the infrastructure itself?

*Answer.* If confirmed, I will support the Department's continued international engagement with partners and allies on the risks of untrusted vendors in 5G networks. I will continue to emphasize that there are trusted end-to-end network alternatives to Chinese companies Huawei and ZTE, namely Ericsson, Nokia, and Samsung. While these companies are not American, they are headquartered in democratic countries with the rule of law and contain a significant amount of U.S.-origin equipment in their supply chains.

*Question.* What is Huawei's role in the mass incarceration and re-education of Uyghurs and other ethnic minorities in Xinjiang province? How is the U.S. holding China, and Huawei, accountable, for the human rights abuses occurring in Xinjiang?

*Answer.* I am alarmed by the People's Republic of China (PRC)'s campaign of repression against Uyghurs and other members of Muslim minority groups in Xinjiang, which includes mass arbitrary detentions in camps and pervasive, high-tech surveillance. The PRC, with the active support of multiple companies, uses technologies to undermine fundamental freedoms by gathering and exploiting data in Xinjiang and beyond. The administration is taking concrete action. I understand that the State Department announced in October visa restrictions on Chinese government and Communist Party officials believed to be responsible for, or complicit in, the detention or abuse of Uyghurs, Kazakhs, or other members of Muslim minority groups in Xinjiang. I understand that the Commerce Department added 28 Chinese governmental and commercial organizations to the Department of Commerce Entity List in light of their connection to Xinjiang abuses. If confirmed, I will work with the interagency to use all tools available to discourage those responsible from committing these human rights abuses.

*Question.* What is your interpretation of the authorities the administration retains in regards to use of force in the cyber domain? What constitutes an attack in the cyber domain? How does the administration define so-called "grey area" activities



within the context of use of force authorities? Are there mechanisms for attribution for such an attack?

*Answer.* The United States may exercise its inherent right of self-defense in response to cyber activities that amount to an armed attack or imminent threat thereof. In determining whether a cyber operation would constitute a use of force, we would consider whether the direct physical injury and property damage resulting from the cyber event look like that which would be considered a use of force if produced by kinetic weapons. Decisions to attribute malicious cyber activity are made on a case-by-case basis, using a combination of technical and non-technical means and with input from the entire government. The United States has been exploring mechanisms to promote coordinated joint attributions of malicious cyber activity with our international partners.

*Question.* What are the administration's efforts at curbing attacks through the digital domain on the United States and our partners? Is the administration considering engaging in arms control conversations with other countries on standards and norms of conduct in the cyber domain?

*Answer.* We work on a whole-of-government basis to counter, contest, respond to, and deter cyber threats to the United States and its partners. This includes international efforts to share information, build capacity, and defend forward. The Department is building cooperation among likeminded countries to hold states accountable when they act contrary to the consensus framework for responsible state behavior in cyberspace, one we have championed for more than a decade. A focus on norms of behavior, coupled with efforts to expose and contest behavior inconsistent with these norms, will be more effective than arms control (i.e., bans on development or use of capabilities) at reducing the risk of conflict stemming from a cyber incident.

*Question.* What is the U.S. doing to ensure our deterrent capability is not deleteriously affected by cyber intrusions? Does the U.S. need to rethink our nuclear command and control structure as we face a new digital atmosphere and rising great power competition geopolitically?

*Answer.* Securing our military and sensitive industrial networks against cyber intrusions is an urgent requirement that both government and the private sector must take seriously. As far as this relates to our nuclear command and control structure, I would refer you to the Department of Defense.

*Question.* You may or may not be aware that every year for the past three years under this administration we have faced a real crunch when it comes to the congressional notification process at the end of the fiscal year. This creates risk for the sustainability and implementation of many of our foreign assistance programs and diplomatic efforts. We have been voicing our concerns on this ever year, with ever-greater urgency. Finally, this past year—just a few months ago—the Department's mishandling of the process—aided and abetted by OMB—created a car crash in which tens of millions of dollars appear to have been effectively lost. We actually don't know the full extent of the damage yet because the Department itself doesn't seem to fully know or understand what transpired—which is not a great indicator of capable or competent management, no matter how much swagger it has. I would like your commitment, if confirmed, that you will pay personal attention to this matter and make sure that at the end of this upcoming fiscal year we are not yet again subject to a frantic and hysterical last-minute process that undermines the proper functioning of the Department of State.

*Answer.* If confirmed, I will be personally involved in the budget process to ensure the Department is effectively leveraging its resources to meet the foreign policy objectives of the United States. I will work with the relevant bureaus to obligate funds appropriated by Congress consistent with the Department's operating plans, Congressional notifications, and applicable laws.

*Question.* You may be aware that earlier this year both the Chairman and I sent a letter to the Secretary expressing our concern that the administration was considering a rescissions package that would have unconstitutionally prevented congressionally-appropriated funds from being spent. If Congress passes an appropriation, and it is signed into law, will you commit to carry out the congressional mandate and intent, through the funds that we appropriate, and for the purpose in which Congress has appropriated those funds?

*Answer.* If confirmed, I commit to working with the relevant bureaus to obligate funds appropriated by Congress consistent with applicable laws.

*Question.* Regardless of the mechanism that the executive branch chooses, if the President wants to rescind or cancel funds that Congress has previously appropriated and the President has signed into law, Congress still must agree to cancel out or rescind those funds. As a longtime budget staffer, is it your understanding that if Congress does not agree or act in some way to rescind or cancel funds, the executive branch agency must spend the appropriated funds for their original purpose?

*Answer.* If Congress does not act on a rescission proposal by the administration within the statutory period, the Department and USAID would take appropriate measures to obligate funds appropriated by Congress consistent with applicable laws.

*Question.* Should the President choose to try and rescind or cancel funds that Congress has previously appropriated and which have been enacted into law, do you commit to communicate any such request to this committee and providing a briefing regarding the rationale for such a request?

*Answer.* If confirmed, I will communicate with the committee regarding formal administration proposals to rescind or cancel funding.

*Question.* I am deeply concerned about the efforts by the Trump administration over the past three years to slash upwards of 30 percent from the Function 150 budget. If it were not for congressional pushback, these cuts would have gravely undermined the ability of the United States to pursue an effective national security strategy. What are your views on the importance of robust diplomacy and soft power tools to lead U.S. national security policy and strategy, supported by our hard power?

*Answer.* The administration is committed to restraining overall non-defense discretionary spending, including for the State Department and USAID. The Department remains committed to ensuring the effective use of U.S. taxpayer dollars, driving efficiencies, and working on behalf of the American people to advance national security objectives and foreign policy goals. If confirmed, I look forward to continuing discussions with Congress on funding for our diplomacy and foreign assistance programs.

*Question.* What are the implications for our ability to be able to continue to provide global leadership if the administration's budget proposals are fully enacted?

*Answer.* The Department's FY 2020 budget request factors in the administration's commitment to restraining overall non-defense discretionary spending, including international affairs programs resources. Therefore, the FY 2020 request is a reflection of U.S. national priorities while remaining within an overall budget topline. The request upholds U.S. commitments to key partners and allies through strategic, selective investments that enable America to retain its position as a global leader, while relying on other nations to make greater contributions toward shared objectives, including advancing democracy worldwide.

*Question.* What steps will you take, if confirmed, to assure that the Function 150 budget is fully resourced?

*Answer.* If confirmed, I look forward to working across the interagency and with each bureau across the Department to ensure alignment of available resources with strategic priorities and to address potential gaps in foreign assistance programs. I am committed to putting in place the appropriate oversight to ensure the Department meets its responsibility to use taxpayer dollars wisely and effectively. If confirmed, I look forward to continuing discussions with Congress on funding for diplomatic and foreign assistance programs and working to ensure the Department has the right systems, personnel, and infrastructure in place to execute these programs effectively.

*Question.* At this time, outstanding U.S. contributions to the U.N. regular budget and U.N. peacekeeping are about \$3.5 billion. In addition, on peacekeeping, I have not heard whether any of the CIPA money referred to in a September 13, 2019 CN has been obligated to the U.N. yet. Knowing the U.N. is in real financial crisis and must stop hiring and holding after-hours meetings and may be short on salaries next month, why is the State Department slow-walking the funds when it should be available now?

*Answer.* I understand that the Department is in the process of paying \$855 million in peacekeeping assessments. These payments should be complete by the first week of December. Once the payments are complete, the Department will have paid all but three U.S. peacekeeping assessments received through September for the current U.N. peacekeeping financial year. The Department is paying these assess-

ments at the rate of 25 percent, as specified by section 404(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995. The Department is also in the process of making a \$300 million payment for the U.N. regular budget, which should be complete by the end of November.

*Question.* Why has the State Department not yet paid our peacekeeping dues yet? Did rescission affect the ability of IO and other State staff to process payments to the U.N.? Please provide details on reasons for the delay.

*Answer.* I understand that the Department is in the process of paying U.S. peacekeeping assessments for the current U.N. peacekeeping financial year. Payment of the peacekeeping assessments was delayed in part due to the OMB reapportionment exercise, and also because the Department prioritized payments to the assessed regular budgets of the U.N. and other major organizations. I understand that the financial impacts of delays in the regular budget payments were significantly greater than the impacts of the delays in the payment of peacekeeping assessments.

*Question.* Ethiopia and Sudan are in the midst of political transitions, which represent a once-in-a-generation opportunity for democratic change for more than 100 million people in east Africa. However, both transitions are extremely fragile. Sudan's economy is in shambles, and the verdict is out on whether Prime Minister Hamdok will retain firm control of the government. Lt. Gen. Mohamed Hamdan "Hemeti," a man widely believed to be responsible for human rights abuses in Darfur, retains a significant amount of influence. In Ethiopia, nearly three million people—and likely more—have been displaced due to what observers on the ground have labeled "ethnic cleansing." Mass graves are said to have been uncovered, the result of attacks across the country. Armed groups are active in some areas. If confirmed, what specific actions and support will you prioritize to help ensure Ethiopia and Sudan successfully transition to democracy?

*Answer.* If confirmed, I will prioritize working with Congress, international partners, and the Friends of Sudan to provide the technical, political, and economic support that Sudanese civilian leaders require to reform the economy, deliver on demands for justice and accountability, and prepare the groundwork for free and fair elections. For Ethiopia, I will prioritize capacity building for the justice sector that can establish rule of law and a renewed Ethiopian security sector that can peacefully address the challenge of ethnic conflict, rather than instill fear and oppression. I will continue advancing U.S. support for Ethiopia's historic reforms, including by supporting civil society organizations that can help can document and address the gravest incidences of human rights abuses.

*Question.* What steps do you think the U.S. could take to bolster Sudanese Prime Minister Hamdok in his efforts to consolidate civilian leadership in Sudan during the transition period?

*Answer.* For Sudanese Prime Minister Hamdok to succeed, he will need to demonstrate an ability to deliver on the Sudanese people's demands for justice, peace, democracy, and economic recovery. Continued U.S. diplomatic leadership in the Friends of Sudan partnership is critical to mobilizing the political, economic, and technical support required to deliver in these areas. If confirmed, I would equally prioritize bilateral engagement with and financial support to the Sudanese civilian government to create political and fiscal space to enable it to enact economic reforms, expand human rights protections, finalize and implement peace agreements in historically marginalized areas, and move towards free and fair elections.

*Question.* What should the U.S. be doing to help Prime Minister Abiy create an environment conducive to credible elections in Ethiopia next year?

*Answer.* The Department has conducted assessments of the pre-electoral environment to identify how best to support and prepare Ethiopia's electoral commission for free, fair, and credible elections in Ethiopia next year. Supporting civil society organizations will be essential in ensuring Ethiopia's democratic transition, particularly given their role in educating and training voters and in monitoring elections next year. The United States will also continue to support the electoral commission to prioritize and enact effective electoral reforms, and to identify, prioritize, and address critical vulnerabilities that could undermine the integrity of the 2020 electoral process.

*Question.* Will you commit to work with Congress to develop such an approach similar to that the U.S. undertook to support Eastern Europe's transition to democracy for East Africa?

*Answer.* If confirmed, I will commit to advancing policies that support democratic principles and the aspirations of communities and populations in East Africa. This

will include supporting governments such as Ethiopia and Sudan that have seen transformational changes, speaking out against democratic backsliding in countries such as Tanzania, and continuing to deploy tools that support credible and transparent elections, promote civil society, and advance human rights and democratic governance.

*Question.* Since the start of the civil war in South Sudan, nearly 400,000 people are estimated to have died. That number is likely higher. The ceasefire signed in September 2018 has created a fragile peace, allowing 594,000 displaced people to return home, increasing food production, and enhancing humanitarian access. However, the parties to the conflict once again delayed the formation of a unity government, the third such delay since the so-called “Revitalized” peace agreement was signed. What are the obstacles to the formation of a unity government and what is our strategy for helping the parties move towards implementation of the Revitalized Peace agreement?

*Answer.* The obstacles to the formation of a unity government are President Kiir and opposition leader Riek Machar, whose inability to achieve this basic demonstration of political will for the people of South Sudan calls into question their suitability to continue to lead the nation’s peace process. Neither has been willing to set aside personal interests or compromise on key areas of disagreement, including the number of states, political space for the opposition, and the implementation of security provisions of the peace agreement. If confirmed, I will support Secretary Pompeo’s efforts to reevaluate the U.S. relationship with the government of South Sudan and will continue working bilaterally and with the international community to take action against all those impeding South Sudan’s peace process.

*Question.* If confirmed what specific diplomatic actions will you take to ensure that the revitalized peace process is implemented?

*Answer.* If confirmed, I will work closely with the Bureau of African Affairs and other relevant bureaus to prioritize routine senior-level diplomatic engagement on the South Sudan peace process. I will also ensure that U.S. efforts are conducted in conjunction with the leadership of Uganda, Kenya, Ethiopia, Sudan, the AU, and the Inter-Governmental Authority on Development. Our leadership in helping these regional actors devise a way forward is essential. I would also work with our troika partners—the UK and Norway—to increase our pressure on South Sudanese leaders, and through our U.N. and AU missions to promote freedom of movement for the U.N. Mission in South Sudan and to facilitate the establishment of the AU Hybrid Court for South Sudan.

*Question.* What steps will you take, if confirmed, to help avert a resumption of hostilities should this latest deadline for the formation of a unity government not be met?

*Answer.* If confirmed, I would work closely with our Bureau of African Affairs to place diplomatic pressure—in partnership with our allies—on both President Salva Kiir and opposition leader Dr. Riek Machar to recommit publicly and frequently to upholding the ceasefire, to cease arms purchases, to end recruitment activities, and to implement effectively the security sector reform components of the peace agreement. I would also work through the U.S. Mission to the U.N. to identify arms embargo violators and hold them accountable while simultaneously working with UNSC allies to ensure the U.N. Mission in South Sudan is prepared to protect civilians and afforded the freedom of movement necessary to do so.

*Question.* The Gulf countries are influential actors in the Horn of Africa. Analysts have expressed concern that the Gulf crisis may exacerbate regional tensions in the Horn. Sudan, Somalia and Ethiopia can easily be further destabilized. What actions will you take, if confirmed, to ensure that our Ambassadors in Riyadh, Ankara, Abu Dhabi and Doha are consistently delivering messages about the importance of refraining from actions which for example undermine efforts to support the formation of a strong federal state in Somalia, or which could otherwise potentially play a destabilizing role in the Horn of Africa?

*Answer.* If confirmed, I will work closely with the Bureau of Near Eastern Affairs, the Bureau of African Affairs, and our ambassadors in the region to ensure the United States is urging Gulf countries at all levels to play a constructive role in advancing peace and stability in the Horn. I will work to support the development of a mechanism to manage commercial and security concerns related to the Red Sea. On Somalia, I will continue to encourage our partners in the Gulf to support federalism reforms; peaceful, inclusive, and democratic national elections next year; the development of Somali security forces to enable the AMISOM transition plan; and

economic reforms that will allow Somalia to enter the debt relief process next spring.

*Question.* The UAE, Saudi Arabia, and Turkey have increased their military presence along the coast of the Horn of Africa, expanding and increasing activity throughout the Red Sea Corridor. What steps will you take, if confirmed, to improve coordination of State Department's strategies, programs, and policies implemented by the Africa and Near-East-Asia bureaus relative to the Red Sea?

*Answer.* If confirmed, I will work closely with my colleagues in the Bureaus of Near Eastern, African, and European and Eurasian Affairs, and our ambassadors in relevant countries engaged in the Red Sea region, to ensure that our strategies, programs, and policies are well coordinated in addressing issues throughout the Red Sea Corridor. Working together, we can encourage these countries to play a constructive role in advancing peace and stability in the Red Sea, Gulf, and Horn of Africa.

*Question.* If confirmed, what steps will you take to secure access to the Anglophone regions of Cameroon for international and domestic observers to ascertain the veracity of the current accounts of widespread government abuses against civilians in those regions? What role do you see the United States as having in facilitating, encouraging, and/or leading constructive dialogue between the government of Cameroon, and opposing parties in the Anglophone region, and what actions will you take if confirmed to help foster political dialogue?

*Answer.* I will work with the Bureau of African Affairs to seek unfettered access for humanitarian aid workers to the Anglophone Northwest and Southwest Regions of Cameroon and to call for full and independent investigations of abuses committed by both sides. The United States calls for an end to violence on both the Cameroonian government side as well as the side of the various armed separatist groups. I will continue calling on both sides to enter into an open-ended dialogue without pre-conditions and supporting the Swiss-led dialogue initiative. Additionally, if confirmed, I will continue support working closely with civil society organizations in Cameroon to strengthen grass-roots peace builders.

*Question.* Security across the Sahel continues to devolve. Latest reports show over 4 million displaced-- one million more than last year. Violent extremism is expanding from Mali into Burkina Faso.

- If confirmed, what steps will you take to develop a strategy to deal with the challenge of worsening security and increasing violent extremism across the Sahel?

*Answer.* Instability in the Sahel threatens U.S. national security and undermines the Department's broader goals for the region. The administration is committed to whole-of-government approaches to addressing fragility in the region that harness our defense, development, and diplomatic capabilities. If confirmed, I will support the Department's ongoing efforts to develop a robust diplomatic engagement framework for Sahel stabilization focused on bolstering rights-respecting, citizen-responsive governance, improving coordination internally and with our partners and other donors to ensure complementarity of effort, and advancing cornerstone political objectives, such as implementing the Algiers Accord in Mali.

*Question.* China and Russia have made concerted efforts to increase their countries' political, security, and economic influence across Africa, providing security services, loans and building infrastructure. Russia has interfered with elections in Africa. The administration's strategy in Africa recognizes this challenge, but little action has been taken.

- What specific actions will you take to if confirmed to counter Russian and Chinese influence in Africa?

*Answer.* If confirmed, I will continue to monitor China's and Russia's involvement in Africa and support efforts to counter malign influences in line with U.S. national security interests and those of our African partners. If confirmed, I will work hard to promote peace and security and to increase U.S. trade and investment in Africa. Countries around the globe can play a role as a source of capital and knowledge for African development, but they must apply the highest international standards of openness, inclusivity, transparency, and governance.

*Question.* Several countries in Africa, notably Uganda, Zimbabwe, Tanzania, and Burundi have seen the increasing closure of space for local civil society, media/journalists, political opposition, and even international NGOs.

- What will you do if confirmed to ensure that we help protect democratic space in countries in which human rights and democratic freedoms are increasingly at risk?

Answer. Civil society continues to face challenges to its role in representing and advocating for citizens, particularly where the enabling environment is closing or closed. If confirmed, I am committed to promoting and protecting the role of civil society as an essential element of citizen-centered democratic governance. I will support the development of the institutional architecture to support victims, enhance access to justice and promote voices that encourage local dialogue among Africans, respect the rule of law and support access to justice, foster civil society, and recognize the critical role played by independent media.

*Question.* I am concerned by the continued lack of normalcy in Indian-administered Kashmir and by the difficulty in getting reliable information on the situation on the ground. Has the State Department tried to send U.S. diplomats to Indian-administered Kashmir since the revocation of Article 370 on August 5th? If the Indian government has blocked U.S. diplomats from entering the area, what reasoning have they given for doing so?

Answer. Since India's August 5 decision to abrogate Article 370, the Indian government has denied the Department of State's requests to visit Jammu and Kashmir, citing security concerns. If confirmed, I will support the Department of State's efforts to renew diplomatic visits, including to the Kashmir Valley, to observe and report on developments firsthand.

*Question.* What discussions has the State Department had with the Indian government regarding the situation in Indian-administered Kashmir, and at what level have these conversations taken place? How does the State Department assess the credibility of Indian government statements regarding the situation in Indian-administered Kashmir?

Answer. Since August 5, senior State Department officials in Washington and New Delhi have consistently engaged the Indian government to seek updated information regarding conditions on the ground. Department officials are also working to represent the interests of U.S. citizens and their families, urge respect for human rights, and encourage the Indian government to ensure a rapid return to normalcy, including by easing detentions and movement restrictions, lifting communications blackouts, ensuring adequate access to food and medicine, and fulfilling its commitment to hold local assembly elections at the earliest opportunity. The Indian government has argued that the revocation of Article 370 will result in better governance and economic development for the people of Kashmir; however, the onus is on the Indian government to fulfill that promise.

*Question.* What discussions has the State Department had with Indian civil society, and particularly with civil society based in Indian-administered Kashmir, regarding the situation there?

Answer. Since August 5, Department of State officials in Washington and New Delhi have maintained close contact with a broad range of civil society groups, journalists, religious leaders, and political organizations, including individuals who are based in or travel regularly to Kashmir. These meetings have helped Department officials better understand conditions on the ground and perspectives regarding ongoing political developments, including as they affect religious minorities, women and youth, and other vulnerable populations.

*Question.* The vast majority of refugees are hosted in developing countries, who have taken on a disproportionate share of the burden in hosting displaced populations while continuing to have difficulty meeting the needs of their own populations. This has resulted in a lack of resources to help refugees during their prolonged displacement. For example, many displaced children are unable to attend school and are missing out on critical years of their educational development. Further, many of these host countries are allies of the United States. How will you answer to our allies who have been shouldering a disproportionate share of the burden, while the U.S. draws back its commitment, both in contributions and leadership?

Answer. The United States continues to be the single largest donor of humanitarian assistance in the world, providing nearly \$9.3 billion in FY 2019. At the same time, humanitarian needs worldwide continue to grow, beyond the capacity of any single donor to adequately respond. I understand the Department supports, and if confirmed I would continue to support, the World Bank's development of funding platforms to assist refugee-hosting countries that have adopted policies to include refugees in national development efforts, including education.

*Question.* SFRC minority has a hold on State CN 19 112, which reduces staffing levels at Embassy Kabul. I understand that other committees may also have holds on this CN. However, State has started implementing the CN in spite of the hold by notifying Embassy staff that their positions will be terminated and by declining to include positions affected by the staffing cuts in the September 2019 “bid list.” Sec. 7073(a) of the FY19 State and Foreign Operations Appropriations Act prevents use of appropriated funds to “implement a reorganization, redesign, or other plan described in paragraph (2)” without “prior consultation with the appropriate congressional committees”.

- How many positions that are targeted for elimination under the Staffing Review are currently unfilled? How many are filled?

*Answer.* It is my understanding that since undertaking the Kabul staffing review, the Department has provided extensive information, including pre-notification consultations prior to submitting CN 19-112. Following expiration of the CN period, the Department changed some Kabul assignments, as has previously been briefed to the committee. The Department’s “bid lists” depend on service need and the Department’s global posture. The September 2019 bid list did not include certain positions affected by the Kabul Staffing review; however, the Department has not eliminated these positions nor made final decisions regarding assignments.

*Question.* What is the Department’s legal justification to start implementing the Kabul Staffing CN in spite of the Congressional holds?

*Answer.* Since undertaking the staffing review of Kabul, the Department has worked to provide extensive information to Congress, including pre-notification consultations prior to submitting congressional notification (CN) 19-112 on May 3, holding more than ten separate briefings to our respective oversight committees, and arranging phone calls between members and senior Department officials on the CN itself. The Department has provided and continues to provide responses to requests for information and questions raised during consultations and briefings. Following the expiration of the CN period, the State Department has changed the assignments of some staff who were to go to Afghanistan in 2019 consistent with the congressional notification, and a number of these steps have previously been briefed to the committee.

*Question.* Which Department official made the decision to start implementing the Kabul Staffing CN in spite of the Congressional holds? Who else was involved in the decision-making?

*Answer.* Under the direction of the Secretary of State, I understand that the Department has made adjustments to some Afghanistan assignments and taken measures to ensure all impacted employees have new assignments. The Department has not permanently eliminated the positions or taken other similar actions regarding those positions.

*Question.* If confirmed as Deputy Secretary of State, will you continue implementing the Embassy Kabul staffing cuts in spite of the SFRC minority hold?

*Answer.* I understand that the Department has made some assignment changes in Embassy Kabul but has not eliminated positions. If confirmed, I will uphold the Department’s commitment to working closely with our Congressional committees to address any remaining concerns regarding CN 19-112.

*Question.* If confirmed as Deputy Secretary of State, will you commit to respecting Congressional holds and not implementing programs or changes for which the Congressional notification is on hold?

*Answer.* If confirmed, I commit to working collaboratively with Congressional committees to address concerns regarding Congressional notifications.

*Question.* President Trump has repeatedly stated that Mexico will pay for the border wall along the Southwest border of the United States. Do you believe that Mexico should be required to pay for a border wall?

*Answer.* I believe we should continue to cooperate closely with Mexico to manage and protect our nearly 2,000-mile border and to combat shared threats posed by transnational criminal organizations. If confirmed, I will work to secure our borders by working with the Mexican government to advance our shared security interests.

*Question.* Do you intend to formulate a strategy to make Mexico pay for his proposed border wall between our countries?

*Answer.* If confirmed, I intend to maintain an ongoing dialogue with Mexico to ensure close coordination with respect to our joint efforts to secure and modernize the border. Border infrastructure is one part of a comprehensive approach to im-

prove security at our southern border. A strategy to secure our border should include working closely with Mexico to prevent illegal immigration, human trafficking, and the smuggling of drugs and other contraband across our shared border.

*Question.* Over the last few months, there have been a series of “asylum cooperation agreements” that the Department of Homeland Security recently signed with Honduras (September 25, 2019), Guatemala (July 26, 2019) and El Salvador (September 20, 2019). As far as we can determine, none of these agreements have yet been transmitted to Congress, as required by U.S. law, despite the fact that the 60-day window for reporting appears to have passed for the Guatemala agreement. Can you please explain why these congressionally mandated reports have not yet been transmitted, and when we can expect them?

*Answer.* I have had no involvement with these issues in my capacity as Special Representative for North Korea. However, I am advised of the following:

Pursuant to 1 U.S.C. § 112b, “the Secretary of State shall transmit to the Congress the text of any international agreement (including the text of any oral international agreement, which agreement shall be reduced to writing), other than a treaty, to which the United States is a party as soon as practicable after such agreement has entered into force with respect to the United States but in no event later than sixty days thereafter.”

The agreements about which you asked did not enter into force immediately upon signature. The Asylum Cooperation Agreement with Guatemala entered into force on November 15, 2019, and will be transmitted to Congress within 60 days of that date. Asylum Cooperation Agreements with El Salvador and Honduras have not entered into force. Should they enter into force in the future, they will be transmitted to Congress within 60 days of the date of their entry into force.

*Question.* Do you commit to transmitting these agreements to Congress?

*Answer.* As indicated in my previous answer, I am advised of the following: The Asylum Cooperation Agreement with Guatemala entered into force on November 15, 2019, and will be transmitted to Congress within 60 days of that date. The Asylum Cooperation Agreements with El Salvador and Honduras have not entered into force. Should they enter into force in the future, they will be transmitted to Congress within 60 days of the date of their entry into force.

*Question.* What is your assessment of security conditions in El Salvador and do you believe the country is able to provide safety and security to asylum seekers if they are sent to El Salvador?

*Answer.* I understand an individual cannot be removed to a country in which the individual would be persecuted or tortured. The Attorney General and the Secretary of Homeland Security must certify that all countries with which the United States signs Asylum Cooperation Agreements, including El Salvador, meet the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation of said agreements, including that individuals will have access to a full and fair procedure for adjudicating a claim for asylum or equivalent temporary protection.

*Question.* What is your assessment of the Salvadoran asylum system?

*Answer.* El Salvador has a nascent asylum system. Through its international humanitarian partners, the Department is providing support to help strengthen the capacity of the Salvadoran asylum system to allow migrants seeking protection to receive that protection closer to home.

I understand that prior to implementing any Asylum Cooperation Agreements, the Attorney General and the Secretary of Homeland Security must certify that a country meet the requirements of 8 U.S.C. § 1158(a)(2)(A), including that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, and that individuals cannot be removed to a country in which the individual would be persecuted.

*Question.* What is your assessment of security conditions in Honduras and do you believe that the country is able to provide safety and security to asylum seekers if they are sent to Honduras?

*Answer.* I understand no individual can be sent to a country in which the individual would be persecuted or tortured. The Attorney General and the Secretary of Homeland Security must certify that Honduras meets the requirements of 8 U.S.C. § 1158(a)(2)(A) prior to implementation of the Asylum Cooperation Agreement, including that individuals will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection.

*Question.* What is your assessment of the Honduran asylum system?



Answer. Honduras has a nascent asylum system. Through its international humanitarian partners, the Department is providing support to help strengthen the capacity of the Honduran asylum system to allow migrants seeking protection to receive that protection closer to home.

I understand that prior to implementing any Asylum Cooperation Agreements, the Attorney General and the Secretary of Homeland Security must certify that a country meet the requirements of 8 U.S.C. § 1158(a)(2)(A), including that the individual will have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, and that individuals cannot be removed to a country in which the individual would be persecuted.

*Question.* What is your assessment of security conditions in Guatemala and do you believe that the country is able to provide safety and security to asylum seekers if they are sent to Guatemala?

Answer. On November 15, the agreement the United States signed with Guatemala entered into force following certification by the Attorney General and the Secretary of Homeland Security pursuant to 8 U.S.C. § 1158(a)(2)(A) that individuals seeking asylum who are removed to Guatemala will have access to a full and fair procedure for determining their asylum claim or equivalent protection and following an exchange of diplomatic notes. Individuals who would be persecuted or tortured in Guatemala will not be sent to that country pursuant to this same statutory provision.

*Question.* What is your assessment of the Guatemalan asylum system?

Answer. Guatemala and the United States signed an Asylum Cooperation Agreement on July 26. The Attorney General and Secretary of Homeland Security determined that Guatemala's asylum system provides full and fair access to individuals seeking protection, as required by U.S. law, prior to the ACA entering into force on November 15. The first individual was sent to Guatemala under the agreement on November 21. While the ACA is a bilateral agreement, humanitarian assistance efforts funded by the Bureau of Population, Refugees, and Migration complement its implementation through partners like the U.N. High Commissioner for Refugees and International Organization for Migration. The ACA helps address the humanitarian and security crisis at our southern border, while fulfilling our mandate to provide protection and resolve the plight of persecuted and uprooted people.

*Question.* If the administration fails to extend New START beyond 2021 and does not replace it with another arms control agreement, how will Russia change its nuclear posture? Do you believe that Russia will expand its nuclear arsenal in an unconstrained environment post-New START?

Answer. While Russia is complying with the New START Treaty's central limits on accountable weapons, Russia is currently expanding and diversifying its large stockpile of nonstrategic nuclear weapons, which are not covered by the New START Treaty. Russia is also pursuing novel strategic weapons that do not fall under the treaty's existing definitions and are thus unconstrained by the treaty's central limits. These Russian developments, together with China's assessed buildup to at least double the size of its current nuclear arsenal, inform both the administration's ongoing evaluation of whether an extension of the New START Treaty is in the U.S. national interest and the administration's efforts to think more broadly about arms control, both in terms of the countries and the weapon systems involved.

*Question.* Do you believe the United States will be more or less secure if New START is not extended and no follow-on arms control treaty is agreed to?

Answer. The administration's priority is to make the United States more secure. One of our key considerations in evaluating arms control efforts is whether such efforts advance U.S., allied, and partner security. That is why we are both evaluating whether an extension of the New START Treaty is in the U.S. national interest and thinking more broadly about arms control, both in terms of the countries and the weapon systems involved.

*Question.* One of the issues that detractors of New START repeatedly bring up is Russia's new, exotic nuclear systems and how the Treaty may not constrain these systems. As you are aware, Russia has already stated that two systems, the Sarmat ICBM and Avengard Hypersonic Glide Vehicle, will fall under New START. Furthermore, reports indicate that the other systems of concern likely will not reach deployment during the lifespan of the New START, even if it is extended. Considering the circumstances surrounding these new systems, in your estimation, what is the impact or non-impact of these systems on New START?

Answer. Russia is pursuing novel strategic weapons that do not fall under the treaty's existing definitions and thus are unconstrained by the treaty's central limits. Russia is also expanding and diversifying its large stockpile of nonstrategic nuclear weapons, which are not covered by the New START Treaty. These Russian developments, unconstrained by the New START Treaty, increase threats to U.S., allied, and partner security. The question is therefore not what impact or non-impact these systems have on the New START Treaty, but rather what arms control efforts will advance U.S., allied, and partner security in the face of the threats these systems pose.

*Question.* Do you think New START should be extended knowing the circumstances of these exotic systems?

Answer. The administration has not yet made a decision about the potential extension of the New START Treaty. The development of novel new strategic systems and Russia's growing stockpile of nonstrategic nuclear weapons, which are not covered by the New START Treaty, together with China's nuclear buildup and how the Treaty's expiration would affect U.S., Allied and partner security, all inform our ongoing evaluation of whether an extension is in the U.S. national interest, as well as our efforts to think more broadly about arms control, both in terms of the countries and the weapon systems involved.

*Question.* In a post-New START environment, how would you address constraining these systems?

Answer. As the administration has not yet determined whether to extend the New START Treaty, it is premature to speculate about a post-New START environment. However, the interest in constraining additional weapons beyond those limited by past agreements is motivating the administration's efforts to think more broadly about arms control. The administration is also committed to ensuring the United States possesses modern, flexible, resilient, and effective nuclear forces to deter nuclear attack.

*Question.* Do you believe that extending New START would provide additional time to negotiate methods for constraining these systems?

Answer. The administration has not yet made a decision about potential extension of New START. Central to the U.S. review of potential New START extension is whether an extension is in the U.S. national interest and how the Treaty's expiration would affect U.S., Allied and partner security.

*Question.* President Trump has repeatedly stated that he seeks a new, trilateral arms control agreement that includes both Russia and China. What are the status of these negotiations? Are they occurring at all?

Answer. Negotiations on a new, trilateral arms control agreement have yet to start.

*Question.* As you know, the State Department currently does not have a T Under-Secretary or AVC Assistant Secretary, the individuals who would generally lead such negotiations. Consequently, who is leading these trilateral negotiations?

Answer. Negotiations on a new, trilateral arms control agreement have yet to start.

*Question.* Due to the drastically different arsenal and strategic calculus held by China, do you believe it is feasible to bring China into the same arms control regime as the United States and Russia, or should the U.S. pursue alternative arms control measures to protect the United States from Chinese nuclear weapons?

Answer. President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved. Bilateral treaties that cover limited types of nuclear weapons or only certain ranges of adversary missiles are insufficient to address the threat environment we face today. China's expanding nuclear arsenal, estimated to more than double in the next decade, poses increasing threats to the United States, our allies, and partners. Neither U.S. nor Russian security are served by Chinese nuclear forces remaining unconstrained.

*Question.* According to the administration, what is the current status of the Open Skies Treaty?

Answer. The United States is a party to the Open Skies Treaty and I understand that the United States continues to implement it and are in full compliance with our obligations under the treaty, unlike Russia. As Secretary Pompeo has said, "The United States remains committed to effective arms control that advances U.S., Allied, and partner security; is verifiable and enforceable; and includes partners that

comply responsibly with their obligations.” For so long as we believe the Open Skies Treaty meets these criteria, the U.S. will remain in the Treaty. The U.S. will continue to work with its Allies and partners on all treaty related compliance and implementation issues related to the Open Skies Treaty.

*Question.* Does the administration intend to withdraw from the Open Skies Treaty, as earlier indicated?

*Answer.* The United States is a party to the Open Skies Treaty and I understand that the United States continues to implement it and are in full compliance with our obligations under the treaty, unlike Russia. The United States remains committed to arms control agreements that advance U.S., Allied, and partner security; are verifiable and enforceable; and include parties that comply responsibly with their obligations. The United States will continue to approach the Open Skies Treaty from this perspective and work with its Allies and partners on all treaty related compliance and implementation issues related to the Open Skies Treaty.

*Question.* Current Deputy Secretary of State John Sullivan told the Senate Foreign Relations Committee last month that any decision to withdraw from the Open Skies Treaty would require the unanimous support of NATO “to make sure we don’t do damage to our NATO alliance.” Do you agree with this statement? Sullivan also stated that the U.S. ambassadors to NATO and the OSCE support the United States remaining a party to the treaty. Is that also your understanding?

*Answer.* Deputy Secretary Sullivan told the committee the United States’ decision to remain in or withdraw from the treaty should be made only after close consultation with our Allies and other participants in the treaty. The United States remains committed to arms control agreements that advance U.S., Allied, and partner security; are verifiable and enforceable; and include parties that comply responsibly with their obligations.

*Question.* Do you believe it is in the security interests of the United States to remain party to the Open Skies Treaty?

*Answer.* The United States is a party to the Open Skies Treaty, and I understand that the United States continues to implement it and are in full compliance with our obligations under the treaty, unlike Russia. The United States remains committed to arms control agreements that advance U.S., Allied, and partner security; are verifiable and enforceable; and include parties that comply responsibly with their obligations. The United States will continue to approach the Open Skies Treaty from this perspective and continue to work with our Allies and partners on all compliance and implementation issues related to the Open Skies Treaty.

*Question.* Have you discussed Open Skies with our Allies? Do they believe in the value of the Treaty?

*Answer.* If confirmed, I will to work closely with our Allies and partners on all Open Skies Treaty related compliance and implementation issues.

*Question.* What is the current status of denuclearization negotiations with North Korea, especially in the aftermath of the Stockholm meeting?

*Answer.* President Trump remains committed to making progress toward the Singapore Summit commitments, which include transforming relations, building lasting peace on the Korean Peninsula, and complete denuclearization of the DPRK. We work closely with the international community to send a unified message that North Korea must engage with the United States to achieve these commitments. We have not seen concrete evidence that North Korea has made the choice to denuclearize, but we still believe that Pyongyang can make this choice.

*Question.* What actions do you believe North Korea intends to take if the U.S. and North Korea do not come to some agreement before Dec. 31? Do you believe North Korea will resume ICBM and nuclear testing?

*Answer.* President Trump remains committed to making progress toward the Singapore Summit commitments, which include transforming relations, building lasting peace on the Korean Peninsula, and complete denuclearization of the DPRK. We work closely with our allies and others around the world as we seek to eliminate the threat posed to the United States and our allies by North Korea’s weapons of mass destruction and ballistic missile programs. If confirmed as Deputy Secretary, I will continue to champion diplomatic approaches to the tough challenges our nation faces to ensure that America remains prosperous, secure, and strong.

*Question.* Do you believe that a peace agreement would contribute to the achievement of goals outlined at the Singapore summit?

*Answer.* Our goal is to achieve the final, fully verified denuclearization of the DPRK. The United States remains ready to take simultaneous and parallel actions on the commitments our leaders made at the Singapore Summit. That includes transforming the U.S.-DPRK relationship; establishing a lasting and stable peace on the Korean Peninsula; complete denuclearization of the DPRK; and making progress on the recovery of remains. We also look forward to cooperating to build a bright economic future for the North Korean people, the region, and the world.

*Question.* What are some of the specific, meaningful steps towards denuclearization that North Korea could take for the United States to consider a partial lifting of sanctions?

*Answer.* We have had extensive conversations with the DPRK about the contours of final, fully verified denuclearization, as committed to by Chairman Kim in Singapore. In our talks with the DPRK, the United States brought creative ideas and previewed a number of new initiatives that would allow us to make progress in each of the four pillars of the Singapore Joint Statement. We also reviewed events since the Singapore summit, and the importance of more intensive engagement to solve the many issues of concern for both sides. The Department is committed to keeping you and other members of Congress updated on the administration's efforts.

*Question.* Mr. Biegun, I asked the following questions for the record of Assistant Secretary Cooper after his SFRC hearing of July 10, 2019. More than four months later, I have yet to see any response to these questions, despite multiple inquiries by my staff. Therefore, I ask them of you: In May, the Secretary of State declared an "emergency" with regard to 22 arms sales to Saudi Arabia and UAE.

- What is the State Department's operative definition of an "emergency"?

*Answer.* It is my understanding that there were emergency circumstances that necessitated, in the national security interests of the United States, the immediate issuances of Letters of Offer and Acceptance and Export Licenses. These circumstances were set forth in the detailed justification for the determination, which was provided to Congress on May 24 consistent with section 36 of the Arms Export Control Act.

*Question.* Did the Legal Adviser's office opine on what an "emergency" is? If so, was that opinion in writing? If so, will you provide a copy of that written opinion to the committee? If not, what legal privilege is State claiming to exercise that prevents it, or enables it, from providing that written opinion to the committee?

*Answer.* I cannot speak to deliberative, pre-decisional communications that may be subject to Executive Branch confidentiality interests. However, as a general matter, the Department's practice for every Congressionally notified Foreign Military Sale or Export License package is for the Bureau of Political-Military Affairs to consult with the Office of the Legal Adviser prior to notifying Congress.

*Question.* Why did the State Department not inform Senator Menendez or his staff that an emergency declaration for these arms sales was being contemplated, or was going to be invoked, prior to May 24, 2019?

*Answer.* I was not involved in the internal decision-making process leading up to the May 24 emergency certification.

*Question.* Did anyone from State Department inform any Member or staff of the Senate Foreign Relations Committee prior to May 24, 2019, about consideration of, or a decision made, to make the emergency declaration issued by the Secretary of State on May 24, 2019?

*Answer.* I was not involved in the internal decision-making process leading up to the May 24 emergency certification.

*Question.* How many FMS Letters of Offer and Acceptance have been concluded, and how many have been transmitted for consideration, to the governments of Saudi Arabia and the United Arab Emirates?

*Answer.* I have been briefed that of the 11 FMS sales advanced via the May 24 Emergency Certification, Letters of Offer and Acceptance for nine have been offered to Saudi Arabia and the UAE. Six offers have been signed.

*Question.* How many of the 13 commercial sales have begun delivery? Which ones? What percentage of deliveries have been made so far of the total authorized in each sale?

*Answer.* It is my understanding that the Department issued the related licenses for these sales shortly after it notified Congress. It is the Department's understanding that several of these export authorizations—for which there is an under-

lying signed contract—have moved forward for delivery. Detailed delivery information resides with the exporting companies.

*Question.* Many of these sales could take months or years to be delivered, isn't that right? If so, and these sales are important to build Saudi and UAE capacity to defend against a threat from Iran, does the expediting of these sales via an emergency declaration also give Iran an incentive to attack sooner, before the months and years pass for these weapons to be brought to bear against them? Was the subsequent attack by Iran on Saudi oil facilities partially the result of these sales, or where these emergency sales essentially irrelevant to Iran's considerations in launching that attack?

*Answer.* Iranian malign activity poses a threat to the stability of the Middle East and to United States security interests at home and abroad; equipping our partners to be the first line of defense against such Iranian activity remains a critical U.S. national security interest.

*Question.* What date was the first discussion in the State Department regarding invoking an emergency determination for these sales?

*Answer.* I was not involved in the internal decision-making process leading up to the May 24 emergency certification.

*Question.* When, specifically, did the Secretary decide to use an emergency declaration for these sales?

*Answer.* I was not involved in the internal decision-making process leading up to the May 24 emergency certification.

*Question.* Did State Department personnel discuss declaring an emergency for these sales with the Secretary before the Secretary briefed the Senate and the House on May 21 and 22?

*Answer.* I was not involved in the internal decision-making process leading up to the May 24 emergency certification.

*Question.* PM Assistant Secretary Cooper testified at a House hearing that the decision memo to the Secretary was prepared, quote, "right before we issued the declaration." On what date, specifically, was that memo prepared?

*Answer.* I was not involved in the internal decision-making process leading up to the May 24 emergency certification.

*Question.* What does "right before" mean? An hour? 8 hours? 24 hours?

*Answer.* I was not involved in the internal decision-making process leading up to the May 24 emergency certification.

*Question.* Is that why the Secretary didn't follow the law and make individual justifications for each of the 22 sales, as required by law? He just didn't have the time to find out what the law was and whether he was complying with it?

*Answer.* It is my understanding that the Secretary's emergency certification was consistent with the relevant provisions of the Arms Export Control Act. The justification transmitted to Congress as part of the certification applied to each of the 22 cases.

*Question.* Did the office of the Legal Advisor produce a written legal analysis, determination, and/or recommendation that the Secretary actually had the authority to invoke an emergency for these sales?

*Answer.* I cannot speak to deliberative, pre-decisional communications that may be subject to Executive Branch confidentiality interests. However, as a general matter, the Department's practice for every Congressionally notified Foreign Military Sale or Export License package is for the Bureau of Political-Military Affairs to consult with the Office of the Legal Adviser prior to notifying Congress.

*Question.* If so, what was the date of that legal analysis, determination and/or recommendation?

*Answer.* As a general matter, the Department's practice for every Congressionally notified Foreign Military Sale or Export License package is for the Bureau of Political-Military Affairs to consult with the Office of the Legal Adviser prior to notifying Congress.

*Question.* Will State Department provide a copy of that written or any related legal analysis, determination and/or recommendation to the committee? If not, what legal privilege is State claiming to exercise that prevents it, or enables it, from providing such written legal analysis, determination and/or recommendation to the committee?

Answer. I cannot speak to deliberative, pre-decisional communications that may be subject to Executive Branch confidentiality interests.

*Question.* Can you explain why the Secretary invoked an emergency on Friday, May 24—the Friday before a weeklong Memorial Day recess? Why not one day prior? Why not three days prior, when the Secretary had briefed the Senate on the Iran threat?

Answer. I was not involved in the internal decision-making process leading up to the May 24 emergency certification.

*Question.* PM Assistant Secretary Cooper's written testimony also claims that the emergency certification was also intended to preserve, quote, "strategic advantage against near-peer competitors." Is this the new standard for the State Department for congressional oversight, that it cannot be tolerated if it in any way undermines this "strategic advantage"?

Answer. The United States is the partner of choice for Saudi Arabia, the UAE, and other Gulf states. The State Department seeks to ensure perceived U.S. unreliability does not translate into partner preference for near-peer competitors such as Russia and China.

*Question.* Does the Secretary now want to sell anything to any dictator for a strategic business advantage?

Answer. The Department assesses all arms transfers consistent with applicable law and policy, including the Conventional Arms Transfer Policy.

*Question.* In pushing through these sales and circumventing Congress, doesn't it send a dangerous message to authoritarian regimes and autocrats everywhere that legislative oversight doesn't matter to Secretary Pompeo, the State Department, and the Trump administration, as when it is inconvenient, the administration will just ignore it and declare an "emergency"?

Answer. I understand that the Department provided a detailed justification for the determination on May 24 consistent with section 36 of the Arms Export Control Act. The Department assesses all arms transfers consistent with applicable law and policy, including the Conventional Arms Transfer Policy.

*Question.* Section 36(c)(2) of the Arms Export Control Act arguably does not give the President or the Secretary the authority to declare an emergency for commercial sales for countries that are not members of NATO and are not Israel, Australia, South Korea, Japan or New Zealand.

- What is State's legal basis for why the Secretary can use authority not explicitly present in the statute?

Answer. The Secretary's certification met the requirements in this provision in light of the opening paragraph of section 36(c)(2), which is the key provision addressing the implications of an emergency certification.

*Question.* Would U.S. companies issued export licenses that are not legal under U.S. law be legally liable for violating U.S. export laws?

Answer. U.S. companies are entitled to rely on the terms of export licenses issued to them.

*Question.* The law is very clear that the President has to provide individual justifications for each arms sale that is the subject of an invocation of an emergency determination. Yet, the Secretary only provided one, overarching boilerplate justification of the history of Iran's malign activities, for all 22 separate sales, as disparate as they are.

- Does this in State's opinion comply with the AECA requirement to submit individual justifications for each sale? Why?

Answer. The Secretary's emergency certification was consistent with the relevant provisions of the Arms Export Control Act. The justification transmitted to Congress as part of the certification applied to each of the 22 cases.

*Question.* Is the Department investigating allegations that the UAE transferred MRAP vehicles to others in Yemen without U.S. permission?

Answer. Yes. The Department is investigating the allegations that the UAE transferred MRAP vehicles to entities in Yemen without U.S. permission.

*Question.* Approximately when did this investigation begin? Was it before the Secretary's May 24th declaration of an emergency?

Answer. The State Department began investigating equipment transfers shortly after media allegations surfaced in February 2019.

*Question.* Why did the Secretary think it was a good idea to bypass the 30-day Congressional review period and expedite the process of getting these arms to UAE, some of which they could also retransfer without permission? Does he not care if U.S. arms are illicitly transferred or misused? Or does he care, but just not enough to slow down the process, as required by statute, for Congressional review?

*Answer.* The Secretary extended the informal review period that precedes formal notification by weeks, even months, to accommodate fulsome Congressional review of the pending cases. When the situation in the Gulf became dramatically worse, the Secretary acted in a manner that was fully respectful of statute, consistent with the law, and was acutely mindful of the concerns you outline.

*Question.* Provide a detailed individual justification as to how the marketing, sale, and on-going support of ScanEagle and Integrator Unmanned Aerial Systems and support for future Intelligence, Surveillance, and Reconnaissance (ISR) requirements for the UAE Armed Forces will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and please include a description of the specific physical military threat.

*Answer.* The ScanEagle and Integrator platforms are unarmed Unmanned Aerial Systems (UAS), which provide the UAE armed forces with a key Intelligence, Surveillance, and Reconnaissance (ISR) capability. The provision of this equipment will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the sale of RQ-21A Blackjack UAVs for intelligence, surveillance and reconnaissance to the UAE will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and please include a description of the specific physical military threat.

*Answer.* The RQ-21 Blackjack UAS will provide the UAE armed forces with an advanced ISR capability. The provision of this equipment will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the sale of Aircraft Follow On Logistics and Support Services for the Saudi Air Force, including repair and spare parts, will enable Saudi Arabia to counter a specific physical military threat or actual military attack from Iran, and please include a description of the specific physical military threat.

*Answer.* Saudi Arabia's fleet of F-15 fighters and other U.S.-origin aircraft are highly important assets in ensuring Saudi Arabia maintains air superiority over Saudi territory. Without U.S. sustainment services, logistical services, and spare and repair parts, mission readiness rates for the Royal Saudi Air Force would decline. The provision of these services and equipment will help ensure Saudi Arabia has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the sale of USMC Training for UAE Presidential Guard in unit operations such as operating the Javelin Anti-Tank Weapon System; plan, conduct and supervise individuals in Rappelling and Fast Roping from a static structure; Special Operations Basic Course and in operation of Special Forces Weapon Systems used within the Presidential Guard, will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and please include a description of the specific physical military threat.

*Answer.* The Presidential Guard provides an important ground and special operations warfighting capability for the UAE, similar to the role of the Marine Corps within the U.S. military. Continuing the U.S. Marine Corps Training Mission with the UAE Presidential Guard builds the capacity and professionalism of one of the UAE's premier fighting forces. The provision of this training will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the continuance of spare and repair parts and contractor support for the Tactical Air Surveillance Support System in Saudi Arabia will enable Saudi Arabia to counter a specific physical military threat or actual military attack from Iran, and please include a description of the specific physical military threat.

*Answer.* The Tactical Air Surveillance System aircraft provides the Saudi armed forces with a key ISR capability. The provision of this equipment will help ensure

Saudi Arabia has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the sale of Aircraft Follow Logistics On and Support Services Services for the Saudi Air Force, including repair and spare parts, will enable Saudi Arabia to counter a specific physical military threat or actual military attack from Iran, and please include a description of the specific physical military threat.

*Answer.* Saudi Arabia's fleet of F-15 fighters and other U.S.-origin aircraft are highly important assets in ensuring Saudi Arabia maintains air superiority over Saudi territory. Without U.S. sustainment services, logistical services, and spare and repair parts, mission readiness rates for the Royal Saudi Air Force would decline. The provision of these service and equipment will help ensure Saudi Arabia has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the sale Advanced Precision Kill Weapons System rockets to the UAE will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* The Advanced Precision Kill Weapons System is a laser guidance system for 2.75 inch rockets. The UAE has requested this capability to fill a legitimate precision ground attack capability requirement and the provision of this equipment will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the sale of Javelin anti-armor Guided Missiles to the UAE will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Anti-Tank Guided Missiles such as Javelin are a key component in conventional ground operations against an adversary operating tanks or other armored vehicles. The provision of this equipment will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the sale Additional equipment for AH-64E Apaches, including 1 new helicopter, to the UAE will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* AH-64E Apache attack helicopters provide an important defense capability to the UAE armed forces, which already operate Apache helicopters. The provision of this equipment will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how: (A) the authorization of coproduction and manufacture in Saudi Arabia of Paveway Pre-Amp Circuit Card Assemblies (CCA), Guidance Electronics Assembly (GEA) CCAs, and Control Actuator System (CAS) CCAs for all Paveway variants; (B) the authorization of coproduction and manufacture in Saudi Arabia of Paveway II Guidance Electronics Detector Assemblies (GEDA) and Computer Control Groups (CCG); and (C) the transfer of up to 64,603 additional kits, partial kits, and full-up-rounds will enable Saudi Arabia to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Precision-Guided Munitions such as Paveway provide an important air force capability. The provision of this equipment will help ensure Saudi Arabia has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the sale of Integration, installation, operation, training, testing, maintenance, and repair of the Maverick AGM-65 Weapons System and the Paveway II, Paveway III, Enhanced Paveway II, and Enhanced Paveway III Weapons Systems to the UAE will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Precision-Guided Munitions such as Paveway provide an important air force capability. The provision of this equipment will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.



*Question.* Provide a detailed individual justification as to how the sale of installation, integration, modification, maintenance, and repair services for F110-GE-132 gas turbine engines for use in F-16 Aircraft for use by the UAE in the amount of \$50,000,000 or more will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Continued support for the UAE's F-16s, including F-110 Engine services, contributes to the UAE's ability to maintain air superiority over its territory and deter Iranian attacks. The provision of this equipment will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the sale of Manufacture, production, test, inspection, modification, enhancement, rework, and repair of F/A-18E/F and derivative series aircraft panels to Saudi Arabia will enable Saudi Arabia to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Delays to this case impacted F/A-18 aircraft manufacture for the U.S. Navy and other international partners. Advancing this sale is an act of strategic reassurance, demonstrating U.S. support during a crisis, in keeping with our regional partnerships and desire to remain the security partner of choice.

*Question.* Provide a detailed individual justification as to how the sale of assistance to Saudi Arabia's Ministry of Defense Transformation Project will enable Saudi Arabia to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* It is important for U.S. national interests that we support the modernization and professionalization of the Saudi ministry of defense and armed forces. The provision of this training will help ensure Saudi Arabia has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the authorization for a technical assistance agreement with the UAE to support the preparation, shipment, delivery, and acceptance of the Guidance Enhanced Missiles (GEM-T) (Patriot) will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Air defense is critical for the UAE in the face of regional threats. The provision of this equipment will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the transfer of technical data and defense services in order to provide technically qualified personnel to advise and assist the Royal Saudi Air Force (RSAF) in maintenance and training for the RSAF F-15 fleet of aircraft will enable Saudi Arabia to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Saudi Arabia's fleet of F-15 fighters and other U.S.-origin aircraft are highly important assets for Saudi Arabia. Without U.S. sustainment services, logistical services, and spare and repair parts, mission readiness rates for the Royal Saudi Air Force would decline. The provision of these services and equipment will help ensure Saudi Arabia has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the authorization to retransfer of 500 Paveway II laser guided bombs to Jordan will enable Jordan to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Precision-Guided Munitions such as Paveway provide an important air force capability. The provision of this equipment will help ensure Jordan has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the export of 15,000 120mm M933A1 120mm mortar bombs to the Saudi Arabian Royal Land Forces will enable Saudi Arabia to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Artillery capabilities, such as 120mm mortar shells, are an important defense requirement for all ground forces preparing for conventional combat oper-

ations. The provision of this equipment will help ensure Saudi Arabia has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the export of 100 M107A1, .50 caliber semi-automatic rifles and 100 sound suppressors to the UAE for end use by the General Headquarters, UAE Armed forces will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Small arms capabilities, such as .50 caliber rifles, are an important defense requirement for all ground forces preparing for conventional combat operations. The provision of this equipment will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the export of defense articles, including data and defense services, to support the performance of maintenance and repair services of F-110 engines for the Kingdom of Saudi Arabia Ministry of Defense will enable the Saudi Arabia to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Saudi Arabia's fleet of F-15 fighters and other U.S.-origin aircraft are highly important assets in ensuring Saudi Arabia maintains air superiority over Saudi territory. Continued support for the Saudi aircraft, including F-110 engine services, is essential to these objectives. The provision of these services and equipment will help ensure Saudi Arabia has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* Provide a detailed individual justification as to how the transfer of defense articles, defense services, and technical data to support the integration of the FMU-152A/B Joint Programmable Bomb Fuze system into the UAE Armed Forces General Headquarters' fleet of aircraft and associated weapons will enable the UAE to counter a specific physical military threat or actual military attack from Iran, and include a description of the specific physical military threat.

*Answer.* Precision-Guided Munitions (PGM) provide an important air force capability. FMU-152 fuzes are a critical component of the UAE's PGM stockpile. The provision of this equipment will help ensure the UAE has the means to defend itself and deter the growing threat posed by Iran's malign activities in the region.

*Question.* On August 7, 2019 I sent a letter to the Secretary regarding the U.S.-Mexico Joint Declaration (JD) and Supp. Agreement (SA). Because I had not received the written responses I had requested, I resubmitted the questions as Question for the Record to Deputy Secretary John Sullivan. Some of Deputy Secretary Sullivan's responses were non-responsive, incomplete or otherwise unacceptable. As such, I am resubmitting the following questions and look forward to fulsome, accurate and transparent written responses to each question, including all sub-parts to each question. I note in particular that Answer 212 submitted by Deputy Secretary Sullivan, on November 5, 2019, was erroneous and unacceptable. Answer 212 indicated that Deputy Secretary Sullivan could not respond to questions about the C-175 process because, in his view, doing so would implicate internal executive branch deliberations. The C-175 process is designed to implement statutory requirements under the Case Act. The questions posed above are submitted as part of routine congressional oversight in relation to the State Department's compliance with the Case Act and pursuant to Senate Foreign Relations Committee jurisdiction over treaties and international agreements. The mere connection to internal deliberations of the executive branch does not serve as a basis to withhold this information from the committee, and doing so is inconsistent with routine practice and precedent between the Department and the committee.

- Please indicate whether the JD alone is binding under international law.

*Answer.* I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Please identify the characteristics of the JD from which it can be concluded that both the United States and Mexico regard the JD as binding under international law.

*Answer.* I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Please indicate which specific provisions of the JD impose binding obligations on either the U.S., Mexico, or both.

*Answer.* I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Please indicate whether the SA alone is binding under international law.

*Answer.* I have had no involvement with this issue in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Please identify the characteristics of the SA from which it can be concluded that both the United States and Mexico regard the SA as binding under international law.

*Answer.* I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Please indicate which specific provisions of the SA impose binding obligations on either the U.S., Mexico, or both.

*Answer.* I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Please identify and explain in detail the specific factors that the Department analyzed in arriving at the position that the JD and SA collectively are binding under international law.

*Answer.* I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Please provide a detailed explanation, with relevant examples, of the legal theory by which the Department believes it is possible for a subsequent instrument, such as the SA, to render a change in the legal character of a prior instrument that was not itself previously considered binding under international law.

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Please indicate whether the Department's analysis of the binding nature of the JD, SA, and the JD and SA collectively is consistent with the practice and precedent of the United States on international agreements and arrangements, or if the analysis departs from the practice and precedent of the United States in this area. If it does differ, please explain the following: how it differs; why the executive branch departed from U.S. practice and precedent; whether the executive branch's position on the JD, SA, and SA and JD collectively is a one-time departure from U.S. practice and precedent, or whether the departure represents a shift in executive branch practice; and whether the executive branch has made the government of Mexico (GOM) aware of any departure in practice and precedent.

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* During the course of the negotiations of the JD and SA, what was the position of the United States on whether the JD, the SA, and the JD and SA collectively were binding under international law?

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Upon finalizing the JD and SA, what was the position of the United States on whether the JD, the SA, and the JD and SA collectively were binding under international law?

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Acting Legal Adviser String appeared to indicate in his July 24 testimony that questions of whether the JD and SA were binding under international law were still being considered within the executive branch. If the United States did not have a position on the question of whether the instruments were binding during the negotiation or when the instruments were finalized, please explain why that would be the case.

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Did the position of the United States on whether the instruments were binding change from the outset of the negotiations to the date the instruments were finalized or at any point between the date the instruments were finalized to the July 29 communication from the Department to SFRC staff. If yes, please explain the substance of the change(s)—i.e. from what to what—and the reason(s).

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* When was the position that the JD and SA collectively constitute a binding agreement under international law conveyed to the GOM?

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* What is the Department's understanding of the position of the GOM on the following:

- Whether the JD is binding for purposes of international law,
- Whether the SA is binding for purposes of international law, and
- Whether the JD and SA collectively are binding for purposes of international law.
- [Please note that the preceding questions are not a request for the Department to speak on behalf of the GOM; rather we are interested in the Department's understanding of the GOM's position.]

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* If the GOM does not share (and never has shared) the executive branch position that the JD and SA collectively are binding under international law, would that change the executive branch position that the JD and SA collectively are binding? If no, please explain.

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* If the GOM does not share (and never has shared) the executive branch position that the JD and SA collectively are binding under international law, could the GOM be bound by any provision of such instruments? If yes, please explain.

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* Prior to the JD and SA, had the United States concluded any international instrument related to immigration or migration and asserted "the President's constitutional authority for the conduct of foreign relations" or any other constitutional authority of the President as the sole domestic legal basis for the instrument(s)?

Answer. I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supple-

mentary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

*Question.* If yes, please provide a list of each instrument that meets these criteria, the date it was concluded, and a statement of the specific constitutional provisions that provide the asserted authority.

*Answer.* I have had no involvement with these issues in my capacity as Special Representative for North Korea and am not in a position to provide any additional information on these questions.

I understand that administration officials have previously briefed the Foreign Relations Committee staff on issues related to the Joint Declaration and Supplementary Agreement. If confirmed, I commit to supporting future briefings on this important topic, as appropriate.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO STEPHEN E. BIEGUN BY SENATOR TODD YOUNG

*Question.* Have you adhered to applicable laws and governing conflicts of interest?

*Answer.* Yes.

*Question.* Have you assumed any duties or any actions that would appear to presume the outcome of this confirmation process?

*Answer.* No.

*Question.* Exercising this committee's legislative and oversight responsibility makes it important we receive testimony, briefings, reports, and recordings, records and other information from the executive branch on a timely basis. Do you agree, if confirmed, to appear and testify before this committee when requested by the Chairman and the Ranking Member?

*Answer.* If confirmed, I commit to appear before this committee upon request, with the understanding that any such appearance would be conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Do you agree to provide documents, and electronic communications in a timely manner when requested by this committee, its subcommittees, and other appropriate committees of Congress and to the requester?

*Answer.* Yes, with the understanding that any such effort would be organized through the Department of State's Bureau of Legislative Affairs and Office of the Legal Adviser and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Will you ensure that you and your staff complies with deadlines established by this committee for the production of reports, records, and other documents, including responding timely to hearing questions for record?

*Answer.* Yes, with the understanding that any such effort would be organized through the Department of State's Bureau of Legislative Affairs and Office of the Legal Adviser and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Will you cooperate in providing witnesses and briefers in response to congressional requests?

*Answer.* If confirmed, I commit to appear before this committee upon request, with the understanding that any such appearance would be conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* And finally, will those briefers be protected from reprisal for their briefings?

*Answer.* If confirmed, I will maintain a policy of zero tolerance for any retaliation, blacklisting, or other prohibited personnel practices.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO STEPHEN E. BIEGUN BY SENATOR BENJAMIN L. CARDIN

*Question.* What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

*Answer.* Promoting human rights and democracy has long been personally important to me and a priority in my career. After the fall of the Soviet Union, I spent two years in Russia on a grant from the National Endowment for Democracy working with the Russian government and civil society to develop and implement a program of technical assistance in support of democracy building activities, development of electoral processes, and political expert exchange programs. As a Senate Foreign Relations Committee staff member, I advocated for, and the Senate approved, the expansion of NATO to former Warsaw Pact countries that today are strong democracies that advocate for human rights. For many years, I also served on the board of Freedom House in support of its efforts to expand freedom and democracy around the world. In my current capacity as Special Representative for North Korea, we are seeking-along with the complete elimination of North Korea's weapons of mass destruction and ballistic missile programs—a fundamental transformation of the relationship between the United States and North Korea that, if realized, would allow us to directly address broader areas of concern, including the human rights abuses and violations in North Korea. If confirmed, I will continue to enhance our diplomatic efforts to advance the promotion of human rights and democracy and defend democratic institutions against efforts to undermine them, including by working with civil society and non-state partners.

*Question.* What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the State Department?

*Answer.* If confirmed, I will work with the appropriate teams to review the Department's human resources policies and programs to ensure fair and transparent practices and equal access for all of our employees. This includes reviewing career development programs and promotion and advancement opportunities. I will work with my team to determine where and how we can mitigate unconscious biases and provide access to training that will support these efforts. I will also meet with employees to discuss perceptions, explore where improvements are needed, and work to correct any weaknesses or gaps. I am committed to a diverse and inclusive workforce. The Department, without question, must be a leader in promoting diversity and inclusion.

*Question.* What steps will you take to ensure each of the supervisors in the State Department are fostering an environment that is diverse and inclusive?

*Answer.* If confirmed, I will support and advance the work of the Under Secretary for Management and the Director General in providing managers with tools and services to foster an inclusive work environment. This includes offering training on mitigating unconscious bias and further integrating diversity and inclusion into training and development for all employees, particularly supervisors, to ensure they are aware of their roles and responsibilities to support inclusion in the workplace. I am committed to a diverse and inclusive workforce to strengthen the best diplomatic service in the world.

*Question.* Do you commit to bring to the committee's attention (and the Inspector General of the State Department) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in any country abroad?

*Answer.* My investment portfolio includes diversified mutual funds, which may hold interests in companies with a presence overseas, but which are exempt from the conflict of interest laws. While I currently hold financial interests in the Ford

Motor Company, which has interests in various foreign countries, I have committed to divesting these interests if I am confirmed. I am committed to ensuring that my official actions will not give rise to a conflict of interest. I will divest any investments the State Department Ethics Office deems necessary to avoid a conflict of interest. I will remain vigilant with regard to my ethics obligations.

*Question.* Will you commit to maintaining an open line of communication and provide information to myself and to the U.S. Congress when requested?

*Answer.* If confirmed, I commit to appear before this committee upon request, with the understanding that any such appearance would be conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Despite earlier statements by Secretary Pompeo, I'm not convinced that Iran's alleged support to al-Qa'ida—a group whose takfiri Sunni doctrine is completely at odds with Iran's revolutionary Shiism—makes military action against Iran authorized under the 2002 AUMF. Furthermore, the network of Iran's proxy forces throughout the Middle East and beyond suggests that any strikes against the regime would be met by disproportionate attacks on U.S. interests worldwide. I and a bicameral, bipartisan group of 27 other legislators highlighted the need earlier this year for the National Defense Authorization Act to include a prohibition against unconstitutional war with Iran. Section 1229 of the draft 2020 NDAA reiterates the need for the President to seek congressional authorization “before engaging in war with Iran,” and clarifies that “Nothing in the [2002 AUMF] may be construed to provide authorization for the use of military force against Iran.” What might be the international legal ramifications if the United States were to undertake retaliatory, preventive, or preemptive strikes against Iran without a U.N. Security Council mandate?

*Answer.* As Secretary Pompeo has noted, the administration's goal is to find a diplomatic solution to Iran's activities, not to engage in conflict with Iran. The Department of State has great respect for Congress's role in authorizing the use of military force. The administration has not, to date, interpreted either the 2001 or 2002 Authorization for Use of Military Force as authorizing military force against Iran, except as may be necessary to defend U.S. or partner forces engaged in counterterrorism operations or operations to establish a stable, democratic Iraq.

*Question.* Will you counsel the Secretary of State and members of the National Security Council on their legal obligations according to constitutional separation of powers when considering any military operations targeting Iran?

*Answer.* I am committed to following the Constitution and all applicable law regarding the use of force. As Secretary Pompeo has noted, the administration's goal is to find a diplomatic solution to Iran's activities, not to engage in conflict. The Department of State has great respect for Congress' role in authorizing the use of military force. The administration has not, to date, interpreted either the 2001 or 2002 Authorization for Use of Military Force as authorizing military force against Iran, except as may be necessary to defend U.S. or partner forces engaged in counterterrorism operations or operations to establish a stable, democratic Iraq.

*Question.* Given your prior work on NATO expansion as staff of this committee and other relevant experience, do you believe that the U.S. should work to keep Turkey in the NATO alliance?

*Answer.* NATO is stronger with Turkey as a member. We have many challenging issues with Turkey at present, but Turkey's status as a NATO Ally is not—and should not be—subject to review within the Alliance. One of Russia's key strategic goals is to drive a wedge between NATO Allies; we need to do everything we can to maintain strong cooperation within the Alliance. Turkey is strategically located on NATO's periphery, controlling transit into the Black Sea. Turkey hosts a U.S. radar system critical for NATO's ballistic missile defense mission and the protection of U.S. troops in Europe and the Middle East. This system, and the other Allied materiel hosted in Turkey, are critical to the Alliance's military readiness. *Question:* How important is U.S. support to Turkey's external defense and internal stability, and to what extent does that support serve U.S. interests?

*Answer.* Turkey faces security threats ranging from domestic terrorism to cross-border attacks from entities in Syria. Our counterterrorism support to the Turkish government is crucial for preventing and interdicting violent extremist threats. Turkey's neighbors include Iran and Russia, from which the NATO Alliance faces significant threat of attack. Our military and defense support to Turkey, whose strategic location is on NATO's periphery, enables the protection of U.S. troops in Europe and the Middle East. U.S. and NATO support for Turkey—and for any other Ally—showcases our commitment to European security in the face of Russian at-



tempts to fracture the Alliance. *Question:* If confirmed, how would the Department of State under your leadership hold Turkey and its proxy forces in northern Syria to account for gross violations of human rights carried out during the October incursion—including under the authority of Syrian War Crimes Accountability Act—after Trump hastily pulled U.S. troops from the region?

*Answer.* Our actions in Syria are driven by our core objectives: the enduring defeat of ISIS and al-Qa'ida; a political solution to the Syrian conflict in line with United Nations Security Council Resolution 2254; and encouraging the removal of all Iranian-backed forces from Syria. Turkey has a role to play there. The administration is deeply troubled by reports suggesting Turkish-supported opposition groups targeted civilians following Turkey's October 9, 2019 incursion. We have urged Turkey to investigate reports and hold those responsible to account. If confirmed, I will uphold U.S. commitment to promote accountability and remain prepared to re-impose sanctions if Turkey acts inconsistently with commitments in the October 17 joint statement. *Question:* We have heard that Turkey's relationship with Russia is "transactional," but the relationship between these two countries has certainly become closer in recent years. What would be the national security and geopolitical implications if these relations continue to improve?

*Answer.* Deepening Turkish relations with Russia—including but not limited to the additional acquisition of Russian arms—would damage NATO interoperability, further challenge Alliance consensus-building, and undermine our overall efforts to keep Turkey aligned to the Euro-Atlantic community. The United States is unwinding Turkey from the F-35 program following its receipt of the Russia-made S-400 system to protect the platform's sensitive technology. Further limitations on U.S. arms sales could push Turkey toward Russia and other alternate suppliers.

*Question.* Does the administration intend on imposing CAATSA sanctions against Turkey for its purchase of Russian S400s? What is the status of administration discussions with Turkey regarding the purchase?

*Answer.* I cannot pre-judge a sanctions decision prior to a determination by the Secretary of State. The Secretary has made clear he is committed to implementing CAATSA as required by law. The administration is not, however, waiting for the outcome of CAATSA deliberations to take strong action. The decision to unwind Turkey from the F-35 program makes clear how seriously the U.S. takes this issue. As President Trump told President Erdogan during his visit, resolving the S 400 issue is vital to achieve progress on other elements of the bilateral relationship.

*Question.* After the cancellation of peace negotiations by President Trump in September—Trump said at the time the talks were "dead"—an October 17 United Nations report stated that Afghan civilians were being killed in record numbers, with 2,563 civilians killed and 5,676 wounded in the first nine months of 2019. ISIS and Taliban insurgents, the report further claimed, were responsible for 62 percent of these casualties. A suspected militant attack on a mosque in eastern Afghanistan the day after the report's release killed over 60 worshipers attending Friday prayers. If confirmed, what steps would you implement as Deputy Secretary to pursue talks leading to a peace settlement in Afghanistan?

*Answer.* The U.S. policy is to pursue an end to the war in Afghanistan through a negotiated settlement that ensures terrorists can never again use Afghan soil to threaten the United States or its allies and protects the gains that Afghans have made in the past 18 years. As the President and Secretary Pompeo have observed, the resumption of peace talks and the start of intra-Afghan negotiations will require a real reduction of violence in Afghanistan. I will support the Department's efforts, led by Special Representative for Afghanistan Reconciliation Ambassador Zalmay Khalilzad, to work with all parties to create an environment that is conducive to the resumption of talks and the start of intra Afghan negotiations.

*Question.* President Ashraf Ghani continues to assert a role for the government of Afghanistan in peace negotiations, securing the Taliban's release of two western hostages—including an American citizen—in exchange for three senior members of the Haqqani Network. U.S. Ambassador to Kabul John Bass called Ghani's decision to pursue the exchange "the latest in a series of courageous steps to respond to the overwhelming desire for peace among Afghans." The results of Afghanistan's September presidential election, meanwhile, are still unknown; the release of results has been delayed twice due to unspecified technical issues. What role do you envision for the government of President Ashraf Ghani in the resumption of peace negotiations?

*Answer.* A durable political settlement to the conflict is only possible through negotiations that would include the Afghan government, the Taliban, and other key

stakeholders, including women's groups and other civil society leaders. Prior to their suspension, U.S. talks with the Taliban had secured a commitment to begin these intra-Afghan negotiations, and it is important that the Afghan government be prepared should intra-Afghan negotiations restart soon. I believe it is vital for President Ghani and other Afghan leaders to move ahead immediately on forming an inclusive, national team that can effectively engage in intra-Afghan negotiations.

*Question.* How should the U.S. government ensure that no momentum is lost if election results show that Ghani was not re-elected?

*Answer.* The outcome of any election would not change the reality that a durable political settlement in Afghanistan requires intra-Afghan dialogue and negotiations that include the Afghan government, the Taliban, and other Afghan stakeholders. The two leading presidential candidates are President Ghani and Chief Executive Dr. Abdullah, with both officials deeply involved in peace process decision making. Only Afghans can decide how best to govern their own country; the United States cannot be a substitute for any party in these talks, but we can and should continue to advocate for all parties to participate in dialogue and negotiations that could lead to a settlement.

*Question.* As you note in your testimony, when you were staff on this committee, you oversaw expansion of NATO after the end of the Cold War. President Trump's criticisms of NATO, the EU, and some key European countries have prompted concerns about the trajectory of transatlantic relations. What are your views on the state of the transatlantic alliance?

*Answer.* NATO remains the cornerstone of transatlantic security and our NATO Allies are our partners of first resort. NATO provides a forum for Allies to have frank discussions, work through disagreements, and come to consensus about the threats we face and the best ways to address them together. Allies have responded to Europe's changed security environment by enhancing NATO's deterrence and defense posture. Allies work together daily to counter disinformation and other hybrid threats. Allies acknowledge the need to improve burden sharing and meet NATO defense spending commitments and have increased spending for five consecutive years. If confirmed, I will continue to engage our European Allies on these issues as well as how we can address global security concerns.

*Question.* How do you respond to European concerns that U.S. decisions such as withdrawing from the Iran nuclear deal and the Paris climate agreement, or pulling out U.S. troops in Syria fighting the Islamic State terrorist organization, undermine U.S. credibility as a reliable partner?

*Answer.* Europe and NATO remain America's closest and most capable partners and Allies. We are united by enduring values and shared interests. The United States and Europe agree on far more than we disagree, and the fundamentals of our relationship remain strong. While there are occasional disagreements about how we approach these issues, the United States recognizes that we have no better partners in the world than our European Allies and we want to work with European countries to narrow our differences, expand our areas of agreement, and advance shared goals.

*Question.* As you note in your testimony, you worked on democracy-building programming in Russia on a grant from the National Endowment for Democracy. What is the state of democracy in Russia?

*Answer.* The most pressing challenges to democratic development in Russia include impunity for gross violations of human rights, such as extrajudicial killings and torture; rampant corruption and weak rule of law; the lack of authentic political competition; violence and discrimination against minorities; and restrictions on civil society, religious freedom, public demonstrations, and the press.

*Question.* What are your views on how we can better support the Russian people in their quest for democracy and human rights?

*Answer.* If confirmed, I will engage with Russian authorities and members of civil society to urge respect for human rights and good governance in Russia. I promise to work with allies and partners to call on the Russian government, in both public statements and private discussions, to uphold the rule of law and create an independent judiciary in order to respect its citizens' rights and treat all citizens equally under the law. If confirmed, I will encourage relevant officials to engage a broad spectrum of Russian society, including human rights activists, civil society, and religious minorities. We must respond and defend our democratic processes with equal vigor, and I intend to play a leadership role in these efforts.

*Question.* Especially since 2014, sanctions have been a central element of U.S. policy to counter Russian malign behavior. In your view, how effective have sanctions been in response to Russian activities? How could they be used more effectively?

*Answer.* Our actions have sent a clear message to those who engage in malign Russian activity. There is evidence that sanctions have indeed imposed a cost on Russia and provide us leverage in our diplomatic efforts. Any new Congressional sanctions under consideration should continue to provide discretion and be framed with an eye towards our critical transatlantic unity on this vital national security issue.

*Question.* Why has the administration not used the full range of sanctions authorities Congress established in 2017 in the Countering America's Adversaries Through Sanctions Act (CAATSA)?

*Answer.* We are committed to comprehensive implementation of CAATSA and have imposed sanctions under sections 224, 228, and 231. We have also used the threat of sanctions as leverage to deter sanctionable activity, including through use of CAATSA section 231 to deter or disrupt Russian arms transactions worth billions of dollars, and Sections 225 and 232 to deter participation in identified areas of Russia's energy sector. The United States has sanctioned more than 300 individuals and entities for their involvement in Russia's malign activities since January 2017, including sanctions imposed pursuant to CAATSA. If confirmed, I will continue to consider the full range of sanctions authorities Congress established under CAATSA.

*Question.* White House officials have indicated that the United States does not need to make a decision about an extension of the New START nuclear arms reduction treaty until next year, as the Treaty does not expire until February 2021. Do you support an extension of New START?

*Answer.* The administration has not yet made a decision about a potential extension of the New START Treaty. Central to the U.S. review of potential New START extension is whether an extension is in the U.S. national interest and how the treaty's expiration would affect U.S., allied, and partner security in an evolving security environment.

*Question.* Should future strategic arms reductions with Russia be considered? If so, should they cover a wider range of weapons and countries?

*Answer.* The United States remains committed to effective arms control that advances U.S., allied, and partner security; is verifiable and enforceable; and includes partners that comply responsibly with their obligations. The United States stands ready to engage with Russia on arms control that meets these criteria. President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved. Bilateral treaties that cover limited types of nuclear weapons or only certain ranges of adversary missiles are insufficient to address the threat environment America faces today.

*Question.* There is a growing body of evidence that shows poor governance—marked by high corruption and lack of government transparency—is a key driver of fragility and political instability in many parts of the world today. Citizens frustrated by government corruption, repression, and a loss of dignity and hope are more likely to tolerate or support violent extremist groups such as Al Qaeda, ISIS, and Boko Haram. Obviously, this jeopardizes both the United States and its allies. Last April, I introduced legislation that identifies and ranks countries according to their levels of corruption—which has been favorably acted upon by the SFRC. I believe that moral leadership is an asset. Can you reassure me and the committee that as Deputy Secretary of State, you will work with me in regards to the legislation I introduced and advocate for strong rules to ensure that our government and private sector are operating in a transparent manner that makes it more difficult for corrupt leaders to siphon off wealth that should be benefiting all citizens of their country?

*Answer.* If confirmed, I will work with you and the committee on legislation to strengthen our efforts to combat corruption globally. I will support the State Department's continued efforts to use all of its tools to address corruption, including multilateral and bilateral diplomacy, foreign assistance programs to support reforms, build capacity of foreign partners, strengthen civil society, and ensure robust implementation of anticorruption sanctions and visa restriction authorities.

*Question.* I have remarked on more than one occasion on the worrying trend of democratic backsliding among our NATO allies, most significantly in Hungary, Poland, and Turkey. These trends are evident in these states' recent moves to consoli-

date central power over academia, the judiciary, and civil society organizations while stifling criticism. Which specific tools in the diplomatic arsenal will be most effective against these anti-democratic maneuvers and, if confirmed, what is your plan and timeline to bring these tools to bear?

*Answer.* The State Department's track record of promoting democracy and rule of law is important to me and, if confirmed, I intend to use the tools at my disposal to continue to press for these core principles around the world, including in countries that are our allies and friends. The situation in every country is different, but our toolbox includes speaking out publicly; speaking frankly in private with government officials; engaging with civil society and a broad range of political actors; assistance programs to promote democracy and rule of law; and sanctions in appropriate cases.

*Question.* For three years now, the Trump administration has proposed drastic cuts to the State, Foreign Operations, and Related Programs (SFOPS) budget. The most recent FY 2020 request (\$42.72 billion in discretionary funds) proposed a 21 percent cut to the FY 2019 enacted SFOPS funding level. I believe that our foreign affairs and foreign assistance budgets are every bit as essential to ensuring America's national security as funding for the Department of Defense, the Intelligence Community, and law enforcement. What are your views on the administration's previous budget proposals?

*Answer.* I support the President's priorities to defend national security, assert U.S. leadership, foster opportunities for U.S. economic interests, and ensure accountability to the U.S. taxpayer. If confirmed, I look forward to continuing discussions with Congress on funding for our diplomacy and foreign assistance programs, including for FY 2020 and FY 2021. I will make the case to defend the resources that the State Department needs.

*Question.* How do you view foreign assistance in terms of ensuring U.S. national security?

*Answer.* I view foreign assistance as an effective tool, when deployed correctly and used in concert with diplomacy and other tools of statecraft, to advance U.S. national security. I support the use of foreign assistance to advance the Department's strategic priorities including protecting America's security at home and abroad, renewing America's competitive advantage for sustained economic growth and job creation, promoting American leadership through balanced engagement, and ensuring effectiveness and accountability to the American taxpayer. This use of foreign assistance allows us to engage effectively in great power competition, support our friends and encourage greater burden sharing, and strategically transition recipients of U.S. assistance into full partners.

*Question.* This Congress I reintroduced the National Security Diversity and Inclusion Workforce Act to address the concern that our most recent statistics show that African-Americans, Latinos, Asians, and other diverse communities only account for 6-25 percent of diplomatic, intelligence, military, and other national security workforces despite making up close to half of the U.S. current and future workforce. And, very few are in senior ranks. This is not only a jobs issue for our diverse communities, but also a long-term recruitment, strength, strategic security, and diplomatic advantage issue for our country. Senator Corker and I passed diversity legislation for the State Department last Congress given we see diversity as a key strength of our diplomacy. Please let us know how you would plan to implement these diversity pipeline, recruiting, hiring, promotion, and retention provisions that are now law at all levels at State, especially given the ongoing losses of mid and senior level personnel at State.

*Answer.* I support increasing the diversity of the State Department workforce, and if confirmed, I will ensure the Department abides by laws related to diversity recruitment. Diversity programs, such as our Pickering and Rangel Fellowship programs, provide a pipeline into the Foreign Service and typically account for 20-25 percent of the Foreign Service Officer intake every year.

The Department will continue to review workforce demographics to identify and correct potential barriers to the advancement of underrepresented populations. In addition to tracking metrics of race, ethnicity, and gender, I will support the Department's recent initiatives to foster a culture of inclusion and respect.

*Question.* President Trump has reportedly directed his administration to seek a new arms control agreement with Russia and China. Administration officials have criticized New START for only limiting U.S. and Russian deployed strategic nuclear weapons. I'm glad that the president has recently announced that he wants to add Russian non-strategic nuclear weapons in a future arms control agreement and in-

clude China in an arms control discussion. But not at the expense of or as a condition for extending New START. What is the administration's strategy for achieving more comprehensive arms control deals with Russia and China?

*Answer.* As detailed in the 2018 Nuclear Posture Review, Russia and China are investing in a broad range of nuclear capabilities, including nonstrategic nuclear weapons and dangerous and destabilizing new strategic weapons, to hold the United States and our allies at risk. China is also on track to at least double the size of its nuclear arsenal over the next decade. Our arms control policies should be responsive to the threats we face. We seek to reestablish the conditions necessary for greater trust with the Russian Federation and improved transparency with China.

*Question.* As far as you know, have negotiations begun? What is the administration doing to motivate negotiations between the potential parties to such an agreement?

*Answer.* Potential trilateral arms control negotiations have not yet begun. The United States has sought a meaningful dialogue with China on our respective nuclear policies, doctrine, and capabilities in pursuit of a peaceful security environment and stable relations. State Department officials regularly meet with Russian officials bilaterally and multilaterally to discuss matters relating to strategic stability. We will continue these discussions as appropriate in the interest of U.S. national security.

*Question.* Would China, which has only about 300 total nuclear warheads compared to the roughly 6,200 total warheads possessed by the United States and 6,500 possessed by Russia, be allowed to build up to the much higher New START levels were it to join the treaty? Or would the United States and Russia be required to reduce their forces to China's level?

*Answer.* In any future trilateral agreement, specifics regarding which weapon systems would be limited and how they would be limited are key questions that would have to be agreed upon by all parties should negotiations begin.

*Question.* What is the administration willing to put on the table in talks with Russia and China on more comprehensive agreements?

*Answer.* President Trump has charged his national security team to think more broadly about arms control, both in terms of the countries and the weapon systems involved. As negotiations have not begun, it is premature to speculate on the content and direction such discussions might take.

*Question.* Wouldn't extending New START by five years buy additional time to develop U.S. negotiating positions, address issues of mutual concern that impact strategic stability, and avoid new risks from an unconstrained and less transparent U.S.-Russian nuclear relationship?

*Answer.* The administration has not yet made a decision about a potential extension of the New START Treaty, which does not expire until February 2021. Our arms control policies and agreements should be responsive to the threats we face. It is important to negotiate a new trilateral arms control agreement that will constrain both Russia and China. This will help prevent a dangerous arms race for far longer than merely the few more years in which New START would exist, even if it were extended. Whether we can negotiate such a new agreement depends on the willingness of Russia and China to engage constructively with us to deliver better security for the world, as called for by President Trump.

*Question.* As special representative for North Korea, you are tasked to lead efforts to negotiate a "final, fully verified denuclearization of North Korea." It appears that these negotiations have stalled. What are the statuses of negotiations and how has your strategy vis-a-vis engagement with North Korea changed since you were appointed last August?

*Answer.* President Trump remains committed to making progress toward the Singapore Summit commitments of transformed relations, building lasting peace, and complete denuclearization. Since assuming the duties of Special Representative for North Korea, I have worked closely on this effort with our allies—including the Republic of Korea, Japan, Australia, and NATO Allies—and others around the world, including China, Russia, and members of the U.N. Security Council, the EU, and the Association of Southeast Asian Nations (ASEAN). We have not seen concrete evidence that North Korea has made the choice to de-nuclearize, but we still believe that Pyongyang can make this choice. If confirmed, I will continue to U.S. efforts to make progress on the commitments President Trump and Chairman Kim Jong Un made in Singapore. Our goal with North Korea is final, fully verified denuclearization, and we remain fully committed to that outcome.

*Question.* It has been nearly six months since demonstrators in Hong Kong first took to the streets advocating for repealing the extradition legislation, dropping all charges against arrested protestors, retracting the proclamation of protests as “riots,” establishing an independent investigation into police brutality, and implementing the election of Chief Executive and all Legco members by universal suffrage. In June, Senator Rubio and I re-introduced our Hong Kong Human Rights and Democracy Act, which reaffirms U.S. commitment to Hong Kong’s autonomy from China as well as towards its civil society. This legislation was sent to the White House for signature on November 20. Does the State Department support passage of the Hong Kong Human Rights and Democracy Act?

*Answer.* I share Congressional concerns about efforts by Beijing to erode the autonomy that underpins U.S. special treatment of Hong Kong. I look forward to working with the relevant departments and agencies to fully implement the Hong Kong Human Rights and Democracy Act.

*Question.* What would be the consequences and implications if the Chinese government were to use their security forces to crackdown on the protestors?

*Answer.* I am deeply concerned by the ongoing political unrest and violence in Hong Kong. U.S. officials have repeatedly called for restraint from all parties in Hong Kong and pointed out that the Hong Kong government bears primary responsibility for bringing calm to Hong Kong. The President has called for a humane resolution to the protests and noted that the world fully expects that the People’s Republic of China will honor its commitments and obligations under the Sino-British Joint Declaration and respect Hong Kong’s social and economic systems, as well as Hong Kong’s executive, legislative, and independent judicial power.

*Question.* The 2017 U.S. National Security Strategy describes China as a “competitor.” The 2018 U.S. National Defense Strategy refers to China as a “strategic competitor.” The 2019 National Intelligence Strategy puts China in the category of “adversaries.” What are the implications, if any, of these different labels?

*Answer.* Our national strategies reflect the administration’s consensus view of threats to our national interests. The 2017 National Security Strategy states, “China is using economic inducements and penalties, influence operations, and implied military threats to persuade other states to heed its political and security agenda.” The 2018 U.S. National Defense Strategy states: “The central challenge to U.S. prosperity and security is the reemergence of long-term, strategic competition by what the National Security Strategy classifies as revisionist powers, gaining veto authority over other nations’ economic, diplomatic, and security decisions.” These descriptions are consistent with the threat posed by the government of the People’s Republic of China.

*Question.* To what degree do you think U.S. labels feed into China’s strategic decision-making?

*Answer.* The U.S. government develops its national strategies according to its own assessments of its national interests, threats to those interests, and actions and behaviors by third-country governments and other actors. The United States does not choose the language in our strategies with regard for the impact on another country’s strategic decision-making.

*Question.* In August 2018, a U.N. panel said it was “alarmed” by reports of mass detentions and mass surveillance in Xinjiang. It recommended an end to extralegal detentions and the immediate release of detainees. In his October 2018 speech, Vice President Pence asserted that Uyghurs were being subjected to “around-the-clock brainwashing” and that survivors see the camps as an effort to “stamp out the Muslim faith.” Are U.S. officials pressing PRC officials about human rights issues in Xinjiang, and, if so, through what means and in what venues?

*Answer.* I remain deeply concerned by the People’s Republic of China’s (PRC) abuses of the human rights and fundamental freedoms of Muslim minority groups in Xinjiang. U.S. officials have consistently pressed the PRC at high levels to end its repression of ethnic and religious minority groups and to release all those who have been arbitrarily detained. The U.S. has also taken concrete steps in this regard. On October 8, 2019, the Department announced visa restrictions on PRC government and Communist Party officials who are believed to be responsible for, or complicit in, the unjust detention or abuses of Uyghurs, ethnic Kazakhs, or other members of Muslim minority groups in Xinjiang. If confirmed, I will work to sustain this pressure.

*Question.* Is the United States government involved in any coordinated international activity on behalf of Uyghurs in Xinjiang?

**Answer.** The Department of State is leading extensive multilateral efforts to galvanize international condemnation of the People's Republic of China's policies in Xinjiang. On March 13, 2019, we co-hosted an event at the U.N. in Geneva to highlight the crisis. During President Trump's Global Call to Protect Religious Freedom at the U.N. General Assembly on September 23, 2019, Jewher Ilham testified to China's abuses of Uighurs. On September 24, 2019, Deputy Secretary Sullivan co-hosted an event on the crisis in Xinjiang on the sidelines of the U.N. General Assembly. On October 29, 2019 the United States joined a group of 23 other countries in signing a joint statement on Xinjiang at the U.N. General Assembly's Third Committee. If confirmed, I will continue to support these efforts.

**Question.** What is the status of U.S. considerations regarding imposing Global Magnitsky Act sanctions on Xinjiang officials?

**Answer.** The People's Republic of China's (PRC) detention of more than one million individuals in Xinjiang since April 2017 is illustrative of the worsening human rights situation in China. If confirmed, I will commit to working with the interagency to use all tools available as appropriate, including the possibility of imposing Global Magnitsky Act sanctions, to pressure PRC officials responsible for these human rights abuses into ending this campaign of repression.

**Question.** In 2017, over a million Rohingya fled persecution at the hands of the Myanmar military, in what the United Nations Fact Finding Mission Report has called genocide, crimes against humanity and more. The United States has yet to make a legal determination as to what crimes occurred—despite the State Department leading an evidentiary fact-finding report to help the State Department come to that conclusion. Do you believe that the crimes committed against the Rohingya constitute genocide or crimes against humanity?

**Answer.** I am appalled by the Burmese military's human rights abuses against Rohingya and members of other ethnic and religious minority groups. If confirmed, I will ensure the Department remains focused on accountability for those responsible, seeking justice for victims, advocating for unhindered humanitarian access, and promoting reforms that will prevent the recurrence of atrocities and other human rights violations and abuses across Burma. Further, if confirmed, I will continue to assess all available information and make recommendations to the Secretary to continue to advance justice and accountability for atrocities and abuses committed across Burma, including those against Rohingya.

**Question.** Recently, the administration called the chief commander of the Myanmar military Ming Aung Hlaing a gross human rights violator for his involvement and command and control responsibility over the atrocities that happened in 2017 and before that. The State Department only announced a visa ban—and fell short of the larger calls from Congress, the United Nations Fact Find Mission recommendations and human rights organizations calling for financial targeted sanctions. Senior military officials were already banned from coming into this country through the JADE Act. What steps is the administration taking in imposing real costs to the Burmese military and in imposing financial sanctions on the highest-levels of the senior military officials?

**Answer.** If confirmed, I will prioritize promoting accountability for those responsible for these abuses and violations of human rights and ensuring justice for victims. I will aim to continue U.S. leadership of the international response to the crisis and efforts to deter further atrocities. In this regard, I will consider all policy tools at our disposal, including sanctions. Further, I would work closely with the U.N. and like-minded countries and regional partners to press the government of Burma to grant unhindered access to U.N. mechanisms, including the International Investigative Mechanism for Myanmar, the U.N. Special Rapporteur, and the U.N. Special Envoy.

**Question.** The U.S. government contributed more than \$10 billion via Plan Colombia to support the Colombian government in fighting back organized crime and to help put an end to fifty years of conflict with the FARC guerrillas. Those hard-fought gains are now at risk of being lost due to renewed violence in the countryside, the spillover effects of Venezuela's humanitarian crisis, and inaction on the part of the Colombian government to implement the peace accords with the FARC. To what extent has the peace process been affected by the assassination of human rights activists and by the August 2019 decision of some prominent FARC former leaders to abandon the accord?

**Answer.** Colombia has made important progress to implement the 2016 peace accord. The Duque administration is committed to this undertaking, though the challenges to fully consolidate peace remain complex. The United States is deeply con-

cerned by attacks on social leaders and raised this issue at the October 2019 U.S.-Colombia High Level Dialogue. I am encouraged by President Duque's efforts to improve protection, strengthen investigations, and prevent violence against these leaders. Former FARC leaders Ivan Marquez and Jesus Santrich are criminal outliers who lack popular support and do not represent most ex-combatants. The Colombian government, FARC political party, and international community all repudiated their call for a return to arms.

*Question.* What is the Trump administration doing to address these recent setbacks to Colombia's peace process?

Answer. The United States strongly supports the efforts to secure a just and durable peace in Colombia. During the October 2019 U.S.-Colombia High Level Dialogue, senior officials from both governments explored ways to strengthen accord implementation. The Duque administration has made progress on ex-combatant reincorporation, emphasized the importance of rural development, and taken steps to reduce attacks on social leaders. U.S. assistance to Colombia continues to provide vital support to all these efforts. We are also assisting Colombia to provide essential support for conflict victims, and to expand state presence and institutions to strengthen the rule of law, especially in vulnerable conflict-affected regions.

*Question.* At this time, what should the U.S. prioritize in its support for peace accord implementation?

Answer. If confirmed, I will continue to prioritize U.S. assistance to advance peace implementation in Colombia and to align our support with the strategic geographic areas that Colombia has defined as critical to these efforts. Bilateral U.S. assistance to Colombia comprises three broad lines of effort, all critical to the Duque administration's efforts to secure a durable peace: (1) consolidating and expanding progress on security and counternarcotics; (2) expanding state presence and institutions to strengthen the rule of law and rural economies, especially in conflict-affected areas; and (3) promoting justice and other essential services for marginalized communities, human rights defenders, and conflict victims.

*Question.* The political and economic crisis in Venezuela under the authoritarian rule of Nicolás Maduro has intensified over the past two years, resulting in mass migration to neighboring countries. Interim President Guaidó has ruled out a return to negotiations with Maduro, but he is approaching a year since he took office as President of the National Assembly and has yet to gather enough support to wrest Maduro from power. How do recent changes in the geopolitical landscape of Latin America bode for a resolution to the ongoing crisis in Venezuela (elections in Argentina, interim government in Bolivia, protests in many countries, etc.)?

Answer. The changes in the geopolitical landscape in Latin America remind us of the importance of preserving democracy, human rights, and basic freedom in our hemisphere and highlight the interconnected nature of our neighboring countries. We hope this will continue to unite the region in support of democracy. The Department remains committed to helping interim President Guaidó shore up the support of current partners and expand the international coalition of supporters. The Lima Group—active supporters of a resolution to the crisis for more than two years—the Organization of American States (OAS), and the Rio Treaty (TIAR) are examples of regional coordination mechanisms dedicated to resolving the crisis in Venezuela.

*Question.* How should the U.S. engage Russia and China on Venezuela? Should we be convincing them to reduce their participation in the region? Or asking them to contribute to the humanitarian response?

Answer. We must continue to increase pressure, publicly and privately, on Russia and China to cease their support for the former Maduro regime. We have condemned Russian and Chinese interference in Venezuela and will continue to encourage our partners to do the same. The U.S. government has designated firms, vessels, and state-owned enterprises participating in the transport of Venezuelan oil to Cuba, giving away a natural resource at the expense of the Venezuelan people. If confirmed, I will work with the Treasury Department to make additional sanctions designations, as appropriate. We encourage all donations for humanitarian efforts in Venezuela and will encourage donors to adhere to international standards.

*Question.* What more can be done to help garner the requisite international support for humanitarian efforts in Venezuela?

Answer. The United States continues to raise awareness about the Venezuela regional crisis, including through the recent International Solidarity Conference hosted by the European Union, United Nations High Commissioner for Refugees, and the International Organization for Migration in Brussels. This conference gar-



nered over \$100 million in additional funding for the regional humanitarian response from European donors, in addition to an additional pledge of \$10 million from the United States. We continue to call on other donors to provide additional humanitarian assistance through neutral and independent implementing partners and to explore ways to further raise the profile of the crisis throughout the international community.

*Question.* To what extent, if at all, are economic sanctions and other actions intended to undercut the Maduro regime increasing health threats, causing malnutrition, or worsening general insecurity?

Answer. Maduro's failed economic policies, not sanctions, caused the malnutrition and worsening security situation in Venezuela. The Venezuelan economy has been collapsing due to the corruption and failed policies of the former Chavez and Maduro regimes since long before the United States began imposing sanctions on malign actors associated with the former Maduro regime. These sanctions promote accountability. The former Maduro regime has gutted Venezuela's health, agriculture, and social systems. Targeted sanctions have been directed against Maduro and his allies and have explicitly exempted food, medicine, and clothing intended to relieve human suffering.

*Question.* Cameroon is beset by twin crises: An ongoing counterinsurgency in the north against Boko Haram militants that has led to an estimated 271,000 Internally Displaced Persons (IDPs) as well as a separatist struggle in the predominantly English-speaking Northwest and Southwest Provinces that resulted in 542,000 IDPs and credible allegations of gross human rights abuses by government Security Forces and separatist militias. If confirmed, how will the Department's African Affairs bureau moderate its engagement with Yaounde, multilateral fora, civil society organizations, and allies like France to counteract violence in Cameroon?

Answer. If confirmed, I will work with the Bureau of African Affairs to continue to assess the situation in Cameroon closely. We will continue to work with partners to support the Swiss-led mediation process, and implement recommendations from those dialogues. It is also important that we continue to engage with civil society working to promote peace, and through multilateral fora to urge both the government of Cameroon and separatists groups to come to a non-military solution and hold accountable those responsible for human rights abuses and violations. I will also support, if confirmed, continued U.S. government-sponsored humanitarian assistance to IDPs, as well as our efforts to work with the government of Cameroon to counter Boko Haram and ISIS-West Africa.

*Question.* If confirmed, how do you propose to provide Cameroon the Security Assistance its forces need to fight Boko Haram while making sure that no support flows to security forces violating the human rights of civilians in the Northwest and Southwest Provinces?

Answer. If confirmed, I will work with the Bureau of African Affairs and the Bureau of Democracy, Human Rights, and Labor to continue robust Leahy vetting of all potential recipient units to ensure that U.S. assistance is not provided to security forces where there is credible information that the unit has committed a gross violation of human rights. I will also ensure, if confirmed, that all U.S. security programs in Cameroon continue to undergo thorough monitoring and evaluation.

*Question.* If confirmed, what would your policy be for strengthening good governance and democracy in sub-Saharan Africa?

Answer. I strongly believe that democratic institutions, rule of law, and human rights are the foundation for peace, stability, and security, and drive inclusive economic growth. If confirmed, I will continue to work in partnership with African governments, regional organizations, and civil society to strengthen institutions, protect political space and fundamental freedoms, promote justice, and ensure respect for human rights on the continent.

*Question.* Which U.S. incentives would be most effective in countering overtures by Russia and China in sub-Saharan Africa?

Answer. The United States offers a different model of partnership through its investment in the countries and peoples of sub-Saharan Africa. The U.S. does so with programs that save lives, bring electricity access, build economic opportunity, give African youth the tools to contribute to their economies, support women's economic empowerment, and promote peace and security. To complement this, the administration has launched Prosper Africa to increase two way trade and investment between the United States and Africa. It will respond to the challenge of mercantilist or exploitative economic policies employed by China and Russia, while continuing to in-

sist that American economic actors on the continent adhere to the highest standards of transparency, anti-corruption, debt sustainability, and human rights.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO STEPHEN E. BIEGUN BY SENATOR TED CRUZ

*Iran*

*Question.* As you know, because of the Iran deal and U.N. Security Council Resolution 2231, next year the international arms embargo against Iran will expire. Our rivals in China and Russia are eagerly anticipating being able to sell the full spectrum of weaponry to Iran. As you also know, there is a way to stop that from happening. The resolution includes a snapback mechanism that is open to any of the original participant states, as defined by the resolution itself. There is no legal problem with going to the United Nations, invoking the snapback mechanism, and restoring international sanctions against Iran.

- What is the State Department's legal analysis regarding whether the United States can invoke the snapback mechanism described by paragraphs 10-15 of United Nations Security Council Resolution 2231, which reverses the terminations described in paragraph 7(a) of that resolution?

*Answer.* The requirements for initiating snapback under UNSCR 2231 are that (i) a "JCPOA participant State" (ii) notify the U.N. Security Council (iii) of an issue it believes constitutes "significant non-performance" of commitments under the JCPOA. As the United States is an original JCPOA participant identified in paragraph 10 of UNSCR 2231, there is a legally available argument we can assert that the United States can initiate the snapback process under UNSCR 2231 by submitting a notification to the Security Council of an issue that the United States believes constitutes significant non-performance. UNSCR 2231 does not define "significant non-performance."

*Question.* If the State Department concludes it either cannot or will not invoke the snapback mechanism in UNSCR 2231, what policy will you pursue to ensure the arms embargo does not expire?

*Answer.* Continuing the U.N. arms embargo on Iran beyond the current expiration of October 2020 is a priority. This administration does not assess, based on Iran's ongoing malign activity and its current role in supporting non-state actors across the region, that conventional arms restrictions on Iran should be removed. If confirmed, I will ensure that the Department continues to work with our partners on the Security Council to build support for an extension of the arms embargo. We will continue to coordinate with likeminded partners and use other tools available to us in our efforts to both prevent Iran from acquiring currently restricted weapons, as well as to prevent the supply, sale, or transfer of arms and related material from Iran.

*Question.* Sudan is a state sponsor of terrorism. Nevertheless, after 30 years of President al-Bashir's brutal reign, Sudan is facing an inflection point. The Sudanese people have put their lives on the line to pursue a civilian-led government, one that reflects their aspirations for democracy, justice, and peace. Earlier this year, Senator Durbin and I passed a resolution in the Senate, urging for a swift transition of power from the military to a civilian-led authority. While a power-sharing arrangement between the military and opposition is in place for a transition, there are many issues that remain. Meanwhile there are voices suggesting that we should rush to lift the designation on Sudan of being a state sponsor of terrorism.

- Please describe the criteria that you think should be used in evaluating whether to change this designation? Can you commit to ensuring that any sanctions relief or re-categorization for Sudan happens only to the extent that they meet the long-standing benchmarks that this administration has been asking for?

*Answer.* To remove Sudan's State Sponsor of Terrorism designation, the Sudanese government must demonstrate to the satisfaction of the United States that it meets the statutory and policy criteria for rescission. When considering rescission, the Department of State reviews the relevant government's activities to assess whether it is supporting acts of international terrorism as defined by established statutory criteria. The country must also provide credible assurances that it will not support such acts in the future. Moving forward, priority areas of U.S. engagement with Sudan will continue to include addressing certain terrorism-related claims, counter-

terrorism, the promotion of democracy and human rights, humanitarian access, conflict resolution, and economic reform.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO STEPHEN E. BIEGUN BY SENATOR JEANNE SHAHEEN

*Question.* Congress has continued to express its concerns regarding OIG reports that several political appointees in the State Department have acted improperly toward career officials on the basis of their perceived political or ideological views. The November 2019 OIG report outlined evidence of inappropriate practices, which it characterized as “disrespectful and hostile treatment of employees, accusations against and harassment of career employees premised on claims that they were ‘disloyal’ based on their perceived political views, and retaliation associated with conflicts of interest.”

- While at the Department, were you aware of the allegations outlined by the Inspector General, particularly regarding senior leadership’s response or any attempts to remedy the situation?

*Answer.* These matters fell outside my responsibilities. My only awareness of these allegations came from knowledge of the August 2019 and November 2019 reports after the OIG released them and from reading general press reporting on these issues. Regarding the August 2019 report, I understand the Under Secretary of State for Political Affairs submitted a comprehensive corrective plan to the OIG within the 60-day timeframe set out in the report and has put in place measures to ensure the IO bureau is carefully executing the plan.

*Question.* During our meeting, you commented that Secretary Pompeo has asked for you to focus your attention on addressing some of the personnel and management issues plaguing the Department at this time. You mentioned you did not view many of these problems as management issues, but rather as leadership issues. From a leadership perspective, where in your opinion has the Department failed to address personnel problems and what would you have done differently?

*Answer.* A leader has the ability to influence, motivate, and empower others to contribute to the success of the team. If confirmed, I will be committed to promoting a workplace of exceptional professionalism and respect. I will undertake a review of personnel issues that have arisen in order to assess what leadership and/or management problems may need to be addressed, including any issues of possible misconduct. I will commit to work with my leadership team and employees throughout the Department to promote a culture that values and respects all employees, promotes inclusion, and models the Department’s leadership and management principles.

*Question.* How would you respond if others inside or outside of the State Department raised similar allegations with you?

*Answer.* I take all allegations and criticism from employees seriously. Candid engagement with employees is critical to success. I always welcome the opportunity to do better. If confirmed, I plan to work with my colleagues, both in Washington and at our missions all over the world, to identify and resolve deficiencies, innovate solutions, and ensure the Department remains a place where people want to work.

*Question.* What would you do to ensure that senior personnel are treating career employees in a manner consistent with federal laws and regulations governing the management of State Department personnel?

*Answer.* I view my Foreign and Civil Service colleagues at the State Department in the highest regard. If confirmed, I will work with the Under Secretary for Management and the Director General to ensure that personnel practices are consistent with all laws and regulations and that Department managers follow merit system principles and fulfill their obligations in leading our workforce. I know the Department has taken significant steps in the last two years to enhance its training in leadership, combatting harassment, and unconscious bias. If confirmed, I plan to look at the results of those efforts to identify and address any remaining gaps or areas for improvement.

*Question.* If confirmed, could you describe the types of actions you will take to address morale and lingering feelings of distrust in the offices identified in the OIG report, in addition to the State Department office handling Ukraine affairs?

*Answer.* If confirmed, I will commit to working to boost morale at the Department's domestic offices, including the office handling Ukraine affairs, and at our diplomatic missions around the world. I plan to work with the Department's senior leadership to ensure that our employees and families have the support they need to carry out our critical mission. I understand that Director General Perez' new Talent Action Plan for the Department has begun several new workplace flexibilities that have been well received and that I will support. If confirmed, I will fight to ensure that a strong, well-resourced workforce is at the forefront of U.S. diplomacy.

*Question.* The OIG's review also addressed the failure to fill a high number of vacancies throughout the Department, and the negative effect this has had on core Department operations. How would you help fill these vacancies and remedy the negative impacts identified by the OIG and Congress?

*Answer.* Under Secretary Pompeo's leadership, I understand that the Department made tremendous progress on staffing in 2019. Addressing the deficit of Civil Service professionals is a top management priority. The Department finalized an agreement with the Defense Finance and Accounting Service to outsource the fulfillment of pending recruitment requests and is utilizing Shared Certificates, Direct Hiring Authorities, Veterans-only announcements, and other non-competitive authorities to address staffing shortfalls. Foreign Service Officer and Consular Fellow staffing reached an all-time high earlier this year and if confirmed, I will seek to maintain this level of Foreign Service employment in future.

*Question.* Over the last several years, Congress has been monitoring closely and responding to a number of worrisome developments in U.S.-Russia policy. Despite the rise in Russia's destabilizing activities against the United States and its allies, it seems as though President Trump disregards Russia's malign actions and seeks to pursue a one-sided normalization with Putin. Of particular concern to me is Russia's interference in our electoral process, and the effect it will have on next year's elections. In July 2019, FBI Director Christopher Wray told the Senate Judiciary Committee that "the Russians are absolutely intent on trying to interfere with our elections." In October 2019, Facebook reported that it removed a Russia-based network of Facebook and Instagram accounts (together with three Iran-based networks) engaged in disinformation campaigns targeting U.S. presidential candidates.

- Given the Russian government's long list of problematic activity, what do you believe are Russian President Vladimir Putin's intentions with respect to its relationship with the United States and President Trump?

*Answer.* I anticipate that Russia will continue to try to promote Moscow's strategic interests, stoke internal division, and erode faith in U.S. democratic institutions in the lead up to the 2020 elections. The Department of State works closely with other departments and agencies, as well as with allies and partners, to protect our nations against potential interference in our election processes. If confirmed, I will continue to raise concerns about Russia's destabilizing activity with Russian leadership at every opportunity. Our policy toward Russia will not change until Moscow takes demonstrable steps to end this activity.

*Question.* What do you think would be Russia's objectives in trying to interfere in the 2020 U.S. presidential election?

*Answer.* While efforts may spike around elections, Russian influence campaigns seeking to promote Moscow's strategic interests, stoke internal division, and erode faith in U.S. democratic institutions occur without interruption. We must respond and defend our democratic processes with equal vigor, and I intend to play a leadership role in these efforts.

*Question.* How do you view U.S. efforts to counter Russian aggression? What can we be doing better?

*Answer.* The Department of State works closely with other agencies on a whole-of-government response that combines diplomatic, intelligence, financial, and law enforcement lines of effort to expose and impose costs for Russian malign influence. Most recently, on September 30, the administration imposed sanctions against Russian actors that attempted to influence the 2018 U.S. midterm elections, including increasing pressure on Russian oligarch and Internet Research Agency financier Yevgeniy Prigozhin's physical assets. If confirmed, I will make clear to senior Russian counterparts that this activity is unacceptable and that we will continue to hold Russia accountable if this continues.

*Question.* I recently met with NATO Secretary General Jens Stoltenberg and he touted the benefits of New START. What have U.S. allies, particularly in Europe,

told your State Department colleagues about how New START reinforces their security?

*Answer.* The extension of New START is a topic of discussion with our Allies. We will continue to take into account allied and partner views as we decide next steps on a potential extension of the Treaty. The Department of State remains committed to continued engagement with diplomatic counterparts on this important issue.

*Question.* What is your assessment of how U.S. allies would react if New START goes away with nothing to replace it?

*Answer.* New START does not expire until February 2021, and the administration has made clear its interest in seeking a new agreement with China and Russia. Speculating on allies' possible reactions to a hypothetical outcome would be premature.

*Question.* How does the withdrawal of U.S. forces from Syria affect Russia's military and diplomatic role in Syria and the broader Middle East?

*Answer.* The administration will use diplomatic and economic leverage to ensure that Russia cannot single-handedly dictate Syria's future. We actively support the U.N.-facilitated political process, ensuring that Russia cannot use its own separate formats to seize the initiative from the U.N. We have imposed a series of sanctions on Russian companies for their material support to the Assad regime. At the same time, we are finding ways in which we can work with Russia. For example, de-confliction mechanisms have enabled both U.S. and Russian forces to conduct D-ISIS operations without creating unnecessary risk of unintended incidents. Meanwhile, some U.S. and Coalition forces will remain in northeast Syria to continue the D-ISIS mission.

*Question.* I was pleased that in March of this year, President Trump finally moved to fill the critical position of Ambassador at Large for Global Women's Issues. As you may know, the Office of Global Women's Issues has been without an Ambassador since January 20, 2017. While the career civil servants who work in that office are undoubtedly devoted to the mission, there are concerns that the office is understaffed and its role within State is not prioritized. Will you commit to the full staffing of the Office with qualified and experienced individuals with a history of productive engagement on gender equality?

*Answer.* First, let me make clear that the State Department remains committed to continuing the important work of advancing the status of women and girls globally through our diplomatic and programmatic activities. It is a fundamental tenet of foreign policy that when women are able to participate politically and economically to the same degree as men, societies are more prosperous, stable, and secure. If confirmed, I will ensure the office is appropriately staffed and continues to leverage all available resources and Department tools to advance this goal.

*Question.* How will you work with Secretary Pompeo and other State officials to ensure that the Office of Global Women's Issues is engaged in the formulation of State Department policy?

*Answer.* I support the full empowerment of women and girls as a priority for this administration. The Secretary's Office of Global Women's Issues plays a central role in ensuring the Department has the know-how and the appropriate processes to strategically incorporate women's issues into policies and programs. The Office harnesses bilateral and regional diplomacy, multilateral diplomacy, public diplomacy, and programming to encourage counterparts in other countries to support the advancement of the status of women and girls. If confirmed, you have my commitment to work with Secretary Pompeo to ensure that women's issues remain a priority for the formulation and implementation of U.S. foreign policy.

*Question.* Will you commit to empowering the Ambassador-at-Large for Global Women's Issues to have the authority needed to carry out the mission of the Office throughout the State Department? What steps will you take to ensure the position is enabled to do so?

*Answer.* The Secretary's Office of Global Women's issues through the leadership of the Ambassador-at-Large advances the Department's work to empower women and girls socially, politically, and economically in the communities and societies in which they live. If confirmed, I commit to working with the confirmed Ambassador-at-Large to advance administration priorities such as the Women's Global Development and Prosperity Initiative and the U.S. Strategy on Women, Peace, and Security.

*Question.* In the last two years, we have witnessed the decline of U.S. diplomatic and military presence in the Middle East, most problematically in the places that most need U.S. intervention and leadership. Given the wide array of challenges in the region, what do you define as core U.S. interest in the Middle East, and how do you intend to prioritize/promote these interests under this administration?

*Answer.* The security and stability of the Middle East and North Africa remain a critical and enduring U.S. national interest. Core U.S. interests in the region include stopping terrorist organizations and states that sponsor terrorism from threatening the United States and our partners, preventing the proliferation of weapons of mass destruction, ensuring the free flow of global commerce and strategic natural resources, and working with our closest partners, including Israel, to bolster regional security. Sustaining U.S. engagement and championing American values are top priorities as we address the challenge to U.S. interests posed by malign Iranian influence, ISIS, and efforts by China and Russia to expand their influence in this strategic region.

*Question.* How do you view the administration's Syria policy?

*Answer.* I support the goals of the administration's Syria policy, which consist of three priorities: the enduring defeat of ISIS and al-Qa'ida, a political solution to the Syrian conflict in line with U.N. Security Council Resolution 2254, and the removal of all Iranian-backed forces from Syria. I share the view that there can be no military solution to the Syrian conflict; there can only be a political solution that respects the rights and dignity of the Syrian people. This proposition applies to all aspects of the Syrian conflict.

*Question.* What actions should the United States take to improve the outcome in Syria?

*Answer.* For more than eight years, the regime of Bashar al-Assad has waged a war against the Syrian people, resulting in half a million deaths and the displacement of more than 11 million Syrians. But there is no military solution to the Syrian conflict; there is only a political solution. I fully support the administration's approach of using all available political and economic tools to pressure the Assad regime to advance a political process based on U.N. Security Council Resolution 2254. I also support the administration's efforts to deliver real reforms with a real impact for all Syrians, including those living in the diaspora, while maintaining a U.S. military presence in northeast Syria to ensure the enduring defeat of ISIS.

*Question.* How important is the U.S.-Turkey relationship, and what do Turkey's purchase of a Russian S-400 system and its incursion into northern Syria mean for the bilateral relationship?

*Answer.* A strong U.S.-Turkey relationship is crucial for achieving U.S. foreign policy goals, including countering Russian and Iranian malign influence and ensuring the lasting defeat of ISIS. Turkey's purchase of the S-400 defies our shared commitments as NATO Allies, and resolving the S-400 issue is key to achieving progress elsewhere in the bilateral relationship. We strongly opposed Turkey's unilateral invasion of northeast Syria. The October 17 joint statement negotiated by Vice President Pence and Secretary Pompeo is working. We remain ready to re-impose sanctions should Turkey fail to act in line with its commitments outlined in the arrangement.

*Question.* Does the administration plan to enforce CAATSA sanctions for the S-400 purchase?

*Answer.* I cannot pre-judge a sanctions decision prior to a determination by the Secretary of State. The Secretary has made clear he is committed to implementing CAATSA and that he will comply with the law. The administration is not waiting for the outcome of CAATSA deliberations to take strong action. The decision to unwind Turkey from the F-35 program makes clear how seriously we take this issue. As President Trump told President Erdogan during his recent visit, resolving the S-400 issue is vital to achieving progress on other elements of the bilateral relationship.

*Question.* Would you recommend the Secretary overturn the decision to ban F-35 sales to Turkey as long as they are in possession of the S-400 system?

*Answer.* I agree with the decision to unwind Turkey from the F-35 program after Turkey began to take receipt of the S-400 system. As Secretaries Pompeo and Esper have repeatedly made very clear to Turkey, the S-400 and F-35 cannot coexist.

*Question.* In April 2019, Kim Jong Un issued an end-of-year deadline for diplomacy with the United States. This deadline has been reiterated on multiple occa-

sions by North Korean officials. North Korea has repeatedly called on the United States to change its negotiation stance and to meet Pyongyang's demands in order to reach a diplomatic settlement that is favorable to both sides. If Washington and Pyongyang fail to reach a diplomatic agreement regarding North Korea's nuclear weapons program before December 31, 2019, what actions do you believe North Korea will take and how might these actions affect the security of our allies and of the United States?

*Answer.* President Trump remains committed to making progress toward the Singapore Summit commitments, which include transforming relations, building lasting peace on the Korean Peninsula, and complete denuclearization of the DPRK. We work closely with the international community to send a unified message that North Korea must engage with the United States to achieve these commitments. The United States does not have a deadline, we have a goal with North Korea: final, fully verified denuclearization. We remain fully committed to that outcome.

*Question.* Does the State Department expect that South Korea will meet the Trump administration's demand for a five-fold increase in annual contributions for hosting U.S. military forces in the country?

*Answer.* The U.S.-ROK alliance remains the linchpin of regional stability and security throughout the Indo-Pacific region for the benefit of both of our peoples. We are currently involved in negotiations for the 11th Special Measures Agreement that will facilitate the Republic of Korea defraying the costs of stationing U.S. forces on the peninsula. The amount we requested aims to offset some of the U.S. costs and reduce the burden on the American taxpayer. As negotiations are ongoing, I cannot predict the final amount both sides will agree upon but we remain focused on reaching an acceptable outcome that strengthens the alliance between our two countries.

*Question.* What plans does the administration have to safeguard the military intelligence agreement, and/or improve Japan-South Korea relations?

*Answer.* Our relationships with the Republic of Korea and Japan are among our most important alliances and are vitally important in the face of shared regional challenges, including North Korea, in the Indo-Pacific and around the world. We will continue to encourage the Republic of Korea and Japan to engage in sincere discussions to ensure a lasting solution to historic issues. I strongly believe that defense and security issues should remain separate from other areas of the ROK-Japan relationship. If confirmed as Deputy Secretary, I will continue to pursue bilateral and trilateral security cooperation with the Republic of Korea and Japan in recognition of our shared interests.

*Question.* Unlike the North Korea policy that we discussed in our meeting, which employs both carrots and sticks, U.S. policy towards Iran has relied on a "maximum pressure" campaign that is heavily dependent on sanctions. Do you believe our Iran policy would benefit from the same internal strategies you use in your discussions around North Korea (no idea is a bad idea, balancing of diplomacy with sanctions)?

*Answer.* We have made clear to the Iranian regime that we are open to diplomacy and are willing to negotiate without preconditions. We have put on the table for Iran full sanctions relief, as well as the re-establishment of full diplomatic and commercial relations with the United States as part of a comprehensive agreement to permanently address Iran's nuclear program, their ballistic missile program, and Iran's malign influence throughout the Middle East.

*Question.* Given Iran turning away from its JCPOA nuclear commitments and increased aggressive actions against the Gulf states and in the Strait of Hormuz, is now the time to take into account and debate the differing views and ideas across the branches of government and in the interagency?

*Answer.* I will approach with an open mind the many challenges Iran poses to the United States and the world. I look forward to engaging with Congress and the relevant interagency partners on how to best achieve our objectives. Iran is facing an unprecedented economic crisis as a result of the maximum pressure campaign. Iran therefore must choose between funding its terror proxies abroad or stabilizing its economy. Iran can change course, engage in diplomacy with us, and make a different set of choices that will allow Iran to benefit from behaving as a normal country in a manner consistent with international law.

*Question.* Many European leaders are dismayed by President Trump's hostility towards the U.S.-EU partnership, and his transactional view of the NATO alliance. How will you respond to European concerns that U.S. decisions, such as withdrawing from the Iran nuclear deal and the Paris climate agreement, or pulling U.S. troops from Syria, undermine the United States as a credible partner?

Answer. The United States and Europe agree on far more than we disagree, and the fundamentals of our relationship remain strong. The United States recognizes that we have no better partners in the world than our European Allies and we want to work with European countries to narrow our differences, expand our areas of agreement, and advance shared goals. We are facing many global challenges and the most effective way to respond is to do as we have always done, discuss, sometimes disagree, and ultimately come to a shared vision of a future in pursuit of peace and stability.

*Question.* Current Deputy Secretary of State John Sullivan told the Senate Foreign Relations Committee last month that the decision to withdraw from the Open Skies Treaty would require the unanimous support of NATO “to make sure we don’t do damage to our NATO alliance.” Do you agree with this statement?

Answer. Deputy Secretary Sullivan told the committee any decision to remain in or withdraw from the treaty should be made only after we have closely consulted with our allies and other participants in the treaty. The United States remains committed to arms control agreements that advance U.S., allied, and partner security; are verifiable and enforceable; and include parties that comply responsibly with their obligations.

*Question.* Sullivan also stated that the U.S. ambassadors to NATO and the OSCE support the United States remaining a party to the treaty. Is that also your understanding?

Answer. The United States remains committed to arms control agreements that advance U.S., allied, and partner security; are verifiable and enforceable; and include parties that comply responsibly with their obligations.



**Correspondence Relating to the House of  
Representatives' 2019 Impeachment Inquiry**

LETTER FROM DEPUTY SECRETARY OF DEFENSE DAVID L. NORQUIST  
TO DANIEL LEVIN, WHITE & CASE LLP<sup>1</sup>



DEPUTY SECRETARY OF DEFENSE  
1010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1010

OCT 22 2019

Daniel Levin  
White & Case LLP  
701 Thirteenth Street, NW  
Washington, DC 20005-3807

Dear Mr. Levin:

I understand that you have been retained by Ms. Laura Cooper, the Department's Deputy Assistant Secretary of Defense for Russia, Ukraine, and Eurasia, as her private counsel for a deposition to be conducted jointly by the House Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Oversight and Reform, "[p]ursuant to the House of Representatives' impeachment inquiry." The Department's October 15, 2019 letter to the Chairs of the three House Committees [Tab A] expressed its belief that the customary process of oversight and accommodation has historically served the interests of congressional oversight committees and the Department well. The Committees' purported "impeachment inquiry," however, presents at least two issues of great importance.

The first issue is the Committees' continued, blanket refusal to allow Department Counsel to be present at depositions of Department employees. Department Counsel's participation protects against the improper release of privileged or classified information, particularly material covered by the executive privilege which is the President's alone to assert and to waive. Excluding Department Counsel places the witness in the untenable position of having to decide whether to answer the Committees' questions or to assert Executive Branch confidentiality interests without an attorney from the Executive Branch present to advise on those interests. It violates settled practice and may jeopardize future accommodation. Furthermore, the Department of Justice has concluded that "congressional subpoenas that purport to require agency employees to appear without agency counsel are legally invalid and are not subject to civil or criminal enforcement." See *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees*, 43 Op. O.L.C. (May 23, 2019) [Tab B].

The second issue is the absence of authority for the Committees to conduct an impeachment inquiry. In its October 15, 2019 letter, the Department conveyed concerns about the Committees' lack of authority to initiate an impeachment inquiry given the absence of a delegation of such authority by House Rule or Resolution. This correspondence echoed an October 8, 2019 letter from the White House Counsel [Tab C] expressing the President's view that the inquiry was "contrary to the Constitution of the United States and all past bipartisan precedent" and "violates fundamental fairness and constitutionally mandated due process."

This letter informs you and Ms. Cooper of the Administration-wide direction that Executive Branch personnel "cannot participate in [the impeachment] inquiry under these circumstances" [Tab C]. In the event that the Committees issue a subpoena to compel Ms. Cooper's appearance, you should be aware that the Supreme Court has held, in *United States v.*



<sup>1</sup>[Note: Included in the hearing record at the request of Senator Tim Kaine.]

*Rumely*, 345 U.S. 41 (1953), that a person cannot be sanctioned for refusing to comply with a congressional subpoena unauthorized by House Rule or Resolution.

To reiterate, the Department respects the oversight role of Congress and stands ready to work with the Committees should there be an appropriate resolution of outstanding legal issues. Any such resolution would have to consider the constitutional prerogatives and confidentiality interests of the co-equal Executive Branch, *see* Tab D, and ensure fundamental fairness to any Executive Branch employees involved in this process, including Ms. Cooper.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul L. Marshall".

Attachments:  
As stated

LETTER FROM ASSISTANT ATTORNEY GENERAL STEVEN A. ENGEL, OFFICE OF  
LEGAL COUNSEL TO PAT A. CIPOLLONE, COUNSEL TO THE PRESIDENT<sup>2</sup>

U.S. Department of Justice  
Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

November 1, 2019

Pat A. Cipollone  
Counsel to the President  
Washington, D.C. 20500

Dear Mr. Cipollone:

On October 31, 2019, the House of Representatives voted to authorize certain committees to investigate “whether sufficient grounds exist for the House of Representatives to exercise its Constitutional power to impeach” President Trump. H.R. Res. 660, 116th Cong. (2019). Although the House resolution directs the House Permanent Select Committee on Intelligence (“HPSCI”) to conduct “open and transparent investigative proceedings” in connection with this inquiry, *id.* § 2 (title), we understand that HPSCI nonetheless insists that executive branch employees appear next week for closed-door depositions from which agency counsel would be excluded.

You have asked whether HPSCI or the other committees involved in the impeachment inquiry may validly compel an executive branch witness to appear at such depositions. The HPSCI impeachment inquiry seeks information concerning presidential communications, internal executive branch deliberations, and diplomatic communications arising in connection with U.S. foreign relations with Ukraine. As a result, the depositions seek testimony from executive branch employees concerning matters potentially protected by executive privilege. Consistent with our prior advice, we conclude that the congressional committees participating in the impeachment investigation authorized by the resolution may not validly require an executive branch witness to appear without the assistance of agency counsel in connection with such depositions. See *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees*, 43 Op. O.L.C. \_\_\_, \*7–13 (May 23, 2019) (“*Exclusion of Agency Counsel*”). HPSCI could address this separation of powers problem by allowing agency counsel to assist the employee during the deposition. Should the committee not do so, however, a subpoena purporting to require a witness to appear without such assistance would be invalid and not subject to civil or criminal enforcement. See *id.* at \*13–14.

We have previously advised, in the context of legislative oversight investigations, that Congress may not prohibit agency counsel from accompanying employees called to testify about matters that potentially involve information protected by executive privilege. As we explained, “the exclusion of agency counsel impairs the President’s ability to exercise his constitutional authority to control privileged information of the Executive Branch” and “his constitutional authority to supervise the Executive Branch’s interactions with Congress.” *Id.* at \*8. The President has the constitutional authority to protect privileged information from disclosure in response to congressional investigations, and to do so effectively, he must be able to designate a representative to protect this interest at congressional depositions. *Id.* at \*8–11. In addition, the

<sup>2</sup>[Note: Included in the hearing record at the request of Stephen E. Biegun as part of his answer to an additional question for the record.]

President has the constitutional authority to control the activities of subordinate officials within the Executive Branch, which includes the power to control communications with, and information provided to, Congress on the Executive Branch's behalf. *Id.* at \*11-13. Adherence to these principles ensures that executive branch employees called to testify before Congress do not improperly disclose privileged information, and that the information provided is consistent with the scope of Congress's investigative authority.

We believe that these same principles apply to a congressional committee's effort to compel the testimony of an executive branch official in an impeachment inquiry. Executive privilege protects the confidentiality and integrity of sensitive executive branch information absent a showing of sufficient legislative "need" in the context of an oversight investigation. *Senate Select Comm. on Presidential Campaign Activities v. Nixon*, 498 F.2d 725, 730-31 (D.C. Cir. 1974) (en banc). The privilege has also been recognized to protect information in connection with other kinds of proceedings, including criminal trials and grand-jury investigations.

As the Supreme Court recognized in *United States v. Nixon*, 418 U.S. 683 (1974), executive privilege "is fundamental to the operation of Government and inextricably rooted in the separation of powers under the Constitution." *Id.* at 708. While the privilege may yield to the "legitimate needs of the judicial process" in connection with a criminal trial, the Court recognized that "it is necessary to resolve those competing interests in a manner that preserves the essential functions of each branch." *Id.* at 707. The D.C. Circuit has applied the same principle in connection with a grand-jury investigation, observing that privileged presidential communications "should not be treated as just another source of information" in such an inquiry, but should instead be provided to a grand jury only upon a demonstration of "why it is likely that evidence contained in presidential communications is important to the ongoing grand jury investigation and why this evidence is not available from another source." *In re Sealed Case*, 121 F.3d 729, 755-57 (D.C. Cir. 1997).

We believe that a congressional committee must likewise make a showing of need that is sufficient to overcome the privilege in connection with an impeachment inquiry. Although no judicial decision is directly on point, the D.C. Circuit suggested as much in *Senate Select Committee*, in which it contrasted the Senate committee's "oversight need" in support of "legislative tasks" with "the responsibility of a grand jury, or any institution engaged in like functions." 498 F.2d at 732 (emphasis added). The latter phrase referred to the House Committee on the Judiciary, which had "begun an inquiry into presidential impeachment." *Id.* The D.C. Circuit's recognition that an impeachment inquiry is similar to a grand-jury investigation implies the requirement of a similar showing of need. We need not settle on the precise standard in order to address your current inquiry, because we think it sufficient to recognize that a qualified executive privilege remains available, and a congressional committee must therefore make some showing of need to overcome the privilege. This conclusion follows from the Supreme Court's recognition that a dispute involving information subject to executive privilege should be resolved in a manner that "preserves the essential functions of each branch." *Nixon*, 418 U.S. at 707.<sup>1</sup>

<sup>1</sup> In a 1974 effort to summarize the then-available precedents, a "working paper prepared by the staff" of this Office observed that "[p]recedents relating to the subject of executive privilege in presidential impeachment are

While HPSCI may be able to establish an interest justifying its requests for information, the Executive Branch also has legitimate interests in confidentiality, and the resolution of these competing interests requires a careful balancing of each branch's need in the context of the particular information sought. See *United States v. Am. Tel. & Tel. Co.*, 567 F.2d 121, 127 (D.C. Cir. 1977) (“[E]ach branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation.”). Although HPSCI is willing to allow witnesses to appear with *personal* counsel, the accommodation process presupposes participation by appropriate representatives of the Executive Branch, which cannot occur when a committee seeks to exclude *agency* counsel from the room. See *Exclusion of Agency Counsel*, 43 Op. O.L.C. at \*17 (explaining the differences between private counsel's and agency counsel's obligations and abilities). Accordingly, where, as here, a committee deposition is likely to inquire into privileged communications, the committee may not validly prevent an executive branch witness from receiving the assistance of agency counsel. See *id.* at \*7–13.

Because the committee may not bar agency counsel from assisting an executive branch witness without contravening the legitimate prerogatives of the Executive Branch, a HPSCI subpoena requiring such a result would exceed the committee's lawful authority and thus could not be enforced. As we concluded in the oversight context, “it would be unconstitutional to enforce a subpoena against an agency employee who declined to appear before Congress, at the agency's direction, because the committee would not permit an agency representative to accompany him.” *Id.* at \*14. This conclusion followed from many earlier precedents of this Office, which recognized that “the Constitution does not permit Congress to make it a crime for an official to assist the President in asserting a constitutional privilege that is an integral part of the President's responsibilities under the Constitution.” *Prosecution for Contempt of Congress of an Executive Branch Official Who Has Asserted a Claim of Executive Privilege*, 8 Op. O.L.C. 101, 140 (1984).<sup>2</sup> An executive branch employee does not violate the criminal contempt-of-

message, confused and inconclusive.” Office of Legal Counsel, U.S. Dep't of Justice, *Legal Aspects of Impeachment: An Overview* app. 3, at 1 (Feb. 1974). Where executive branch officials have addressed the issue, they have typically done so outside the context of a particular impeachment inquiry. While they have sometimes acknowledged that Congress's interest in information in connection with impeachment may be stronger than in the oversight context, they have not identified a consistent standard for evaluating such requests. See *id.* at 6–15, 22–32 (describing statements of past Presidents and Attorneys General); see also, e.g., *Assertion of Executive Privilege by the Chairman of the Atomic Energy Commission*, 1 Op. O.L.C. Supp. 468, 485 (1956) (“Even in [impeachment] there is no precedent to the effect that the executive privilege cannot validly be invoked.”); *Position of the Executive Department Regarding Investigative Reports*, 40 Op. Att'y Gen. 43, 51 (1941) (identifying impeachment proceedings as a situation in which “the public interest” can justify disclosure of “pertinent” information “for the good of the administration of justice”). Subsequent judicial decisions, as discussed above, are consistent with our recognition that a qualified privilege applies in the context of an impeachment investigation, just as it does in a grand-jury investigation.

<sup>2</sup> See also *Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 Op. O.L.C. \_\_\_, \*20 (May 20, 2019) (“The constitutional separation of powers bars Congress from exercising its inherent contempt power in the face of a presidential assertion of executive privilege.”); *Whether the Department of Justice May Prosecute White House Officials for Contempt of Congress*, 32 Op. O.L.C. 65, 65–69 (2008) (concluding that the Department cannot take “prosecutorial action, with respect to current or former White House officials who . . . declined to appear to testify, in response to subpoenas from a congressional committee, based on the President's assertion of executive privilege”); *Application of 28 U.S.C. § 458 to Presidential Appointments of Federal Judges*, 19 Op. O.L.C. 350, 356 (1995) (“the criminal contempt of Congress statute does not apply to the President or presidential subordinates who assert executive privilege”).

Congress statute by declining to appear before a congressional committee based upon an instruction to protect the confidentiality interests of the Executive Branch and the separation of powers. HPSCI, of course, may readily avoid this problem by allowing the employee to receive the assistance of agency counsel during the deposition.

You have also asked whether the House's adoption of a resolution authorizing an impeachment inquiry would have any effect on existing subpoenas. As we have previously advised you, prior to October 31, 2019, the House had not vested any committee in the current Congress with the authority to issue subpoenas in connection with an impeachment inquiry. As a result, subpoenas issued before that date purporting to be "pursuant to" an impeachment inquiry were not properly authorized. Although House Resolution 660 "direct[s]" HPSCI and other committees to "continue their ongoing investigations," it does not purport to ratify any previously issued subpoena. Accordingly, while the Executive Branch may, and regularly does, accommodate congressional requests for information in the absence of a subpoena, the relevant committees would have to issue new subpoenas to impose any compulsory effect on recipients.

Please let us know if we may be of further assistance.



Steven A. Engel  
Assistant Attorney General

LETTER FROM COUNSEL TO THE PRESIDENT PAT A. CIPOLLONE TO HON. NANCY PELOSI, HON. ELIOT L. ENGEL, HON. ADAM B. SCHIFF, AND HON. ELIJAH E. CUMMINGS, MEMBERS OF THE U.S. CONGRESS<sup>3</sup>

THE WHITE HOUSE

WASHINGTON

October 8, 2019

The Honorable Nancy Pelosi  
Speaker  
House of Representatives  
Washington, D.C. 20515

The Honorable Eliot L. Engel  
Chairman  
House Foreign Affairs Committee  
Washington, D.C. 20515

The Honorable Adam B. Schiff  
Chairman  
House Permanent Select Committee on  
Intelligence  
Washington, D.C. 20515

The Honorable Elijah E. Cummings  
Chairman  
House Committee on Oversight and Reform  
Washington, D.C. 20515

Dear Madam Speaker and Messrs. Chairmen:

I write on behalf of President Donald J. Trump in response to your numerous, legally unsupported demands made as part of what you have labeled—contrary to the Constitution of the United States and all past bipartisan precedent—as an “impeachment inquiry.” As you know, you have designed and implemented your inquiry in a manner that violates fundamental fairness and constitutionally mandated due process.

For example, you have denied the President the right to cross-examine witnesses, to call witnesses, to receive transcripts of testimony, to have access to evidence, to have counsel present, and many other basic rights guaranteed to all Americans. You have conducted your proceedings in secret. You have violated civil liberties and the separation of powers by threatening Executive Branch officials, claiming that you will seek to punish those who exercise fundamental constitutional rights and prerogatives. All of this violates the Constitution, the rule of law, and *every past precedent*. Never before in our history has the House of Representatives—under the control of either political party—taken the American people down the dangerous path you seem determined to pursue.

Put simply, you seek to overturn the results of the 2016 election and deprive the American people of the President they have freely chosen. Many Democrats now apparently view impeachment not only as a means to undo the democratic results of the *last* election, but as a strategy to influence the *next* election, which is barely more than a year away. As one member of Congress explained, he is “concerned that if we don’t impeach the President, he will get reelected.”<sup>1</sup> Your highly partisan and unconstitutional effort threatens grave and lasting damage to our democratic institutions, to our system of free elections, and to the American people.

<sup>1</sup> Interview with Rep. Al Green, MSNBC (May 5, 2019).

<sup>3</sup>[Note: Included in the hearing record at the request of Stephen E. Biegun as part of his answer to an additional question for the record.]

Speaker Pelosi, and Chairmen Engel, Schiff, and  
Cummings  
Page 2

For his part, President Trump took the unprecedented step of providing the public transparency by declassifying and releasing the record of his call with President Zelenskyy of Ukraine. The record clearly established that the call was completely appropriate and that there is no basis for your inquiry. The fact that there was nothing wrong with the call was also powerfully confirmed by Chairman Schiff's decision to create a false version of the call and read it to the American people at a congressional hearing, without disclosing that he was simply making it all up.

In addition, information has recently come to light that the whistleblower had contact with Chairman Schiff's office before filing the complaint. His initial denial of such contact caused *The Washington Post* to conclude that Chairman Schiff "clearly made a statement that was false."<sup>2</sup> In any event, the American people understand that Chairman Schiff cannot covertly assist with the submission of a complaint, mislead the public about his involvement, read a counterfeit version of the call to the American people, and then pretend to sit in judgment as a neutral "investigator."

For these reasons, President Trump and his Administration reject your baseless, unconstitutional efforts to overturn the democratic process. Your unprecedented actions have left the President with no choice. In order to fulfill his duties to the American people, the Constitution, the Executive Branch, and all future occupants of the Office of the Presidency, President Trump and his Administration cannot participate in your partisan and unconstitutional inquiry under these circumstances.

**I. Your "Inquiry" Is Constitutionally Invalid and Violates Basic Due Process Rights and the Separation of Powers.**

Your inquiry is constitutionally invalid and a violation of due process. In the history of our Nation, the House of Representatives has never attempted to launch an impeachment inquiry against the President without a majority of the House taking political accountability for that decision by voting to authorize such a dramatic constitutional step. Here, House leadership claims to have initiated the gravest inter-branch conflict contemplated under our Constitution by means of nothing more than a press conference at which the Speaker of the House simply announced an "official impeachment inquiry."<sup>3</sup> Your contrived process is unprecedented in the

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<sup>2</sup> Glenn Kessler, *Schiff's False Claim His Committee Had Not Spoken to the Whistleblower*, Wash. Post (Oct. 4, 2019).

<sup>3</sup> Press Release, Nancy Pelosi, Pelosi Remarks Announcing Impeachment Inquiry (Sept. 24, 2019).



Speaker Pelosi, and Chairmen Engel, Schiff, and  
Cummings  
Page 3

history of the Nation,<sup>4</sup> and lacks the necessary authorization for a valid impeachment proceeding.<sup>5</sup>

The Committees' inquiry also suffers from a separate, fatal defect. Despite Speaker Pelosi's commitment to "treat the President with fairness,"<sup>6</sup> the Committees have not established any procedures affording the President even the most basic protections demanded by due process under the Constitution and by fundamental fairness. Chairman Nadler of the House Judiciary Committee has expressly acknowledged, at least when the President was a member of his own party, that "[t]he power of impeachment . . . demands a rigorous level of due process," and that in this context "due process mean[s] . . . the right to be informed of the law, of the charges against you, the right to confront the witnesses against you, to call your own witnesses, and to have the assistance of counsel."<sup>7</sup> All of these procedures have been abandoned here.

These due process rights are not a matter of discretion for the Committees to dispense with at will. To the contrary, they are constitutional requirements. The Supreme Court has recognized that due process protections apply to all congressional investigations.<sup>8</sup> Indeed, it has been recognized that the Due Process Clause applies to impeachment proceedings.<sup>9</sup> And precedent for the rights to cross-examine witnesses, call witnesses, and present evidence dates back nearly 150 years.<sup>10</sup> Yet the Committees have decided to deny the President these elementary rights and protections that form the basis of the American justice system and are protected by the Constitution. No citizen—including the President—should be treated this unfairly.

<sup>4</sup> Since the Founding of the Republic, under unbroken practice, the House has never undertaken the solemn responsibility of an impeachment inquiry directed at the President without first adopting a resolution authorizing a committee to begin the inquiry. The inquiries into the impeachments of Presidents Andrew Johnson and Bill Clinton proceeded in multiple phases, each authorized by a separate House resolution. *See, e.g.*, H.R. Res. 581, 105th Cong. (1998); H.R. Res. 525, 105th Cong. (1998); III Hinds' Precedents §§ 2400-02, 2408, 2412. And before the Judiciary Committee initiated an impeachment inquiry into President Richard Nixon, the Committee's chairman rightfully recognized that "[a]n [inquiry] resolution has always been passed by the House" and "is a necessary step." III Deschler's Precedents ch. 14, § 15.2. The House then satisfied that requirement by adopting H.R. Res. 803, 93rd Cong. (1974).

<sup>5</sup> Chairman Nadler has recognized the importance of taking a vote in the House before beginning a presidential impeachment inquiry. At the outset of the Clinton impeachment inquiry—where a floor vote was held—he argued that even limiting the time for *debate* before that vote was improper and that "an hour debate on this momentous decision is an insult to the American people and another sign that this is not going to be fair." 144 Cong. Rec. H10018 (daily ed. Oct. 8, 1998) (statement of Rep. Jerrold Nadler). Here, the House has dispensed with any vote and any debate *at all*.

<sup>6</sup> Press Release, Nancy Pelosi, Transcript of Pelosi Weekly Press Conference Today (Oct. 2, 2019).

<sup>7</sup> *Examining the Allegations of Misconduct Against IRS Commissioner John Koskinen (Part II): Hearing Before the H. Comm. on the Judiciary*, 114th Cong. 3 (2016) (statement of Rep. Jerrold Nadler); *Background and History of Impeachment: Hearing Before the Subcomm. on the Constitution of the H. Comm. on the Judiciary*, 105th Cong. 17 (1998) (statement of Rep. Jerrold Nadler).

<sup>8</sup> *See, e.g., Watkins v. United States*, 354 U.S. 178, 188 (1957); *Quinn v. United States*, 349 U.S. 155, 161 (1955).

<sup>9</sup> *See Hastings v. United States*, 802 F. Supp. 490, 504 (D.D.C. 1992), *vacated on other grounds by Hastings v. United States*, 988 F.2d 1280 (D.C. Cir. 1993).

<sup>10</sup> *See, e.g.*, III Hinds' Precedents § 2445.

Speaker Pelosi, and Chairmen Engel, Schiff, and  
Cummings  
Page 4

To comply with the Constitution’s demands, appropriate procedures would include—at a minimum—the right to see all evidence, to present evidence, to call witnesses, to have counsel present at all hearings, to cross-examine all witnesses, to make objections relating to the examination of witnesses or the admissibility of testimony and evidence, and to respond to evidence and testimony. Likewise, the Committees must provide for the disclosure of all evidence favorable to the President and all evidence bearing on the credibility of witnesses called to testify in the inquiry. The Committees’ current procedures provide *none* of these basic constitutional rights.

In addition, the House has not provided the Committees’ Ranking Members with the authority to issue subpoenas. The right of the minority to issue subpoenas—subject to the same rules as the majority—has been the standard, bipartisan practice in all recent resolutions authorizing presidential impeachment inquiries.<sup>11</sup> The House’s failure to provide co-equal subpoena power in this case ensures that any inquiry will be nothing more than a one-sided effort by House Democrats to gather information favorable to their views and to selectively release it as only they determine. The House’s utter disregard for the established procedural safeguards followed in past impeachment inquiries shows that the current proceedings are nothing more than an unconstitutional exercise in political theater.

As if denying the President basic procedural protections were not enough, the Committees have also resorted to threats and intimidation against potential Executive Branch witnesses. Threats by the Committees against Executive Branch witnesses who assert common and longstanding rights destroy the integrity of the process and brazenly violate fundamental due process. In letters to State Department employees, the Committees have ominously threatened—without any legal basis and before the Committees even issued a subpoena—that “[a]ny failure to appear” in response to a mere letter *request* for a deposition “shall constitute evidence of obstruction.”<sup>12</sup> Worse, the Committees have broadly threatened that if State Department officials attempt to insist upon the right for the Department to have an agency lawyer present at depositions to protect legitimate Executive Branch confidentiality interests—or apparently if they make any effort to protect those confidentiality interests *at all*—these officials will have their salaries withheld.<sup>13</sup>

The suggestion that it would somehow be problematic for anyone to raise long-established Executive Branch confidentiality interests and privileges in response to a request for a deposition is legally unfounded. Not surprisingly, the Office of Legal Counsel at the Department of Justice has made clear on multiple occasions that employees of the Executive Branch who have been instructed not to appear or not to provide particular testimony before Congress based on privileges or immunities of the Executive Branch cannot be punished for

<sup>11</sup> H.R. Res. 581, 105th Cong. (1998); H.R. Res. 803, 93rd Cong. (1974).

<sup>12</sup> Letter from Eliot L. Engel, Chairman, House Committee on Foreign Affairs, et al., to George P. Kent, Deputy Assistant Secretary, U.S. Department of State 1 (Sept. 27, 2019).

<sup>13</sup> See Letter from Eliot L. Engel, Chairman, House Committee on Foreign Affairs, et al., to John J. Sullivan, Deputy Secretary of State 2-3 (Oct. 1, 2019).

Speaker Pelosi, and Chairmen Engel, Schiff, and  
Cummings  
Page 5

following such instructions.<sup>14</sup> Current and former State Department officials are duty bound to protect the confidentiality interests of the Executive Branch, and the Office of Legal Counsel has also recognized that it is unconstitutional to exclude agency counsel from participating in congressional depositions.<sup>15</sup> In addition, any attempt to withhold an official's salary for the assertion of such interests would be unprecedented and unconstitutional.<sup>16</sup> The Committees' assertions on these points amount to nothing more than strong-arm tactics designed to rush proceedings without any regard for due process and the rights of individuals and of the Executive Branch. Threats aimed at intimidating individuals who assert these basic rights are attacks on civil liberties that should profoundly concern all Americans.

## II. The Invalid "Impeachment Inquiry" Plainly Seeks To Reverse the Election of 2016 and To Influence the Election of 2020.

The effort to impeach President Trump—without regard to any evidence of his actions in office—is a naked political strategy that began the day he was inaugurated, and perhaps even before.<sup>17</sup> In fact, your transparent rush to judgment, lack of democratically accountable authorization, and violation of basic rights in the current proceedings make clear the illegitimate, partisan purpose of this purported "impeachment inquiry." The Founders, however, did not create the extraordinary mechanism of impeachment so it could be used by a political party that feared for its prospects against the sitting President in the next election. The decision as to who will be elected President in 2020 should rest with the people of the United States, exactly where the Constitution places it.

Democrats themselves used to recognize the dire implications of impeachment for the Nation. For example, in the past, Chairman Nadler has explained:

The effect of impeachment is to overturn the popular will of the voters. We must not overturn an election and remove a President from office except to defend our system of government or our constitutional liberties against a dire threat, and we must not do so without an overwhelming consensus of the American people. There must never be a narrowly voted impeachment or an impeachment supported by one of our major political parties and opposed by another. Such an impeachment will produce divisiveness and bitterness in our

<sup>14</sup> See, e.g., *Testimonial Immunity Before Congress of the Former Counsel to the President*, 43 Op. O.L.C. \_\_\_, \*19 (May 20, 2019); *Prosecution for Contempt of Congress of an Executive Branch Official Who Has Asserted a Claim of Executive Privilege*, 8 Op. O.L.C. 101, 102, 140 (1984) ("The Executive, however, must be free from the threat of criminal prosecution if its right to assert executive privilege is to have any practical substance.")

<sup>15</sup> *Attempted Exclusion of Agency Counsel from Congressional Depositions of Agency Employees*, 43 Op. O.L.C. \_\_\_, \*1-2 (May 23, 2019).

<sup>16</sup> See President Donald J. Trump, Statement by the President on Signing the Consolidated Appropriations Act, 2019 (Feb. 15, 2019); *Authority of Agency Officials To Prohibit Employees From Providing Information to Congress*, 28 Op. O.L.C. 79, 80 (2004).

<sup>17</sup> See Matea Gold, *The Campaign To Impeach President Trump Has Begun*, Wash. Post (Jan. 21, 2017) ("At the moment the new commander in chief was sworn in, a campaign to build public support for his impeachment went live . . .").

Speaker Pelosi, and Chairmen Engel, Schiff, and  
Cummings  
Page 6

politics for years to come, and will call into question the very legitimacy of our political institutions.<sup>18</sup>

Unfortunately, the President's political opponents now seem eager to transform impeachment from an extraordinary remedy that should rarely be contemplated into a conventional political weapon to be deployed for partisan gain. These actions are a far cry from what our Founders envisioned when they vested Congress with the "important trust" of considering impeachment.<sup>19</sup> Precisely because it nullifies the outcome of the democratic process, impeachment of the President is fraught with the risk of deepening divisions in the country and creating long-lasting rifts in the body politic.<sup>20</sup> Unfortunately, you are now playing out exactly the partisan rush to judgment that the Founders so strongly warned against. The American people deserve much better than this.

### III. **There Is No Legitimate Basis for Your "Impeachment Inquiry"; Instead, the Committees' Actions Raise Serious Questions.**

It is transparent that you have resorted to such unprecedented and unconstitutional procedures because you know that a fair process would expose the lack of any basis for your inquiry. Your current effort is founded on a completely appropriate call on July 25, 2019, between President Trump and President Zelenskyy of Ukraine. Without waiting to see what was actually said on the call, a press conference was held announcing an "impeachment inquiry" based on falsehoods and misinformation about the call.<sup>21</sup> To rebut those falsehoods, and to provide transparency to the American people, President Trump secured agreement from the Government of Ukraine and took the extraordinary step of declassifying and publicly releasing the record of the call. That record clearly established that the call was completely appropriate, that the President did nothing wrong, and that there is no basis for an impeachment inquiry. At a joint press conference shortly after the call's public release, President Zelenskyy agreed that the call was appropriate.<sup>22</sup> In addition, the Department of Justice announced that officials there had reviewed the call after a referral for an alleged campaign finance law violation and found no such violation.<sup>23</sup>

Perhaps the best evidence that there was no wrongdoing on the call is the fact that, after the actual record of the call was released, Chairman Schiff chose to concoct a false version of the call and to read his made-up transcript to the American people at a public hearing.<sup>24</sup> This

<sup>18</sup> 144 Cong. Rec. H1 1786 (daily ed. Dec. 18, 1998) (statement of Rep. Jerrold Nadler).

<sup>19</sup> The Federalist No. 65 (Alexander Hamilton).

<sup>20</sup> See *id.*

<sup>21</sup> Press Release, Nancy Pelosi, Pelosi Remarks Announcing Impeachment Inquiry (Sept. 24, 2019).

<sup>22</sup> *President Trump Meeting with Ukrainian President*, C-SPAN (Sept. 25, 2019).

<sup>23</sup> Statement of Kerri Kupec, Director, Office of Public Affairs, Dept. of Justice (Sept. 25, 2019) ("[T]he Department's Criminal Division reviewed the official record of the call and determined, based on the facts and applicable law, that there was no campaign finance violation and that no further action was warranted.")

<sup>24</sup> See *Whistleblower Disclosure: Hearing Before the H. Select Comm. on Intel.*, 116th Cong. (Sept. 26, 2019) (statement of Rep. Adam Schiff).

Speaker Pelosi, and Chairmen Engel, Schiff, and  
Cummings  
Page 7

powerfully confirms there is no issue with the actual call. Otherwise, why would Chairman Schiff feel the need to make up his own version? The Chairman's action only further undermines the public's confidence in the fairness of any inquiry before his Committee.

The real problem, as we are now learning, is that Chairman Schiff's office, and perhaps others—despite initial denials—were involved in advising the whistleblower before the complaint was filed. Initially, when asked on national television about interactions with the whistleblower, Chairman Schiff unequivocally stated that “[w]e have not spoken directly with the whistleblower. We would like to.”<sup>25</sup>

Now, however, it has been reported that the whistleblower approached the House Intelligence Committee with information—and received guidance from the Committee—*before* filing a complaint with the Inspector General.<sup>26</sup> As a result, *The Washington Post* concluded that Chairman Schiff “clearly made a statement that was false.”<sup>27</sup> Anyone who was involved in the preparation or submission of the whistleblower's complaint cannot possibly act as a fair and impartial judge in the same matter—particularly after misleading the American people about his involvement.

All of this raises serious questions that must be investigated. However, the Committees are preventing anyone, including the minority, from looking into these critically important matters. At the very least, Chairman Schiff must immediately make available all documents relating to these issues. After all, the American people have a right to know about the Committees' own actions with respect to these matters.

\* \* \*

Given that your inquiry lacks any legitimate constitutional foundation, any pretense of fairness, or even the most elementary due process protections, the Executive Branch cannot be expected to participate in it. Because participating in this inquiry under the current unconstitutional posture would inflict lasting institutional harm on the Executive Branch and lasting damage to the separation of powers, you have left the President no choice. Consistent with the duties of the President of the United States, and in particular his obligation to preserve the rights of future occupants of his office, President Trump cannot permit his Administration to participate in this partisan inquiry under these circumstances.

Your recent letter to the Acting White House Chief of Staff argues that “[e]ven if an impeachment inquiry were not underway,” the Oversight Committee may seek this information

<sup>25</sup> Interview with Chairman Adam Schiff, MSNBC (Sept. 17, 2019).

<sup>26</sup> Julian Barnes, et al., *Schiff Got Early Account of Accusations as Whistle-Blower's Concerns Grew*, N.Y. Times (Oct. 2, 2019).

<sup>27</sup> Glenn Kessler, *Schiff's False Claim His Committee Had Not Spoken to the Whistleblower*, Wash. Post (Oct. 4, 2019).

Speaker Pelosi, and Chairmen Engel, Schiff, and  
Cummings  
Page 8

as a matter of the established oversight process.<sup>28</sup> Respectfully, the Committees cannot have it both ways. The letter comes from the Chairmen of three different Committees, it transmits a subpoena “[p]ursuant to the House of Representatives’ impeachment inquiry,” it recites that the documents will “be collected as part of the House’s impeachment inquiry,” and it asserts that the documents will be “shared among the Committees, as well as with the Committee on the Judiciary as appropriate.”<sup>29</sup> The letter is in no way directed at collecting information in aid of legislation, and you simply cannot expect to rely on oversight authority to gather information for an unauthorized impeachment inquiry that conflicts with all historical precedent and rides roughshod over due process and the separation of powers. If the Committees wish to return to the regular order of oversight requests, we stand ready to engage in that process as we have in the past, in a manner consistent with well-established bipartisan constitutional protections and a respect for the separation of powers enshrined in our Constitution.

For the foregoing reasons, the President cannot allow your constitutionally illegitimate proceedings to distract him and those in the Executive Branch from their work on behalf of the American people. The President has a country to lead. The American people elected him to do this job, and he remains focused on fulfilling his promises to the American people. He has important work that he must continue on their behalf, both at home and around the world, including continuing strong economic growth, extending historically low levels of unemployment, negotiating trade deals, fixing our broken immigration system, lowering prescription drug prices, and addressing mass shooting violence. We hope that, in light of the many deficiencies we have identified in your proceedings, you will abandon the current invalid efforts to pursue an impeachment inquiry and join the President in focusing on the many important goals that matter to the American people.

Sincerely,  
  
 Pat A. Cipollone  
 Counsel to the President

cc: Hon. Kevin McCarthy, Minority Leader, House of Representatives  
 Hon. Michael McCaul, Ranking Member, House Committee on Foreign Affairs  
 Hon. Devin Nunes, Ranking Member, House Permanent Select Committee on  
 Intelligence  
 Hon. Jim Jordan, Ranking Member, House Committee on Oversight and Reform

<sup>28</sup> Letter from Elijah E. Cummings, Chairman, House Committee on Oversight and Government Reform, et al., to John Michael Mulvaney, Acting Chief of Staff to the President 3 (Oct. 4, 2019).

<sup>29</sup> *Id.* at 1.

## NOMINATIONS

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TUESDAY, DECEMBER 17, 2019

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

The committee met, pursuant to notice, at 10:05 a.m. in Room SD-419, Dirksen Senate Office Building, Hon. Marco Rubio, presiding.

Present: Senators Rubio [presiding], Gardner, Romney, Young, Cardin, Shaheen, Udall, and Kaine.

### **OPENING STATEMENT OF HON. MARCO RUBIO, U.S. SENATOR FROM FLORIDA**

Senator RUBIO. The Senate Foreign Relations Committee will come to order.

I want to welcome the nominees that are before us today. We are going to consider four nominations: the Honorable Todd Chapman to be the U.S. Ambassador to the Federative Republic of Brazil, Mr. John Hennessey-Niland to be the U.S. Ambassador to the Republic of Palau, Ms. Dorothy Shea to be the U.S. Ambassador to the Lebanese Republic, and Mr. Donald Wright to be the U.S. Ambassador to the United Republic of Tanzania.

We have nominees here from different regions of the world, but each one of these is important. If you are confirmed, you are going to play a very important role in advancing our nation's foreign policy objectives and in protecting our national security interests and our values in these four countries.

Briefly to touch on the four nations that you have been nominated to serve in, with Brazil, it is a very important U.S. ally on both trade and on security. And the current government that is led by President Bolsonaro has worked to strengthen its ties with the U.S. on a number of issues. That includes security cooperation. We have collaborated on drug trafficking, on arms trafficking, on cyber crime, money laundering, financial crimes, and on terrorism. And in July, the Trump administration designated Brazil as a major non-NATO ally, which provides privileged access to the U.S. defense industry. It also includes increased military exchanges and exercises and training. And that only scratches the surface. So it is critical that we continue to strengthen U.S.-Brazil trade relations as well as counterterrorism laws to monitor foreign terrorists utilizing Brazil's airport in its capital of Sao Paulo as a hub into the Americas.

And Palau is a strategic location in the Western Pacific. It is especially vulnerable to Chinese pressure. In 2018, for example, Bei-

jing banned its citizens from visiting Palau as tourists in an effort to pressure them to sever ties with Taiwan. They have remained strong. They have not succumbed to this bullying, and they should be applauded for that. Mr. Hennessey-Niland, I am interested to hear how you plan to strengthen our relations with that nation and how you plan to push back against these Chinese efforts.

Lebanon presents its own set of challenges but also opportunities. The challenges are well known: an unstable security situation, an economy that is collapsing. And now this has led to mass protests, as well as a nation that now hosts one of the largest refugee populations in the world. So, Ms. Shea, if you are confirmed, you will be heading there at an important moment in their history. And as we see protesters that are crossing sectarian divides to demand an end to rampant corruption within the government, it is our hope that Lebanon will implement critical reforms to pull itself out of this economic crisis.

Meanwhile, Hezbollah, a strong ally of Iran and a U.S.-designated terrorist organization, remains a threat to the security of that nation and to its internal stability. They also remain, of course, a regional threat, particularly to our ally Israel, and they are more capable than they have ever been from a military standpoint.

So we will need to continue to work closely with Lebanon to bolster its ability to protect its borders, to advance regional stability and security, and to address all the issues that are associated with hosting over 1 million refugees from Syria.

Finally but not least is Tanzania, which has long been a U.S. partner and is critical to regional stability in East Africa. However, we have seen a concerning decline in human rights in a democratic space, and we should raise these issues with the government as they risk hindering important economic security and development objectives. So, Mr. Wright, I look forward to hearing what your priorities will be, if confirmed, and when it comes to countering Chinese influence and in supporting different development goals in the country.

So, again, I think the goal of all members of this committee is a U.S. that remains engaged globally, but in order to do that, we need Ambassadors who are committed to faithfully implementing U.S. policy and fostering strong relationships in their host countries.

So, again, I want to thank you and your families for your commitment to our country, for your willingness to serve it.

And now I recognize the ranking member.

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

Senator CARDIN. Well, thank you very much, Mr. Chairman.

We do have a really impressive panel here today representing all parts of the globe. So we thank them. You have a lot in common. We have three career diplomats that are here, and we thank you for your years of service to our country. We have one professional nominee who has served our nation very well in several capacities and brings that type of public commitment to this nomination. So in all four cases, we have individuals who have very impressive



backgrounds, and we thank you very much for your willingness to continue to serve our nation.

I also want to acknowledge the families that are here because it is a family sacrifice, and we recognize that you cannot do this without a supportive family. So we thank all of you for your willingness to do this.

I must point out in Ms. Shea's case you bring another qualification here being a Pearson Fellow to former Senator Dick Lugar. We all respect the manner in which he went about making those selections, and it is not an easy process. And it was an incredible opportunity for you, but he has also, we have been told, praised very much your service as a Pearson Fellow.

In all four cases, as the chairman has pointed out, we have serious issues. We are dealing with countries that are important to the United States for different reasons, but in all cases, the way that we do development assistance needs to be targeted towards U.S. objectives. And how we go about doing this, we are looking at how we are going to modify development assistance to accomplish our goals. How can we better target those funds? And I hope we will get a chance to talk about that.

Environmental stewardship is going to be very important in all four of the countries we are talking about. Palau—obviously, what is happening to that island is a major concern to its future existence. And Brazil, the Amazon, the rainforest, the fact that so much of the rainforest is in Brazil, and that Brazil was on a path to really do great conservation work, which has been dramatically changed by this current administration. How are we going to deal with those issues?

So we have also promoting human rights. All four countries. And I hope that you will go into how we are going to improve and increase human rights in all of the countries that are involved in today's hearing.

In Lebanon, we know there has been a challenge on governance. We know that Hezbollah presents a security challenge to the United States. We know that we have borders that need to be more secure as to how we are going to deal with those secure borders, preventing Iran from influencing the terrorist activities within Lebanon. But at the same time, there are legitimate protests within that country as to the welfare of the people. They have to get their economy back on track. How do they do that in a way that does not create unrest among the citizens as we look to how we achieve those objectives?

In Tanzania, a country very important to us in Africa, human rights is a major concern. This is a country that has been challenged on good governance for a long time. How do we deal with those issues in that country?

So Palau. I will be interested as to how we are moving forward with the compact. This is a country that we have a really special relationship with, one that has been mutually beneficial, including the security of the island, as well as the United States' security interests. As we look toward the new plateau of 2025, how are we going to move forward in those countries?

So, Mr. Chairman, we have four different countries, but we have professional nominees and we look forward to a conversation as to

how we can use the tools we have available in America to further our national security interests as it relates to counterterrorism, as it relates to environment, and as it relates to promoting American values of human rights. I look forward to our discussion.

Senator RUBIO. Thank you.

I am going to introduce the four nominees. Then we are going to start with the opening statements from my right to left, from your left to right.

Mr. Chapman is a career member of the Senior Foreign Service. He most recently served as the Ambassador to the Republic of Ecuador.

Ms. Shea is a career member of the Senior Foreign Service and currently serves as the Deputy Chief of Mission of the United States embassy in Cairo, Egypt.

Dr. Wright is career member of the Senior Executive Service and is the Deputy Assistant Secretary for Health and Director of the Office of Disease Prevention and Health Promotion at the Department of Health and Human Services.

And Mr. Hennessey-Niland is a career member of the Senior Foreign Service and currently serves as the Political Counselor at the U.S. embassy in Australia.

Thank you again all for being here. We look forward to your opening statements. We will begin with you, Mr. Chapman.

**STATEMENT OF HON. TODD C. CHAPMAN, OF TEXAS, TO BE  
AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF  
THE UNITED STATES OF AMERICA TO THE FEDERATIVE RE-  
PUBLIC OF BRAZIL**

Ambassador CHAPMAN. Thank you, Chairman Rubio, Ranking Member Cardin, and honorable members of this committee. Thank you for this immense privilege of appearing before you today as the nominee to serve as the next U.S. Ambassador to the Federative Republic of Brazil.

I am grateful to President Trump and Secretary Pompeo for the trust and confidence they have shown in me through this nomination.

Firstly, I would like to recognize and honor my wonderful family. Words are simply insufficient to capture my love, admiration, and appreciation for my wife Janetta and her commitment to service wherever God has led us around the world. Love you, Honey. I am also grateful for our two sons, Joshua and Jason, the dynamic duo, and our amazing daughter-in-law Brooke for their constant love, support and encouragement, all watching from Denver. As a family, we have shared in the adventures, the excitement, and the joys, and yes, sometimes the challenges of the lifestyle and service that a Foreign Service career brings. And through it all, we have been richly blessed.

I am proud to be a career member of the United States Foreign Service. During these 29 years, I have served five Presidents on four continents in seven U.S. embassies. Most recently, I was U.S. Ambassador to Ecuador and participated in a most rewarding time of dynamic renewal in the U.S.- Ecuador bilateral relationship.

Representing our great nation to other great nations is an undertaking I proudly embrace. If confirmed, this would be an oppor-

tunity to continue my long personal history with Brazil. In 1974, when just 11 years old, I moved with my family to Sao Paulo, and I completed junior high and senior high school there in Sao Paulo. I eventually would return to Brazil as Deputy Chief of Mission from 2011 to 2014.

Thus, with this background, I am confident in the promise and opportunities which an ever-closer U.S.-Brazil relationship can offer to our citizens and to the world. The United States and Brazil have the western hemisphere's largest economies, the largest militaries, populations, and territories. We share democratic values, a long history of cooperation, and an over \$100 billion two-way trading relationship. Therefore, when President Trump and President Bolsonaro met in March this year, they set out an ambitious agenda for this relationship. In their joint statement, they committed, quote, to "building a new partnership between their two countries focused on increasing prosperity, enhancing security, and promoting democracy, freedom, and national sovereignty."

This is the agenda and implementation is underway. Expanding commercial opportunities for our private sectors, facilitating travel both ways, promoting scientific and economic cooperation, and developing innovative ways to collaborate on the environment. Working together regionally as well, we share an interest in restoring democratic rule in Venezuela, supporting the democratic transition in Bolivia, and countering Cuban influence in the region. Indeed, the U.S.-Brazil partnership already extensive and broad is ripe for growth.

If confirmed, I will protect the interests of the over 240,000 U.S. citizens who currently reside in Brazil and the over 500,000 citizens who visit Brazil each year. And if confirmed, I will be honored to lead the 1,400-plus Brazilian and American professionals who comprise Mission Brazil and who are working effectively to operationalize and develop this bilateral agenda.

Mr. Chairman, Mr. Ranking Member, members of this committee, if confirmed, I commit to doing my very best to represent the very best of the United States to the people and government of Brazil. And if confirmed, I look forward to working closely with this distinguished committee to enhance the strong partnership between these two great democracies.

I sincerely thank you for this opportunity to appear before you today, and I look forward to your questions. Thank you.

[The prepared statement of Ambassador Chapman follows:]

PREPARED STATEMENT OF HON. TODD C. CHAPMAN

Chairman Rubio, Ranking Member Cardin, and honorable members of this committee, thank you for the privilege of appearing before you today as the nominee to serve as the next U.S. Ambassador to the Federative Republic of Brazil. I am grateful to President Trump and Secretary Pompeo for the trust and confidence they have shown in me through this nomination.

Firstly, I would like to recognize and honor my wonderful family. Words are insufficient to capture my love, admiration, and appreciation for my wife Janetta and her commitment to service wherever God has led us around the world. I am also so grateful for our two sons, Joshua and Jason, the dynamic duo, and our amazing daughter-in-law Brooke, for their constant love, support, and encouragement. As a family, we have shared in the adventure, excitement, joys, and sometimes the hardships, associated with this Foreign Service career and lifestyle, and through it all we have been richly blessed.

I come before you today as a career member of the United States Foreign Service, a professional corps of which I am proud to be a part. During my 29 years with the U.S. government, across five Presidential administrations, I have served in seven U.S. embassies throughout Latin America, Africa and Asia, as well as multiple assignments here in Washington, DC. From Bolivia to Costa Rica, and Mozambique to Afghanistan, I advanced a wide variety of U.S. interests and collaborated with partner nations to reach shared goals. Most recently, I served as U.S. Ambassador to Ecuador from early 2016 to June of this year and participated in a rewarding time of dynamic renewal in the U.S.-Ecuador bilateral relationship.

Representing our great nation to other great nations is an undertaking I proudly embrace.

If confirmed, this would be an opportunity to continue my long personal history with Brazil. In 1974 when just 11 years old, I moved to Sao Paulo with my family, where I completed junior high and high school. After college I returned to Sao Paulo two different times to work in the private sector, and it was there that I took the Foreign Service Exam at the U.S. Consulate General in Sao Paulo, literally on the dare of a friend. It would then take me over twenty years to return to Brazil as Deputy Chief of Mission at the U.S. Embassy in Brasilia from 2011-2014.

With this background, I am confident in the promise and opportunities which an evercloser U.S.-Brazil relationship can offer to our citizens and to the world. The United States and Brazil have the Western Hemisphere's two largest economies, militaries, populations and territories. We share democratic values, a long history of cooperation, and an over \$100 billion dollar two-way trading relationship. Therefore, when President Trump and President Bolsonaro met in Washington in March this year, they set out an ambitious agenda for the bilateral relationship. In their Joint Statement, the Presidents declared their commitment to, and I quote, "building a new partnership between their two countries focused on increasing prosperity, enhancing security, and promoting democracy, freedom, and national sovereignty."

Implementation of this agenda is underway. Important accomplishments have already been made, including Brazilian ratification of a joint Technology Safeguards Agreement, expansion of trade opportunities for our private sectors, visa free-travel for U.S. citizens heading to Brazil and a pilot program for Brazil to join the Global Entry Program to facilitate participants' travel to the U.S. In the important area of environmental protection and biodiversity conservation, our two governments worked together with private sector partners to launch the \$100 million dollar Althelia Biodiversity Fund Brazil aimed at supporting investment in sustainable development projects in the Amazon in partnership with local communities.

Brazil's global influence and aspirations are frequently fully consistent with U.S. national security objectives. Working together on shared concerns—such as restoring democratic rule in Venezuela, countering the malevolent influences of Cuba, and supporting the democratic transition in Bolivia—exemplifies how the U.S.-Brazil partnership, already extensive and broad, is ripe for growth.

In such an expansive relationship with a consequential partner like Brazil, there will always be areas that require broader dialogue. I commit to advancing respectful dialogues on the economy, the environment, human rights and irregular migration, with the goal of improving mutual understandings and reaching beneficial outcomes.

If confirmed, I will also be honored to protect the interests of the over 240,000 U.S. citizens who reside in Brazil, the 500,000 U.S. citizens who visit Brazil each year, and to serve as Chief of Mission with the over 1,400 American and Brazilian professionals who comprise Mission Brazil and are working effectively to develop and operationalize this bilateral agenda.

Mr. Chairman, Mr. Ranking Member, committee members, if confirmed, I commit to doing my very best to represent the very best of the United States of America to the government and people of Brazil. I would look forward to working collaboratively with the distinguished members of this committee, the U.S. Congress, and your professional staff to achieve U.S. policy goals in Brazil and to enhance the strong and enduring partnership between these two great democracies.

I sincerely thank you for the opportunity to appear before you today and I welcome your questions and observations.

Thank you.

Senator RUBIO. Thank you.  
Mr. Hennessey-Niland?

**STATEMENT OF JOHN HENNESSEY-NILAND, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PALAU**

Mr. HENNESSEY-NILAND. Chairman Rubio, Ranking Member Cardin, and distinguished members of the Committee on Foreign Relations. It is an honor and a privilege to appear before you.

I am grateful for the confidence the President and Secretary Pompeo have placed in me as the nominee to be the next U.S. Ambassador to the Republic of Palau. If confirmed, I look forward to working with you to advance our nation's interests with respect to our bilateral relationship with Palau, a key partner of the United States in the Indo-Pacific region.

From a young age, I have always known that I wanted to serve my country. Growing up abroad, I saw firsthand the importance of American leadership. My dad worked for a number of years overseas as a senior executive with Standard Oil of Indiana. As a student at Tufts University and later at the Fletcher School of Law and Diplomacy, in addition to my studies and playing on the varsity soccer team, I focused on passing the Foreign Service exam, and it has been an honor to serve as a Foreign Service officer over the past 30 years.

My wife Julie is here with me today, and without her, I would not be before this committee. She has been by my side ever since we were graduate students together. She has done so much to support our family, including countless moves and giving up her own global career with AT&T so that I—we—could serve our country. Our two sons, Connor and Aidan, could not be with us today. They are both recent graduates and have found gainful employment, which greatly pleases their parents.

[Laughter.]

Mr. HENNESSEY-NILAND. Connor has just completed a masters degree in international politics at Trinity College in Dublin, Ireland and is a research service coordinator. Aidan graduated earlier this year with a B.A. in economics and government from William and Mary and is the team operations coordinator for the Pittsburgh Steelers.

I have sought throughout my career to represent the United States to the best of my ability and to embody the principles and values of this great nation. I recognize that while service is a personal commitment, it is very much a shared endeavor. I believe my background as a Charge D'Affaires and Deputy Chief of Mission, as a Director at the National Security Council, and as a Foreign Policy Advisor to the U.S. military demonstrates diplomatic experience and the capability to serve as a Chief of Mission. My work in the Pacific, currently as the Acting Deputy Chief of Mission and previously as the Political Counselor at the U.S. Mission in Australia, and earlier in my career as the Political and Economic Section Chief in Suva, Fiji exemplifies the substantive knowledge of the region that may be particularly helpful in leading the U.S. embassy in Palau.

The opportunity, in particular, to serve as the foreign policy advisor alongside our U.S. Marines at MARFORPAC, first as part of

the command team of General John Toolan and later with General David Berger, now the Commandant of the Marine Corps, has been particularly meaningful in my development as a Foreign Service officer and a leader.

Our military ties to Palau run deep. Many citizens of Palau have served in the U.S. military. Their service is a reminder of our nation's enduring commitment to peace and security in a dynamic and critical part of the world.

The relationship between Palau and the United States, forged in the field of battle, continues to be strong, as is the U.S. commitment to our Compact of Free Association with Palau. Recognizing our unique relationship with Palau, we consult closely on foreign policy matters, and the U.S. has full responsibility and authority for security and defense matters. Palau also shares our core values, supporting democracy and human rights, and continues to maintain strong diplomatic ties with Taiwan.

If confirmed, I pledge to work closely with President Remengesau and his government to deepen and strengthen the ties between Palau and the United States. With a large and increasing number of U.S. government agencies engaged in projects in Palau, coordination and leadership of U.S. government initiatives will be a personal priority to ensure a whole-of-government approach to our mission and to ensure transparency and accountability for all our programs in Palau.

I pledge to this committee to promote and to protect U.S. interests and our people in Palau to the best of my ability and to ensure the strongest possible relationship with Palau, such a key partner of the United States in the Indo-Pacific.

Thank you again, Mr. Chairman, Ranking Member, distinguished members of the committee, for this opportunity to speak with you today and answer your questions.

[The prepared statement of Mr. Hennessey-Niland follows:]

PREPARED STATEMENT OF JOHN HENNESSEY-NILAND

Mr. Chairman, Ranking Member, and distinguished members of the Committee on Foreign Relations, it is an honor and a privilege to appear before you today. I am grateful for the confidence the President and Secretary Pompeo have placed in me as the nominee to be the next U.S. Ambassador to the Republic of Palau. If confirmed, I look forward to working with you to advance our nation's interests with respect to our bilateral relationship with Palau, a key partner of the United States in the Indo Pacific region.

From a young age, I have always known that I wanted to serve my country. Growing up abroad, I saw firsthand the importance of American leadership. I recognize that I enjoyed a privileged upbringing thanks to my parents. My dad worked for a number of years overseas as a senior executive for Standard Oil of Indiana. As a student at Tufts University and later at the Fletcher School of Law and Diplomacy—in addition to my studies and playing on the Varsity soccer team—I focused on passing the Foreign Service exam and being selected as an American diplomat. It has been an honor to serve over the past 30 years.

My wife Julie is here with me, and without her I would not be before the committee today. She has been by my side ever since we were graduate students together and she was the Residential Assistant in our dorm. She has done so much to support our family, including countless moves and giving up her own global career with AT&T, so that I could serve our country. Our two sons, Connor and Aidan, could not be with us today. They are both recent graduates and have both found gainful employment—which greatly pleases Julie and me as their proud parents. Connor has just completed a Masters Degree in International Politics at Trinity College in Dublin, Ireland and is a Research Services Coordinator for Qualtrics, an SAP company. Aidan graduated earlier this year with a B.A. in Economics and govern-

ment from the College of William and Mary in Virginia and is the Team Operations Coordinator for the Pittsburgh Steelers.

I have sought throughout my career to represent the United States to the best of my abilities and embody the principles and values of this great nation. I recognize that while service is a personal commitment, it is very much a shared endeavor. I believe my background—as Charge D’Affaires and Deputy Chief of Mission, as a Director at the National Security Council and as the Foreign Policy Advisor to the U.S. Marine Corps Forces Pacific (MARFORPAC)—demonstrates significant diplomatic experience and the capability to serve as a Chief of Mission. My work in the Pacific—currently as the Acting Deputy Chief of Mission and previously as the Political Counselor at the U.S. Mission in Australia, as the Political and Economic Section Head in our Embassy in Fiji—exemplifies a substantive knowledge of the region that may be particularly helpful in leading the U.S. Embassy in Palau. Personal experience with small teams in remote areas—such as my assignment as head of a prosecutions unit with the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda—has prepared me for the challenges and opportunities of service at a small embassy in a distant location. I believe my management of people and budgets has shown that I have the positive attributes required to build successful organizations and use resources appropriately and effectively. I support a whole of mission approach and inclusive and innovative practices that build on the diverse strengths and talents of our officers and locally engaged staff.

The opportunity, in particular, to serve as the foreign policy advisor alongside our U.S. Marines at MARFORPAC, first as part of the Command Team of General John Toolan and later with General David Berger, now the Commandant of the Marine Corps, has been particularly meaningful in my development as a Foreign Service Officer and a leader. The power of inspiration, of leading by example, and understanding that the strength of any organization is determined by the cohesion of the unit and the clarity of its mission, are enduring lessons not just for Marines. I saw these skills put into use daily at Camp H.M. Smith and around the Pacific by the men and women assigned to the Indo Pacific Command.

Our military ties to Palau run deep. The Battle of Peleliu lasted for over 75 days from September to November 1944. U.S. Marines of the 1st Marine Division, and later soldiers of the U.S. Army’s 81st Infantry Division, fought to capture an airstrip on that small coral island. By 1944, American victories in the Southwest and Central Pacific had laid the groundwork for the campaign by General MacArthur to return to the Philippines. However, before General MacArthur could do so, the Palau Islands needed to be liberated from Japanese occupation. In that key battle at Peleliu, our forces were ultimately successful. Many citizens of Palau have subsequently served in the U.S. military. Their service is a reminder of our nations’ enduring commitment to peace and security in a dynamic and critical part of the world.

The relationship between Palau and the United States, forged in the field of battle, continues to be strong, with the U.S. commitment to our Compact of Free Association with Palau, as well as our Compacts with the other two Freely Associated States—the Federated States of Micronesia and the Republic of the Marshall Islands. As Deputy Assistant Secretary of State Sandra Oudkirk testified before this committee in July, our relationship with Palau has contributed to a secure, stable and prosperous Western Pacific, which is a strategic location for the United States in the larger Indo-Pacific region. As DAS Oudkirk noted in her testimony, recognizing our unique, historic and special relationship with the Freely Associated States, including Palau, we consult closely on foreign policy matters and the U.S. has full responsibility and authority for security and defense matters in or relating to these three countries. Palau also shares our core values, supporting democracy and human rights, and continues to maintain strong diplomatic ties with Taiwan.

The United States and Palau enjoy a close and positive relationship, anchored in shared history and values. In 1947, the United Nations assigned the United States administering authority over the Trust Territory of the Pacific Islands, including what is now Palau, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Commonwealth of the Northern Mariana Islands, which the United States had liberated from Japanese occupation. In 1981, Palau adopted its own constitution and in 1986 the governments of the United States and Palau concluded a Compact of Free Association which entered into force in 1994. This Compact of Free Association provides the framework for much of our bilateral relationship with Palau.

If confirmed, I pledge to work closely with President Remengesau and his government to deepen and strengthen the ties between Palau and the United States. With a large and increasing number of U.S. government agencies engaged in projects in

Palau, coordination and leadership of U.S. government initiatives will be a priority to ensure a whole-of-government approach to our mission and to ensure transparency and accountability for all our programs in Palau.

I'd like to reiterate the thanks expressed by Deputy Assistant Secretary Oudkirk in her testimony to this committee in July, for working to fulfill the commitment to Palau under the 2010 U.S.—Palau Compact Review Agreement and the leadership of this committee in that regard continues to be greatly appreciated. The implementation of the Compacts with the Freely Associated States is closely watched by our allies, partners, other Pacific Island countries and our competitors in the region and is seen as a sign of our commitment to the Indo Pacific. The Secretary announced on August 5 that we have begun negotiations on agreements to amend certain provisions of the Compacts of Free Association with the Federated States of Micronesia and the Marshall Islands, and have begun Compact Review discussions with Palau. The progress of these negotiations and future funding decisions will be an important signal of our support to the region.

Our cooperation with Palau is comprehensive and extensive. The U.S. Civic Action Team (CAT) headquartered at Camp Katuu, with its six-month rotations of military engineers and Seabees, supports a large number of projects around the islands of Palau which benefit the government and people of Palau. Palau participates in the Proliferation Security Initiative to interdict illicit transfers of weapons of mass destruction consistent with international law. Palau cooperates closely with us to ensure its shipping registry is not used by bad actors. Palau is a key partner in deregistering and reporting vessels that have been found using its flag for sanctions evasion and is actively engaged in a maritime law enforcement agreement to combat illegal, unreported and unregulated fishing and other illicit activities in its Exclusive Economic Zone. We work closely with Palau on a full suite of law enforcement matters through the Department of Homeland Security, U.S. Coast Guard, Drug Enforcement Agency and the Federal Bureau of Investigation. We conduct law enforcement training in Palau and collaborate on law enforcement investigations. Together, the United States and Palau are working to secure our borders, including our shared maritime border with the Freely Associated States. The scope of our people-to-people ties continues to expand. The United States is working with the next generation of leaders in the region and the annual Young Pacific Leaders conference is a positive example of this focus. The Department of State, together with the government of New Zealand and the East-West Center, is implementing a women's leadership program in Palau and across the North Pacific to address community needs and increase women's participation and decisionmaking in their communities.

As noted in the joint statement issued after the historic meeting in Washington in May of this year between the President of the United States and the Presidents of the Freely Associated States, the U.S. and Palau are committed to ensuring the Pacific Ocean continues to be an important and vibrant corridor for maritime trade and that we will work together to reduce vulnerabilities to shared concerns, such as natural disasters, and support the resiliency of the Pacific Islands environment. The joint statement concludes with the shared confidence that our relationship with Palau and the other Freely Associated States will "further our abiding mutual interests and remain a source of regional security, stability, and prosperity." If confirmed, I pledge to promote and protect U.S. interests and our people in Palau to the best of my ability and to lead effectively and in good spirit our talented and dedicated American and Palauan staff at the U.S. Embassy in Koror. I warmly welcome the opportunity to work with you to ensure the strongest possible relationship with the Republic of Palau—a key partner of the United States in the Indo Pacific.

Thank you again, Mr. Chairman, Ranking Member, and distinguished members of the committee, for this opportunity to speak with you today and answer your questions.

Senator RUBIO. So far this is a great panel. They have all come in under 5 minutes on their opening statements. Phenomenal work. [Laughter.]

Senator RUBIO. It speaks very well of your capabilities.

All right. No pressure, Ms. Shea.



**STATEMENT OF DOROTHY SHEA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE LEBANESE REPUBLIC**

Ms. SHEA. I intend to maintain that track record, Mr. Chairman. Chairman Rubio, Ranking Member Cardin, distinguished members of the committee, it is an honor to appear before you today as the President's nominee to serve as U.S. Ambassador to Lebanon.

I am grateful to President Trump and Secretary of State Pompeo for putting me forward for this position. If confirmed, I look forward to working closely with you and your colleagues to advance U.S. interests in Lebanon and the region.

With your permission, I would like to submit my full statement for the record.

I am grateful to be joined today by several members of my family, whose love and support for me throughout my career has been critical to my resilience and my overall success. Excuse me for getting a little emotional about that. My sister, Margaret Shea Burnham, and my brothers, Brandon and Steve, plus several of my nieces and nephews—and I would highlight Catie Burnham who graduated from University of South Carolina yesterday and drove all night with her sister to get here today.

I grew up in Falls Church, Virginia just a few miles from here, the youngest of six children. I heard stories from my father, Brandon Shea, about his Army service in World War II and afterwards in Paris as part of the Marshall Plan. My mother, Audrey Martin Shea's work also took her overseas from time to time. Their stories, together with the curiosity that was sparked when my family hosted Japanese exchange students spurred my interest in international relations. Little did I imagine that one day I would be sitting here before you in this chamber as an ambassadorial nominee. It is very humbling.

I joined the Foreign Service 28 years ago, and every day of my public service has been an honor and privilege. I realized early on that key components of job satisfaction for me were that I continue to be learn, to be challenged, and to contribute in some way, however small, to the greater good. And as long as those criteria were met, I would stick it out in this peripatetic career. And sure enough, every job I have had in the Foreign Service has met those criteria in spades. In a couple of these jobs, I have had the opportunity to travel to Lebanon, including as a Pearson Fellow with this very committee. It was a great honor to help cover Middle East issues for the then-ranking member, Richard Lugar, a true statesman. I am lucky to count as friends those who were colleagues from my time with the committee, some of whom are here today.

Turning to Lebanon, I would like to address the broad-based protests that began on October 17th and continue today. In a country known for its multi-religious character, these protests have been unprecedented in their truly national nature with involvement of Lebanese citizens across the nation, across sects, and across socioeconomic levels. Demonstrators have been calling for an end to the economic mismanagement and endemic corruption that have plagued Lebanon for decades. The United States strongly sup-

ports the right of Lebanon's citizens to protest peacefully and has called for their continued protection.

The message from the protesters is loud and clear. The Lebanese people have had enough of their leaders prospering while the rest of the country struggles under crushing debt and in the absence of the most basic services, including trash removal, electricity, clean water. Their demands for a government committed to enacting far-reaching reforms led to the resignation of the cabinet on October 29th. But unfortunately, Lebanon's political leadership has failed to act expeditiously to respond to those calls for reform, and the government remains in caretaker status today.

Until Lebanon's political leaders embrace the need for real and lasting reform, no government can succeed. But if leaders do embrace change, we stand ready to work with the government and the people to rebuild Lebanon's shattered economy.

Lebanon's economic difficulties are profound, and it will not be easy to enact the structural reforms necessary to increase public investment, lower public debt and diversify its economy.

A new Lebanese government also needs to pass measures that markedly improve transparency and root out corruption to gain the confidence of Lebanon's citizens and the international community.

Mr. Chairman, Ranking Member, and distinguished committee members, I believe U.S. foreign policy is most effective when there is close communication and collaboration between the executive and legislative branches. If confirmed, I look forward to and I can pledge close cooperation on these critical foreign policy issues.

I thank you again for the opportunity to appear before you today and look forward to your questions.

[The prepared statement of Ms. Shea follows:]

PREPARED STATEMENT OF DOROTHY C. SHEA

Chairman, Ranking Member, distinguished members of the committee, it is an honor to appear before you today as the President's nominee to serve as U.S. Ambassador to Lebanon. I am grateful to President Trump and Secretary of State Pompeo for putting me forward for this position. If confirmed, I look forward to working closely with you and your colleagues to advance U.S. interests in Lebanon and the region.

I am grateful to be joined today by several members of my family, whose love and support for me throughout my career has been critical to my resilience and my overall success. I was raised a few miles from here, in Falls Church, Virginia, the youngest of six children. I grew up hearing stories about my father Brandan Shea's Army service in World War II, and afterwards in Paris as part of the Marshall Plan; he later went on to work for the Department of Defense as a civilian for many years. My mother Audrey Martin Shea's work also took her overseas from time to time. Their stories, together with the curiosity that was sparked when my family hosted Japanese exchange students for a couple of successive summers, spurred my interest in international relations. Little did I imagine that one day I would be sitting before you in this chamber as an ambassadorial nominee.

I joined the Foreign Service 28 years ago, and every day of my public service has been an honor and privilege. I did not necessarily think I would make a career out of the Foreign Service. But, I realized early on that the key components for job satisfaction for me were that I continue to learn, to be challenged, and to be able to contribute in some way, however small, to the greater good. I reasoned that as long as those criteria were met, I would stick with this peripatetic career. Sure enough, in every job I have had as a Foreign Service Officer, those criteria have been met. Indeed, I believe each job has helped prepare me to serve in the next position of greater responsibility. In a couple of the above-mentioned jobs, I had the opportunity to travel to Lebanon. One such position was as a Pearson Fellow with this very committee. It was a great honor to cover Middle East issues for the then-Rank-

ing Member Richard Lugar. I am lucky to count as friends those who were colleagues from my time with the committee, some of whom are here today. I would also like to acknowledge Foreign Service mentors who have taught me so much over the years; they set the standard for leadership that I attempt to emulate every day.

At the core of our interests in Lebanon are efforts to ensure a stable and prosperous nation with whom we can effectively partner to advance vital national security interests in the country and region. Working with the international community and the Lebanese people to address its now faltering stability is at the heart of U.S. interests in the Middle East and remains critical to ensuring our success in our efforts to defeat ISIS, foster regional stability, and counter Iran's destabilizing influence in the region.

Since 2005, when the end of the Syrian military occupation of Lebanon created a strategic opportunity to increase U.S. impact and dilute the influence of the Iran/Syria/Hizballah axis, our strategy has been broadly consistent: supporting constructive political voices responsive to the needs of the Lebanese people and building the capacity of Lebanese state institutions, including the Lebanese Armed Forces (LAF).

The spillover from the Syria conflict—including the movement of over one million Syrian refugees into Lebanon and deadly incursions by ISIS—injected new urgency into our approach, while unprecedented nationwide protests have presented new possibilities for responsiveness and reform.

On October 17, broad-based protests began in Lebanon. In a country known for its multireligious character, these protests have been unprecedented in their truly national nature, with involvement of Lebanese citizens across the nation, across sects, and across socio-economic levels. Demonstrators have been calling for an end to the endemic corruption and economic mismanagement that has plagued Lebanon for decades. The United States supports the right of Lebanon's citizens to protest peacefully and has called for their continued protection.

These protests continue throughout the country today. The message from the protesters is loud and clear: the Lebanese people have had enough of their leaders prospering while the rest of the country struggles under crushing debt and in the absence of the most basic services, including trash removal, electricity, and clean water. They are demanding far-reaching reforms. They have called for a new government committed to meeting those demands, leading to the resignation of the cabinet on October 29. Unfortunately, Lebanon's political leadership has failed to act expeditiously to respond to those calls for reform and the government remains in "caretaker" status today.

Until Lebanon's political leaders embrace the need for real and lasting reform, no government can succeed. But if leaders do embrace change, we stand ready to work with the government and people to rebuild Lebanon's shattered economy. The composition of the new government is a matter for the Lebanese people, not for the United States, to decide. We will work with anyone who is dedicated to reform and will put the interests of the Lebanese people first.

Lebanon's economic difficulties are profound; it will not be easy to enact the structural reforms necessary to increase public investment, lower public debt, and diversify its economy. Several sectors of the economy will need to be completely revamped, because they generate massive debt and fail to collect adequate revenue, while failing to deliver satisfactory services.

A new Lebanese government also needs to pass measures that markedly improve transparency and root out corruption so they can regain the confidence of Lebanon's citizens and the international community. If confirmed, I look forward to working with such a government to advance good governance, transparency, and economic reform.

As my colleague Principal Deputy Assistant Secretary for Near Eastern Affairs Joey Hood testified before this committee on December 4, the United States is committed to a vision of shared prosperity, regional and global security and stability, and a lasting partnership with the people of Lebanon.

I believe that American foreign policy is most informed and effective when there is close communication and collaboration between the executive and legislative branches of government. If confirmed, I pledge to continue our close cooperation on these critical foreign policy issues.

Mr. Chairman, Ranking Member, and distinguished members of the committee, I thank you again for the opportunity to appear before you today. I look forward to taking your questions.

Senator RUBIO. Thank you very much.  
And finally, Dr. Wright.

**STATEMENT OF DR. DONALD WRIGHT, OF VIRGINIA, TO BE  
AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF  
THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC  
OF TANZANIA**

Dr. WRIGHT. Mr. Chairman, Ranking Member, and distinguished members of the committee, I am honored to appear before you today as the nominee for Ambassador to the United Republic of Tanzania. I am deeply appreciative of the confidence that the President and the Secretary of State have placed in me by this nomination.

At the outset of this hearing, I wanted to acknowledge family members that have played pivotal roles in my professional journey. First and foremost is my wife, Kathy Wright, who has been the source of unending encouragement and support. I would also like to acknowledge my parents who I believe are watching from above, probably in total shock.

[Laughter.]

Dr. WRIGHT. From them, I inherited a strong work ethic and a commitment to lifelong learning.

Trained in the disciplines of family medicine, occupational medicine, and public health, I spent the first 17 years of my professional life as a practicing physician in central Texas. In 2003, I moved to Washington to serve as Director of the Office of Occupational Medicine at OSHA in the Department of Labor. This relocation began my 16 years as a career civil servant, a career devoted to improving the health and safety of the American people. With a personal passion for prevention, it has been a privilege to lead the Office of Disease Prevention and Health Promotion for almost 8 years.

Over 30 years ago, very much at the dawn of my medical career, I landed in Dar es Salaam, Tanzania to serve as a volunteer physician at a public hospital in Zanzibar. Alongside a British physician, I treated children with malnutrition, malaria, parasites, and tuberculosis. During that memorable summer, I developed a deep admiration for the Tanzanian people. They were warm, generous, and treated strangers like family.

If confirmed, it would be an honor to come full circle and serve in Dar es Salaam, Tanzania 3 decades later as the United States Ambassador.

The United States has a longstanding commitment to Tanzania's development as a stable, reliable, democratic partner, capable of growing its economy sufficiently to support the health, education, and ambitions of its people while also becoming a market for U.S. exports and investment. Tanzania provides vital stability in the region and contributes to peacekeeping in Central Africa, Sudan, and South Sudan.

If confirmed, I will focus broadly on three priorities: people, health, and trade.

As a medical doctor, my career has focused on the lives of people. My first priority will likewise focus on the lives of people: American and Tanzanian. Ensuring the safety and security of embassy staff and the American expatriate community will be a top priority. For the Tanzanian citizens, continuing deterioration of democratic norms has restricted their personal liberties, including free association and freedom of assembly. I am committed to working with the

host government, like-minded missions, civil society, and international organizations to address this trend.

Furthermore, Tanzania's national elections will be held in October 2020. If confirmed, I look forward to continuing the work of our embassy to encourage a fair, free, transparent, and inclusive election. Lastly, I will work with the host government to improve the prevention and prosecution of human trafficking.

Almost 80 percent of the development assistance provided by the American taxpayer to Tanzania is directed to improving the health of the Tanzanian people. Efforts to reduce the burden of HIV, malaria, and tuberculosis are bearing fruit. If confirmed, I am committed to leveraging American investments to produce continued improvements in health outcomes. Utilizing the expertise of the Global Health Security Agenda, which includes U.S. government agencies, international partners, and private stakeholders, we will continue to train Tanzanians in the prevention, detection, and response to deadly viruses that are endemic to the region such as Ebola.

The current challenging business environment has impeded U.S. business investment. Yet, Tanzania has been one of Africa's fastest growing economies. If confirmed, I look forward to expanding American business opportunities in Tanzania and to improving the overall investment climate.

It is difficult to imagine a greater honor than returning to Tanzania as the U.S. Ambassador. If confirmed, my preeminent goal will be to strengthen this important bilateral relationship.

I thank you for the opportunity to appear before you today and look forward to answering your questions.

[The prepared statement of Dr. Wright follows:]

PREPARED STATEMENT OF DONALD WRIGHT, MD, MPH

Mr. Chairman, Ranking Member, and distinguished members of the committee, I am honored to appear before you today as the nominee for Ambassador to the United Republic of Tanzania. I am deeply appreciative of the confidence that the President and the Secretary of State have placed in me by this nomination.

At the outset of this hearing, I want to acknowledge family members that have played pivotal roles in my professional journey. First and foremost, is my wife, Kathy Wright, who has been the source of unending encouragement and support. I would also like to acknowledge my parents, who I believe are watching from above. From them, I inherited a strong work ethic and a commitment to life-long learning.

Trained in the disciplines of Family Medicine, Occupational Medicine and Public Health, I spent the first 17 years of my professional life as a practicing physician in Central Texas. In 2003, I moved to Washington to serve as the Director of the Office of Occupational Medicine at OSHA in the Department of Labor. This relocation began my 16 years as a career civil servant: a career devoted to improving the health and safety of the American people. With a personal passion for prevention, it has been a privilege to lead the Office of Disease Prevention and Health Promotion for almost eight years.

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market for U.S. exports and investment. Tanzania provides vital stability in the region and contributes to peacekeeping in Central Africa, Sudan, and South Sudan.

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It is difficult to imagine a greater honor than returning to Tanzania as the U.S. Ambassador. If confirmed, my preeminent goal will be to strengthen this important bilateral relationship. I thank you for the opportunity to appear before you today and look forward to answering your questions.

Senator RUBIO. Thank you.

Senator Cardin?

Senator CARDIN. Again, let me thank all four of you for your presence here today and your testimony.

I want to start with Mr. Chapman. We had a chance to chat. I really want to compliment the manner in which you were here once before as Ambassador to Ecuador, and we had a conversation then. You made certain commitments, and you carried out those commitments, which I find not only important, but it gives me an indication about your sincerity to work with the Members of Congress.

Ambassador CHAPMAN. Thank you, sir.

Senator CARDIN. In regards to Brazil, there are many challenges. It is a very important country. It is a large country. It is very important in its region, as well as globally. And I find the trends to be extremely concerning in that country under its current leadership. When the president calls protests in Chile, Colombia, and beyond terrorist acts, he is referring to what is happening in his own country as far as lawful protests in an effort that he has to change the democratic principles of Brazil by stacking the deck in favor of the current government. Human rights in that country is moving in the wrong direction.

How do you intend to use America's presence in Brazil to strengthen its commitment to human rights and protecting the population?

Ambassador CHAPMAN. Thank you, Senator Cardin, and thank you for recalling our previous conversations. And I appreciate the chance to call upon you in your office as well.

Human rights is a fundamental element of American foreign policy, and when President Trump and President Bolsonaro met, as

part of their joint statement, they made a commitment to democratic values. And I think that is one of the priorities that we must advocate for, is to promote U.S. human rights principles and values when we are abroad representing our country.

Brazil has a rich history. It has perhaps different views on different subjects, but the important thing is that we have a very constructive engagement on human rights. They are supporting our positions whether it comes to religious freedom or combating the trafficking in persons involving Venezuelan refugees. So we have opportunities and we have challenges.

Now, when addressing these challenges, it is important that we have frank, constructive dialogues with countries with we may have discrepancies. And as I committed before I went to Ecuador, I commit to you again, sir, I will have those frank discussions with our counterparts, and I look forward to that.

Senator CARDIN. I appreciate that, and I hope that our mission will be a haven for those that are seeking a voice in regards to human rights.

Ambassador CHAPMAN. Absolutely. It is important that the U.S. embassy represents those values, and I commit to speaking with a broad range of civil society within the country. And fortunately, Brazil does have very strong institutions, whether it is the free press, a strong judiciary, strong civil society. With them, we can dialogue and work together on these issues.

Senator CARDIN. The other major change we have seen in the country under its new president is its lack of commitment to the environment. Since August of 2018, Brazil has lost area in the rainforest equivalent to 12 times the size of New York City. When we try to engage, we get a really, I think, arrogant response. We recognize that Brazil is responsible for the control of its own territory, but the rainforest is a universal treasure.

How can we leverage the U.S. involvement with our global partners to protect that valuable resource that not only captures carbon but also provides biodiversity, which is critically important to our world security?

Ambassador CHAPMAN. Yes, sir. I am very aware that the recent fires in the Amazon attracted a lot of attention. These are annual occurrences. When I lived in Brasilia before, I remember in this certain time period of August to October, you would see the smoke coming across the country.

However, I think we have a constructive engagement plan that we are executing with the Brazilians right now. First of all, in response to the wildfires, we sent six experts from our U.S. Forest Service to go down and assist. We saw above average fires in August, but actually below average amount of fires in the subsequent 2 months. The current administration in Brazil committed 9,500 extra personnel in September to help combat the fires. That was a robust response resulting in a slightly below average amount of wildfires this year compared with earlier years.

So I think the important thing, sir, is constructive engagement. We have an \$80 million program with USAID over the next 8 years on conservation, and we also have an innovative social impact fund, a \$100 million fund, that we just signed with the government

that I think will provide opportunities for responsible development in the Amazon.

Senator CARDIN. I appreciate that response. If constructive engagement works, fine. If not, let us look at stronger ways to make sure that progress is made to preserve the Amazon.

Mr. Hennessey-Niland, you came from Australia, as I understand.

Mr. HENNESSEY-NILAND. Correct, sir.

Senator CARDIN. So I will excuse you for your reference to your son's support for the Pittsburgh Steelers.

[Laughter.]

Mr. HENNESSEY-NILAND. Thank you, sir.

Senator CARDIN. They are playing an important game at Ravens Stadium next weekend, and I will not ask who you are rooting for.

But thank you very much for your service.

I want to talk a little bit about human rights. I am concerned that we find a major concern for women. Approximately 35 percent of the women experience physical or sexual violence or both since the age of 15. The report also noted that there are no shelters for rape or domestic violence victims. So I do think that the United States, which enjoys a very close relationship with Palau, that we should be able to leverage that to advance the protection of its population, particularly women.

So how do you intend to use our mission to try to advance those goals?

Mr. HENNESSEY-NILAND. Thank you, Senator. You raise a very important issue.

I think there is no higher priority than the protection of women and children and the vulnerable.

As you know, there are challenges in Palau. It is a tier 2 country in terms of trafficking in persons. It is a transit point in the Western Pacific. But it has been a priority of the administration and the U.S. embassy in Koror to focus on these challenges. And sir, the U.S. government has a number of programs in place to improve the human rights conditions in Palau, as you said, sir. We have a specific and unique relationship with Palau under the compact arrangements. And I certainly pledge to you, Senator, if confirmed as Ambassador, this will be one of my top priorities.

Senator CARDIN. I would just make the final note on this that as we look at beyond 2024 and the compact, I hope that this will be one of the areas that we will concentrate on expecting to see additional progress made protecting women and human rights issues on the island.

Mr. HENNESSEY-NILAND. Senator, I appreciate that point. And as the Secretary of State mentioned in August in his historic visit to Micronesia, he noted that we are just at the beginning part of those discussions on that next part of the compact arrangement, and this certainly will be a key element of those discussions.

Senator CARDIN. Thank you.

I will get to the other two on the second round. Do not think I ignored you.

Senator RUBIO. Senator Gardner.

Senator GARDNER. Thank you, Mr. Chairman.



Thanks to all of the nominees here today for your service and willingness to continue to serve the country.

Mr. Hennessey-Niland, just to continue the conversation you had, could you broadly briefly speak about the importance of Palau and the Pacific islands more generally to U.S. interests?

Mr. HENNESSEY-NILAND. Senator Gardner, thank you for your question. I would be happy to.

And also I would like to thank you for taking the time this morning to discuss with me your very strong and sincere interest in the Pacific.

I have served in the Pacific on a number of occasions in a number of different roles, earlier in my career as the Chief of the small Political Economic Section in Suva, Fiji, which is a regional post for the Department of State. Later I was a military advisor for the Marine Corps forces in the Pacific headquartered in Hawaii, and we traveled across the Pacific. And most recently I have served as the Political Counselor at the U.S. embassy in Canberra, which is a platform for protecting U.S. influence and U.S. interests and U.S. ideals across the Pacific.

Palau is strategic. The map does not change. Palau was a key strategic battle in 1944, the battle of Peleliu, and the geography remains the same. It is a bastion, a stronghold of American ideals and American values. It has a unique relationship with the United States.

As the chairman noted, unfortunately it has been a victim of bullying from the PRC in terms of turning off the spigot of terrorism from the mainland China. Fortunately, Palau is resolute, determined, and remains a strong supporter of the U.S. relations with Israel. It is a key partner and recognizes Taiwan.

And I will do my utmost, if confirmed as Ambassador, to ensure that the strength of our relationship with Palau continues long into the future.

Senator GARDNER. This committee passed and the Congress approved the Asia Reassurance Initiative Act. In the new appropriations bill that we will be voting on later this week, we appropriated about \$2.5 billion for implementation of ARIA, as well as the Indo-Pacific Strategy and related programs.

What does that kind of a resource and program authority mean for Palau and others in the region?

Mr. HENNESSEY-NILAND. Senator Gardner, ARIA is extremely important. As Assistant Secretary David Stilwell testified before this committee, it is very, very complementary to the administration's National Security Strategy and to the Indo-Pacific Strategy. And certainly now that there is funding in the pipeline for ARIA, this administration and certainly I, if confirmed as Ambassador, will want to work very closely with this committee to ensure that we use the full gamut of tools available under ARIA to assist with our foreign policy objectives in the Western Pacific.

Senator GARDNER. ARIA talks a lot about U.S. interests, particularly countering some of the activities of China and giving our allies in the region reasons to join the U.S. economically from a national security perspective.

What do you see from your perspective in Australia and your experiences in other places—what do you see China—their efforts in

Palau and other places—what do you see them doing on a daily basis? What do you see this contested space like?

Mr. HENNESSEY-NILAND. So it is a very good question.

And I would describe the Pacific as the front lines in this competition with the PRC. As you have said, sir, I have served there for a number of years in different positions in different parts of the Pacific. But the challenge is the same. I think the template, the game plan for the PRC remains the same. We see it in Australia even, a strong democracy, a Five Eyes partner, treaty ally of the United States.

And I think it is incumbent upon all of us as representatives of this great country to push back, to compete, and to confront when necessary, and to call out publicly when appropriate, malign and malicious activities of the PRC. Unfortunately from my perspective, sir, I see that taking place across the Pacific, and it is our duty and obligation, I think, as representatives of this great country to call out such misbehavior and to support an international rules-based, norms-based order.

Senator GARDNER. The Senate passed the Taipei Act, which was designed to help create a more strategic approach the U.S. has around the world as it relates to Taiwan and to those countries with relations to Taiwan, diplomatic relations, recognition of Taiwan.

What does the Taipei Act mean to Palau? How can we continue this effort? Palau has a strong relationship with Taiwan. Do you want to talk about that a little bit more?

Mr. HENNESSEY-NILAND. Certainly, sir. And as we discussed this morning, if the Taipei Act becomes law, I think it would be a very important contribution to supporting allies as Palau, which has recognized and remains one of the countries that continues to recognize Taiwan. Taiwan is an important partner of the United States in the Pacific and, as we discussed this morning, sometimes an under-utilized ally in the Pacific. And I think we can do more with Taiwan to assist Pacific Island nations such as Palau.

Senator GARDNER. Thank you.

Thank you, Mr. Chairman.

Senator RUBIO. Senator Shaheen?

Senator SHAHEEN. Thank you, Mr. Chairman.

Good morning. Thank you all for being willing to consider the nominations to these critical positions at this time in our history. I appreciate your being here to answer our questions.

I want to begin with you, Ms. Shea. I want to bring to your attention the case of a U.S. citizen and New Hampshire resident, Amer Fakhoury. He is a constituent of mine. I know people and have myself frequented his small business in Dover, New Hampshire. So I appreciate his support in the Dover community.

For those who are not familiar with this case, Mr. Fakhoury has been detained in Lebanon since September, and there is particular urgency now because he is very gravely ill with lymphoma and is in serious need of treatment. The embassy in Beirut has been very engaged in advocating on Mr. Fakhoury's behalf, but so far we have been unable to persuade the Lebanese government to grant his release on humanitarian grounds. Time is of the essence, and as a long-time supporter of the U.S.-Lebanon partnership, the last

thing I would want to see is a situation that complicates our relationship with Lebanon because an American citizen who was being detained there has died in Lebanese custody.

So, if confirmed, do you commit to working with the Lebanese government towards a humanitarian solution in this case and to keeping my office informed of this progress?

Ms. SHEA. Yes, Madam Senator. I am familiar with the case. I am aware that Ambassador Richard and others at the embassy team have been heavily engaged, and I would commit myself, if confirmed, to maintain that level of engagement. I view there being no higher calling than to protect U.S. citizens overseas when we are serving our country in our embassies. And I am concerned about Mr. Fakhoury's wellbeing too. I would commit myself to calling to make sure that he received the proper medical care while he is in detention and advocating strenuously for his release.

Senator SHAHEEN. Thank you very much. Obviously, the situation is challenging in Lebanon right now because of the unrest, and analysts suggest that it has reached a point of no return where its politicians have to regain the confidence of the people of Lebanon.

Can you talk about what you could do as Ambassador to help support stability in Lebanon and to help getting a resolution to some of the issues that the people of Lebanon have raised?

Ms. SHEA. Thank you for the question.

I have been watching with great interest over the last 2 months as Lebanese people have taken to the streets exercising their human rights, calling very rigorously for the government to embrace very serious, very structured systematic reforms. And the United States? administration stands with the people of Lebanon as they demand their basic needs to be met by their government. If confirmed, I would want to play a responsible role.

The United States would want to be careful not to be seen as interfering or intervening, but playing a supportive role in respecting the role of citizens to make these basic demands of their government. It really underscores for me, now that we have seen some acts of violence over the last 3 days, the urgency for the political leadership in Lebanon to listen to these demands and to act on them. It is very clear what needs to be done in terms of the kinds of reforms that people are demanding, and there is a very clear road map that was laid out in the CEDRE conference of 2018. If confirmed, I would try to work with the political leaders to persuade them to embrace these very much needed reforms.

Senator SHAHEEN. Thank you very much.

Ambassador Chapman, gender violence is an urgent human rights issue that I think more and more we are becoming aware of around the world. And under the Bolsonaro administration, there have been allegations that his comments have increased misogynistic behavior and dialogue. And I wonder if you have any concerns about President Bolsonaro's commitment to democracy and human rights, particularly the rights of women?

Ambassador CHAPMAN. Thank you, Senator Shaheen. It is nice to see you and thank you very much for that question.

Gender-based violence is a problem not only in Brazil, but all throughout Latin America. I spent 3 and a half years in Ecuador as Ambassador, and while I was there, as our mission team, we de-

cided to select only one social issue to concentrate our efforts for our country team, and as a group we chose gender-based violence because it touches on so many different aspects of a society. So taking that knowledge and experience of working on gender-based violence issues in Ecuador, I hope to be able to replicate that in Brazil.

There are many roots, many causes for gender-based violence. Sometimes it is women who feel trapped, that they cannot economically support themselves if they were to get out of a difficult relationship. We sponsored a very successful women's entrepreneurship program in Ecuador and saw how beneficial that was for gender-based violence. So I would hope that in Brazil, I would be able to take some of the lessons that I learned personally and my mission learned personally in Ecuador—and you have somebody on your staff who was a part of that process, your Pearson Fellow. Wonderful to see her.

So it is an opportunity I think for us to expand our engagement in Brazil, look for new solutions. And the U.S. has a lot of offer here. I think constructive engagement, again having frank conversations, not being afraid to hold them, and then look for solutions that are practical, implementable, and that go beyond rhetoric is really the key to achieving demonstrable success.

Senator SHAHEEN. Thank you.

Another area that has been controversial during the Bolsonaro administration has been his rather cavalier response to the fires in the Amazon and the environmental degradation that has resulted. Can you talk about to what extent you could work with the Bolsonaro administration and what we can do as Americans and as people concerned about our global environment to support efforts in Brazil to protect the environment?

Ambassador CHAPMAN. Yes. Clearly the environment is an important element of our U.S. agenda in the country of Brazil. I will repeat myself just a little bit from some earlier comments made that we do have a very constructive agenda right now with the Brazilians. We have a USAID program for \$80 million over an 8-year period to promote conservation in the Amazon. We have a \$100 million social impact fund that was just launched with this government that we are very hopeful the private sector is going to be able to find sustainable ways to develop the Amazon. We are good at this. We know how to do this. And I think by engaging the Bolsonaro government, we can provide some alternatives. But, again, it is important that we have that constructive dialogue, that it be one that they believe that we are on the same side. We all want the same thing. We want to see the Amazon prosper for generations, and I think the U.S. has a role to play.

Senator SHAHEEN. Thank you. I agree. Several years ago, actually when I was Governor, we had a group of Brazilians come up, sponsored by one of our federal agencies. And we were connecting them with people who were working on water and sewage treatment initiatives, small businesses. And it was a very successful pairing, and it is the kind of thing that we want to encourage and try and do more of. So thank you for your response.

Thank you, Mr. Chairman.

Senator RUBIO. Thank you.

Senator Kaine?

Senator KAINE. Thank you, Mr. Chair.

And congratulations to the nominees. You all have impressive public service backgrounds. And, Ms. Shea, you give hope to Pearson Fellows everywhere like this one.

[Laughter.]

Senator KAINE. He may amount to something one day.

[Laughter.]

Senator KAINE. The Pearson Fellow program has been magnificent. J.C. Jaine is my Pearson Fellow right now, and they have served the members and the committee so well.

I missed some of the Q and A because of an Armed Services hearing, but I want to start with you, Ms. Shea, on Lebanon.

There has been controversy recently about the U.S. relationship with the Lebanese Armed Forces (LAF) just because there was a hold on funds that has since been released. But share your perspective on the importance of the U.S.-LAF relationship. And if there are issues where we want to encourage them to do better, how can we and what would your approach be to that?

Ms. SHEA. Thank you for the question, Mr. Senator.

The United States has invested a lot in the Lebanese armed forces trying to build up its capacity and its professionalism over the last 13-plus years. And as a result of this investment, we see now that the Lebanese armed forces are securing Lebanon's border with Syria whereas in the past, there were deadly incursions from ISIS fighters. They have worked with us and under our mentorship on a military-to-military basis. And we are very pleased with the investment that we are making, and we see further potential for development in the professionalization of the army.

I would also want to credit the Lebanese armed forces for playing a largely responsible role as these protests have gone on for the last 2 months, actually cordoning off peaceful protesters and protecting them from armed thugs who came out to harass and intimidate and perpetrate acts of violence against them on behalf of Hezbollah or Amal. So this is very much in keeping with the kind of doctrine that our military officers have been imparting to them.

Senator KAINE. Can I ask your perspective as someone who has spent a lot of time in the region? If we look at protests in Lebanon, Iraq, and Iran, are there underlying similarities, or are they so country-specific that you cannot generalize about the similarities in these protests?

Ms. SHEA. Well, Mr. Senator, there are probably some common threads. I myself feel a little bit limited in my ability to extend analogies beyond my immediate purview here, but I know my colleague, Principal Deputy Assistant Secretary Joey Hood, addressed this committee on December 4th looking at just this very phenomenon of protests.

What I would offer is that I believe it represents an opportunity for, as my colleague on the panel was saying, constructive U.S. engagement. How these citizens of these countries present their demands to their elected governments, how they advocate for the reforms that they want to see and the services that they rightfully deserve as citizens is really their call. But we can support their exercise of their basic human rights in doing so and call out others

who malign them, who attack them violently, and we can call for their protection.

Senator KAINÉ. Mr. Hennessey-Niland, I have not been to Palau, but it is a small nation spread over hundreds of islands and it is very vulnerable to climate issues. Talk a little bit about what work you have done in the past that might deal with environmental threats and then how you would bring that to bear in trying to assist Palau from the United States' perspective, should you be confirmed.

Mr. HENNESSEY-NILAND. Thank you, Senator Kaine, and it is an important issue.

I have had the good fortune of visiting Palau once before, but I have had extensive service in the Pacific. We addressed environmental concerns years ago when I was the Political Economic Chief in Suva, Fiji. It was also actually a matter of concern for the U.S. military when I was the foreign policy advisor with the Marine Corps forces in the Pacific because for Pacific island states, this is a serious concern. And the U.S. government recognizes that climate change and environmental degradation are serious concerns, in particular for small Pacific island nations.

These issues were highlighted most recently at the Pacific Islands Forum summit just a few months ago in Tuvalu. It is something that in my current position as the Political Counselor and Acting Deputy Chief of Mission in Australia we talk to the Australian government a lot because Australia is a key partner of the United States addressing environmental challenges in the Pacific. And the U.S. has sought to support a balanced approach to addressing these concerns, to protect the environment on the one hand and to promote economic development on the other. And both are essential for prosperity and security and stability of these small Pacific economies.

Senator KAINÉ. We need not pitch them as being a choice, one against the other.

Mr. HENNESSEY-NILAND. No. They are both necessary.

Senator KAINÉ. I remember having Secretary Perry before us in the Armed Services Committee to talk about the work that the DOE does on the nation's nuclear reactors, and we were talking about his experiences as Governor of Texas and the work that they did on alternative energy, wind and solar, in Texas was great for the environment and it was tremendously impactful in a good way on the Texas economy. So we can hit the balance where we are achieving both goals.

Mr. HENNESSEY-NILAND. I completely agree, sir.

Senator KAINÉ. Dr. Wright, I want to ask you. My son was deployed in Tanzania as part of AFRICOM as a marine, and we do an awful lot of mil-to-mil cooperation with nations, including Tanzania. Talk a little bit about the importance of mil-to-mil relations with the country and how you would work to continue to have the U.S. be a good security partner of choice for the government of Tanzania.

Dr. WRIGHT. Thank you, Senator, for that important question.

It is true that the security concerns are one of the bright spots in our bilateral relationship with Tanzania. There are multiple examples of where we have worked very effectively with the host gov-

ernment. In the area of peacekeeping and U.N. peacekeeping forces, there has been a great deal of success. Certainly maritime security is another area that there has been good success between the two countries.

And then in the area of wildlife conservation, something that is very important, certainly the park systems within Tanzania and the animals that inhabit them is one of the crown jewels of Tanzania and they need to be protected. There have been some transnational criminal elements that have used poaching as a means to raise funds for their activities. And I am very proud of the work that the U.S. government has done in training those anti-trafficking individuals. They work very closely with the Tanzanian wildlife management agency and provided them skills that they need to be effective from air land reconnaissance to patrolling with weapons, et cetera, et cetera.

So there is a very strong security bilateral relationship between the two countries, and I will continue to pursue that, if I am confirmed.

Senator KAINE. Excellent. Thank you.

And just lastly, Ambassador Chapman, I am not going to repeat the question that Senator Shaheen asked about the Amazon. I think many of us are very concerned about that, and it is tied a little bit to us. The trade issues that are leading to the complete drop-off of soybean exports from the United States into China has led China to look for other markets, and some of the deforestation in the Amazon is being done to clear to grow soybeans as China looks to Brazil as a soybean exporter. So you have already sort of answered the question, but I just want to encourage you to focus significantly on that issue, should you be confirmed.

Ambassador CHAPMAN. Will do, Senator. Thank you.

Senator KAINE. Thank you, Mr. Chair.

Senator RUBIO. Thank you.

Let me just start with Brazil. I am not sure there is anything you can do about it in the short term, but I wanted to bring an issue to your attention. Back in October of this year, the ranking member of this full committee, Senator Menendez, and I sent a letter to the Treasury and it was in regards to a Brazilian-based company, conglomerate, by the name of JBS. And they have become increasingly active in the American food sector. In fact, they are the world's largest meat processing company with major holdings across the country. They purchased the beef and pork processing company, Swift Food. Then they acquired the beef processing operations of Smithfield Foods in 2009. They obtained the majority of the poultry processing operations of Pilgrim Pride, and they purchased Cargill's pork processing operations in 2015.

Here is the problem. JBS, which has been increasingly involved in the U.S. market, has been implicated in a wide range of illicit activities in Brazil. The company, J&F Investimentos, which owns 40 percent of JBS, in fact reached a settlement. They paid \$3.2 billion in fines for its role in a bribery scandal in Brazil. The head of that settlement, the owners of that company, Joesley and Wesley Batista, who happen to be the sons of the founder of JBS, admitted to bribing more than 1,800 Brazilian politicians in the amount to-

taling more than \$150 million in order to illicitly acquire loans and financing from the Brazilian Development Bank.

The problem is that those loans and that financing, this ill-gotten financing, that it received, which totaled more than \$1.3 billion—they used it to acquire these American companies that I just outlined. In fact, there have been reports that the Justice Department has opened an investigation into this company for potential violations of foreign corrupt practices.

But that underscores our concerns, but it also points to the fact that this company has conducted business with a number of dubious partners which include the so-called Venezuelan Corporation of Foreign Trade, which is identified by FINCEN in September of 2017 in public corruption. And we have seen investigative reporting that has documented how the Batista brothers' personal relationship with a drug lord by the name of Diosdado Cabello in Venezuela also raised these concerns.

So I only raise it because this is an issue that I hope will come to a head and that we are focused with. And I imagine that the issue would be raised in our embassy.

I think there is a lot of awareness in Brazil about the tri-border area, the area that links Paraguay, Argentina, and Brazil, to become a safe haven for organized crime and for terrorist groups. That includes Hezbollah.

But the other concern that we talked about a little bit was not that Brazil is a source country for terrorism because it would not be necessarily, but they would be a transit point for people seeking entry into the United States via Brazil, perhaps purchasing false travel documents and the like.

What can we do to be good partners in that regard? How can we further our work with the Brazilian government on that potential counterterrorism threat?

Ambassador CHAPMAN. Senator Rubio, on the first question of JBS, I am aware of your letter, and this is something that our government and the Brazilian government share an interest in is rooting out corruption, rooting out private companies that are bribing officials. So I do not know exactly where this particular issue stands, but if confirmed, I will be following up with the Department of the Treasury and Department of Justice to understand where that particular case might be.

On the tri-border area, an area that has long been a bastion for organized crime and ill-doing, fortunately in recent months, we have been able to increase our cooperation with Brazil and with Argentina and Paraguay to look together at how U.S. law enforcement can increase our cooperation and come up with more lasting solutions. Hezbollah has not yet been designated as a terrorist organization by the government of Brazil. They have passed legislation that might permit them to do so and are working now in implementing regulations. Of course, Argentina and Paraguay have already done so. So this will be a point of follow-up.

But I do see that law enforcement cooperation, which is already extremely good is an area where we can expand in the coming months and years.

Senator RUBIO. Thank you.



Mr. Hennessey-Niland, I am not asking you to do anything about it, but I too need the Steelers to lose that game because the Dolphins hold their first round pick next year, and the worse the Steelers do, the better the pick is. I am not saying that is in any way linked to your nomination.

[Laughter.]

Senator RUBIO. But if you would put in a good word.

So anyway, on Palau, China has been, obviously, putting a lot of pressure. We saw the tourism package ban that they had. We have seen their offers to supplement and/or replace U.S. assistance and so forth. And we have seen it play to some results in places like the Solomon Islands and Kiribati which broke off ties with Taiwan. The Taiwan issue is a concern. The broader concern is obviously the presence in that region for geopolitical purposes and to leverage out the United States' ability to be present in the Pacific and the Western Pacific region.

And the particular concern now with Palau is that there are these reports of these high profile politicians who also happen to be involved in a hotel project with Chinese partners who are reportedly now becoming advocates for switching recognition from Taiwan to China.

So we go to these countries and we say you should not do this because. What is the "because," number one? What is the argument? Why is it not in their interest? They are going to argue we need investment. They provide all this money that would make us look good but also would help our economies. And they argue you have nothing comparable to replace it with. So what is the argument that we make to governments like this particularly, if confirmed, that you would make as to why sort of not just switching recognition but accepting this Chinese largesse is bad for the long-term security and wellbeing of Palau?

Mr. HENNESSEY-NILAND. Thank you, Chairman Rubio. I very much appreciate the question.

It is the issue that we focus on every single day across the Pacific. There is a nexus of issues in that question. One is corruption, and unfortunately corruption is rife across these vulnerable small economies and governments. And governance is an issue that the United States prioritizes in our discussions and our negotiations with the Pacific island nations. It is a key part of the compact arrangements with our three trust territories in the Pacific.

I think people focus sometimes on the opportunities associated with the Chinese largesse. I think part of our job is to point out some of the risks associated with those same so-called lucrative investments. The Chinese game plan has been to push wherever they can. I think we have to be responsive, present, and committed to pushing back when appropriate. I think there is no equivalence between the PRC and the United States. What the U.S. and its like-minded partners across the Pacific offer is not corruption or bribery. What we offer is a sustained commitment to these island nations, working with them productively, constructively to ensure that they have democratic systems in place that benefit their people. It is a daily struggle.

Fortunately in the case of Palau, Palau has been resolute in maintaining its support for Taiwan. It has been resolute in sup-

porting U.S. objectives and relations with Israel. That is not to say that there are not certain politicians and certain business people who would like to flip that arrangement. And if confirmed as Ambassador to Palau, it would be my daily duty to do my very best to ensure that we have the closest possible relationship with Palau and its people.

Senator RUBIO. And, Dr. Wright, I have a similar question about Tanzania. They have longstanding political, trade, and military ties with China. But we know that as China continues to try to expand its reach in Africa as well, it oftentimes comes at the expense of our relationship. What is our counter-argument to those efforts as they seek to both gain unfair access to natural resources and economic ties and military ties? What is the argument we make to nations about the danger involved in accepting that largesse?

Dr. WRIGHT. Thank you, Senator, for that very important question not only for Tanzania but for the entire African continent.

Let me say that the Chinese have a long vested interest in Tanzania going back to the 1970s when they actually built the railroad from Dar es Salaam into Zambia, and they have had ongoing interactions with the Tanzanian government since that period of time.

I would also like to point out that there is a very lopsided trade imbalance between China and Tanzania. The United States is much more on equal footing as it relates to reciprocal trade.

To your question of what our strategy should be moving forward, well, I think first and foremost as Ambassador and as an embassy, there needs to be transparency. We need to point out that sometimes short-term gain is not worth long-term indebtedness. In addition to that, I think we need to call out some of the poor quality of projects that have been seen across the globe that have been financed by the Chinese and, in addition, point out that very frequently those projects do not conform with environmental standards, do not conform with labor standards, et cetera.

But that in and of itself I do not think is enough. We need to talk about alternatives. And certainly funding through OPIC and its successor organization I think is one thing that we can point to moving forward that gives an option to a government that is looking for a major infrastructure project.

And then lastly, I would have to say that I think it is very important for us to utilize the allies in the region that we have worked over decades to develop to address this particular concern.

Senator RUBIO. And finally, Ms. Shea, Lebanon is really a complicated situation. I think there has been a lot of focus today on the protests, and that is obviously relevant to everything that is going on.

But beyond it, before the protests and for a long time, there is the complication there that you have a nation state and embedded within that nation state is a group in Hezbollah which, by the way, has killed more Americans than any terror group in the world except al Qaeda. And they are both part of the government system, and then they also operate as semi-autonomous from the government in areas that they control. And then there is always the fear that, on the one hand, the way to counter that is to strengthen the Lebanese armed forces and Lebanese government. The flip side of it is there is a concern that whatever it is we provide them could

one day wind up in the hands of Hezbollah and some of the loyalties that may exist between members of the Lebanese armed forces towards Hezbollah.

And then adding to all that complexity is the real possibility that at some point, because of Hezbollah's increasing capabilities, I think at some point, unfortunately, there is going to be another Israel-Hezbollah conflict. We hope it is no time in the near future, but we can anticipate that day arriving. The Israeli response could potentially not just be against Hezbollah directly, but depending on how embedded they are in the broader government, other areas of Lebanon that are not traditionally associated with Hezbollah and thereby triggering a much broader regional conflict. All of it—obviously, we are only a day away from that conflict on any given day of any week in any year that could spiral quickly out of control.

So all that to say they picked a heck of a place for you to go. Could you help us just to unwrap some of the thinking involved in all this complexity and what the U.S. role is in that regard?

Ms. SHEA. Thank you for the multi-layered question, Mr. Chairman.

I would identify with a bit of the paradigm of holding up the Lebanese armed forces and other state institutions as a counterweight effectively to Hezbollah. Hezbollah benefits when the state is weak, when its state institutions are weak. So this has been a long-standing enterprise of the U.S. government to try to build up the professionalism and the capacity of the Lebanese armed forces.

Now, of course, Hezbollah tries to exert influence in all areas of society. And you are absolutely right that they might try to portray themselves as a political party in one instance or a social services provider in another. But we make no mistake in identifying Hezbollah as a terrorist organization. And it is the same leadership that exercises control over the entirety of Hezbollah's operations. So we do not make any distinction between Hezbollah's roles and we do not think others should either. And we welcome it when other countries also designate Hezbollah as a terrorist organization. If confirmed, I will do everything in my power to continue that trend.

I would like to speak to the Lebanese armed forces in terms of their being recipients of U.S. military assistance. And I am pleased to report that they have an exemplary track record in using military assistance exactly in the way that it has been intended as we have provided this assistance to them. Indeed, they have zero incidents of leakage in our very rigorous end-use monitoring of our military assistance. So our overall strategy is to build up their capacity, to exercise checks and balances through rigorous end-use monitoring, to maintain that mentorship, and also maintain that line of control that ultimately the Lebanese armed forces answers to the civilian leadership of the country.

Senator RUBIO. Thank you.

Senator Cardin, the ranking member, has some follow-up.

Senator CARDIN. Let me just follow up with that, Ms. Shea. First of all, thank you very much for coming in from Egypt just to meet with us. It was very nice of you to make that trip. We appreciate it.

You have already heard from our colleagues on the human rights issues within Lebanon, which is a major concern, and you and I had a chance to talk about it and we will be talking about how our mission can assist the rights of the people in that country.

We have also talked about the economic balance here, the reforms that are necessary in Lebanon in order to be able to get the type of economic assistance it needs for its economy to grow versus the unrest it could cause in regards to how those economic reforms are implemented. That is something again that our mission needs to be actively engaged in order to deal with.

But I want to just ask one question and follow up on the chairman's question. And there is a difference between leakage from the Lebanese armed forces to terrorist organizations, and another thing as to how the Lebanese armed forces respond to security challenges within Lebanon and whether there is infiltration from Iran or Hezbollah in regards to how the armed forces are used. I understand your confidence in our helping the capacity building of the Lebanese armed forces, but I just want to express our concern with a country that has not a strong central government as to the impact that the local Hezbollah could have, encouraged by outside influences such as Iran or coming through Syria.

So your response to that.

Ms. SHEA. Thank you, Mr. Senator and Ranking Member. And I also want to thank you for taking the time to meet with me to discuss these issues.

You raise a very valid concern, and in identifying myself with this project of working so consistently over the past decade and more to help professionalize the Lebanese armed forces, I am in no way suggesting that they be given a free pass or that continuous review not always take place to make sure that our assistance is bringing about the desired end state that we intend for it to do.

Now, one thing that we can look at is how the Lebanese armed forces have acted just in the past 2 months. I think we might look at this as a bit of a test case, and on their own volition, they came out and they protected those peaceful protesters. So I think that was quite admirable of them, and it could have been much more injurious to the protesters had they not been there to play that role.

I think we need to be mindful and be skeptical. A proper amount of skepticism is warranted to make sure that our assistance continues to be used appropriately not just over the short term but over the long term. And I believe that we have the kind of partners in the Lebanese armed forces that we can count on, but we will maintain that relationship to keep it under constant review.

Senator CARDIN. Thank you. Just be careful because the track record of the country, particularly of outside influence, is just very disappointing. It is a beautiful country. It has got wealth, but its wealth has been taken away as a result of the infiltration and Hezbollah.

Dr. Wright, your medical background—you are going to the right country. Tanzania ranks one of the highest in HIV/AIDS, one of the highest in mosquito-transmitted diseases, including malaria. They have not built up the capacity that many other African countries have built up.

How can our mission be helpful to build the type of resiliency in Tanzania to deal with their health issues?

Dr. WRIGHT. Thank you, Senator, for that question.

You are absolutely right. Health issues are front and center within Tanzania. And we have over a decade of assistance to Tanzania and the Tanzanian people trying to improve their health outcomes.

And there are some positive bright spots in this process. Through the PEPFAR program, a large number of the Tanzanian people know their HIV status, and we now have 1.1 million people on antiretroviral therapy. Granted, there is more work to be done. There are a number of Tanzanians that do not know their HIV status, and we need to press for more testing across the country.

In the area of malaria, again through the President's malaria initiative, I think there has been progress made over a 10-year period of time. The prevalence rate within Tanzania of malaria has dropped 10 percent. So we are making progress. That said, there are still 7 million cases of malaria in Tanzania each and every year, and we need to focus on the prevention side of the equation and that is what we have been doing: insecticide impregnated bed nets, indoor spraying, and then I think also focusing on vulnerable populations, in particular pregnant women. We know having malaria during pregnancy is both injurious to the mother, as well as to the child. I think that there are efforts now to try with this foundation that the United States has built over the last decade to encourage the host government to begin to take more responsibility for the health of their own people and continue the programs that we have built a foundation for.

Senator CARDIN. Thank you.

In human rights, Tanzania has really got significant concern. Just recently they have been de-regulating political parties. They did not have a free and fair election. There is another one coming up that is unlikely—the jury is out, but it could very well not pass international standards for free and fair elections. The LGBT community is very much targeted and discriminated against.

So how, if confirmed, will you be an advocate for the human rights of the people of Tanzania based upon international standards of human rights?

Dr. WRIGHT. Thank you, Senator Cardin. It is a very timely question.

I think historically the United States has had a very strong bilateral relationship with Tanzania. That said, there is no question that there has been a narrowing of the democratic norms in the country over the last several years with the deterioration of basic human rights. It is something that needs to be addressed, that has been addressed by the embassy, and certainly I am committed to addressing if I move forward.

I think the policy, the strategy of the embassy has been that we promote human rights for all Tanzanian citizens. However, that said, there is a special focus on those vulnerable populations. And the vulnerable populations would include the LGBT community. It would include journalists in the country, and it would include political opposition candidates.

What would be my strategy to deal with this issue, if I was confirmed? Well, first and foremost, I am committed to you of speaking

both publicly and privately with the host government about our concerns in this particular area. And I think they need to be reminded that history tells us that it is the countries that protect the human rights of their citizens that are the most peaceful over the long term and the most prosperous over the long term. So it is certainly in their best interest to offer basic human rights to their citizens.

I do not think my voice is enough. Certainly I will partner with like-minded missions within Tanzania, those that share our views on human rights, so that we can speak with a united voice on this very, very important topic.

In addition, certainly there are large elements of civil society that need to be brought into the equation to continue the dialogue. And if confirmed, I am committed to doing that.

And lastly I will tell you I think that the Ambassador has the power of convening, and that is something that I will do often to make sure that the dialogue on human rights remains front and center.

Senator CARDIN. I very much appreciate that comprehensive answer, one which is to me the right blueprint for our mission.

For all four of the nominees, you have partners in the United States Senate to advance American values of human rights, good governance, democracy, et cetera. Recognize that we want you to make progress, if confirmed, in each of your missions on these goals. And we are here to work with you, and we would appreciate being kept informed on how we can be helpful by our actions. Sometimes it is resolutions that we pass. Sometimes it is just our statements that we make on the floor of the Senate. But please let us know how we can partner with you to advance American values.

Thank you, Mr. Chairman.

Senator RUBIO. Thank you.

We want to thank all of you for being here. Thank your families for being here, particularly that those drove through the night.

[Laughter.]

Senator RUBIO. I do not have anybody in my family who would drive through the night for anything.

[Laughter.]

Senator RUBIO. So I think it is great.

But I want to thank all of you for being here.

The record will remain open for 48 hours.

And with that, this hearing is adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

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### Additional Material Submitted for the Record

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO HON. TODD C. CHAPMAN BY SENATOR BENJAMIN L. CARDIN

*Human Rights*

*Question.* What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

*Answer.* As Ambassador to Ecuador from 2016 to 2019, I led Embassy efforts to condemn government restrictions on press freedom and repression of opposition political parties. I also launched the Interfaith Dialogue Committee of Ecuador in my living room with religious leaders from eight different faiths, coordinated on social projects and proposed revisions to Ecuador's freedom of religion law. I directed Embassy efforts to combat gender-based violence and organized an international grouping of Ambassadors, U.N. Women, and others to promote new legislation. As Charge d'Affaires in Mozambique, I spoke out publicly against the government electoral authorities who were manipulating the election process. Our efforts resulted in increased scrutiny by the international electoral observation missions.

*Question.* What are the most pressing human rights issues in Brazil? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Brazil? What do you hope to accomplish through these actions?

*Answer.* The Department of State has expressed concern on a range of priority human rights issues, including unlawful or arbitrary killings by state police; harsh and sometimes life-threatening prison conditions; violence against journalists; corruption; societal violence against indigenous populations and lesbian, gay, bisexual, transgender, and intersex persons; killings of human rights defenders; and slave labor that may amount to human trafficking. The Department highlights these concerns in the annual State Department Human Rights Report. I plan to continue our constructive engagement with Brazil to promote human rights and democracy, if confirmed.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Brazil in advancing human rights, civil society, and democracy in general?

*Answer.* Our governments are enthusiastic and motivated to work together, based on our shared values. While we do disagree on some issues, Brazil sees the United States as its desired partner of choice, a fact which presents us with the opportunity to engage across the board. Potential obstacles remain, including various competing interests within Brazil's large and diverse bureaucracy, historical inertia that could slow enhanced engagement, and limited USG resources with which to engage in large programs on human rights, including civil rights, and democracy in general. Nevertheless, as I have done in previous postings, I will make maximum use of what does exist, and be active in the media drawing attention to these issues.

*Question.* Are you committed to meeting with human rights, civil society, and other non-governmental organizations in the U.S. and with local human rights NGOs in Brazil? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

*Answer.* If confirmed, I will encourage collaboration with civil society, promote human rights, social inclusion, and discuss these issues with Brazilian officials at the highest levels. I will meet with such organizations in both Brazil and the United States, as I have done during previous postings overseas. The United States seeks to provide trainings and capacity building to the Brazilian federal and state governments and local law enforcement agencies, when appropriate, on effective law enforcement techniques that respect human rights. Supporting the implementation of the Leahy Law is an important tool in this endeavor, and I will make doing so a priority.

*Question.* Will you and your embassy team actively engage with Brazil to address cases of key political prisoners or persons otherwise unjustly targeted by Brazil?

*Answer.* The United States and Brazil work closely to ensure liberty, democracy, and human rights are upheld in our countries, our hemisphere, and around the world. I am unaware of any political prisoners in Brazil. If confirmed, I commit to constructive engagement with Brazilian officials at the highest levels to uphold human rights.

*Question.* Will you engage with Brazil on matters of human rights, civil rights, and governance as part of your bilateral mission?

*Answer.* The Department of State is vigilant in promoting respect for human rights around the world and the United States condemns any violations or abuses of human rights. If confirmed, I will promote collaboration with civil society and promote human rights, social inclusion, and democratic values with Brazil at the highest levels. The State Department will continue to promote human rights, collabora-

tion with civil society, and social inclusion with the Brazilian government, at the highest levels, including via the new U.S.-Brazil Strategic Partnership Dialogue, which was launched on September 13 of this year.

#### *Violence Against Indigenous Brazilians*

*Question.* Under President Bolsonaro's leadership, murders of indigenous Brazilian activists have increased. Bolsonaro has reacted dismissively to those who have drawn attention to the issue, responding to a critical tweet from Swedish youth climate activist Greta Thunberg by saying "Greta said the Indians died because they were defending the Amazon (forest). How can the media give space to a brat like that?"

*Answer.* If confirmed, I look forward to meeting with representatives of the indigenous community, press, civil society, and government regarding these issues. If confirmed, I will ensure that the Mission continues to stay true to our values and principles and speaks out on the issues that are important to U.S. foreign policy and to us as a nation.

*Question.* How will Embassy staff under your leadership, if confirmed, work to report on and otherwise draw attention to violence facing Brazil's indigenous populations?

*Answer.* I have demonstrated throughout my career, and most recently as Ambassador in Ecuador, that I steadfastly support human rights, including the rights of persons in minority and vulnerable populations. If confirmed, I commit to promote human rights with all levels of the Brazilian government and to actively engage with civil society to uphold fundamental freedoms. For example, the Department of State highlights threats against indigenous peoples annually as part of the Human Rights Report. If confirmed, I will ensure that Embassy staff continue to closely follow and report on indigenous issues, including violence and human rights issues.

#### *Diversity*

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor, and support your staff that come from diverse backgrounds and underrepresented groups?

*Answer.* The Department of State strives to recruit, retain, and sustain a diverse, talented, and inclusive workforce that is prepared to advance U.S. national security interests and American values in every corner of the world. I am fully committed to building a workforce that reflects our nation's diversity and leverages the creativity of diverse, talented groups to advance America's foreign policy priorities. It is my standard practice to recruit a diverse team and to promote a diversity of backgrounds in my senior staff and I commit to continuing this practice in Brazil.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

*Answer.* To represent the United States to Brazil, and to countries around the world, our Embassies overseas must have a workforce that reflects the rich composition of our citizenry. If confirmed, I commit to an inclusive workplace in which every employee is treated with dignity and respect and feels empowered to serve the American people. I will outline my expectations clearly to my Country Team members, hold them accountable, and lead by example.

#### *Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* Should I have any such concerns, I will raise them with the appropriate authorities, including this committee and the State Department Inspector General, as determined by the Department of State and U.S. law.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* Yes, I do. As outlined in the State Department professional ethos inaugurated in 2019 by Secretary Pompeo, I pledge to proudly serve the United States and the American people, support and defend the Constitution of the United States, and to act with uncompromising personal and professional integrity.



*Question.* Do you or do any members of your immediate family have any financial interests in Brazil?

*Answer.* We do not.

#### *Corruption*

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Brazil specifically?

*Answer.* Brazil has taken strong steps in recent years to address corruption at all levels. There have been wide-ranging consequences to the criminal conduct in various major companies, including Petrobras, Odebrecht, and Braskem, which have paid billions of dollars in penalties for their violations of anti-bribery provisions of our Foreign Corrupt Practices Act, or FCPA. Corruption undermines democratic stability, economic growth, and security, and the Department of State is committed to strengthening the ability of governments and their citizens to promote transparency, accountability, and integrity.

*Question.* What is your assessment of corruption trends in Brazil and efforts to address and reduce it by that government?

*Answer.* Fighting corruption promotes democratic rule of law, economic growth and stability, transnational security, and citizen hopes for a better life. The United States supports Brazil's efforts to combat corruption and impunity. Brazil has been one of the region's leaders in addressing corruption, and the hallmark "Lava Jato," or "Car Wash," anti-corruption case has had reverberations throughout the hemisphere. I applaud Brazilian investigators and prosecutors for their commitment to rooting out corruption, and for their international cooperation. The fight against corruption, however, is always an ongoing effort, and, as always, more work remains to be done.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Brazil?

*Answer.* Cooperation between U.S. and Brazilian law enforcement is an important tool in combatting corruption and supporting good governance. Our U.S.-Brazil Permanent Security Forum brings together law enforcement officials from both our countries to work together. The United States encourages Brazilian efforts to maintain a strong, capable, and autonomous financial intelligence unit that complies with international standards and obligations with regards to combatting money laundering, terrorist financing, and countering the proliferation of weapons of mass destruction. Finally, the United States will continue to apply all tools available to hold corrupt actors accountable, including publicly denying entry to known current and former corrupt officials and their immediate family members.

#### *Political Situation and Latin America Protests*

*Question.* Latin America is experiencing a wave of changes in the geopolitical landscape, including elections in Argentina, an interim government in Bolivia, and protests in countries from Chile to Nicaragua. President Bolsonaro has called the protests in Chile, Colombia, and beyond "terrorist acts," and asked the National Congress for the authority to use the military to stop any violence that might arise. On the other hand, former Brazilian president Luiz Inacio Lula da Silva has actually encouraged his followers to "follow the example of the people of Chile [and] Bolivia."

- How concerned are you that a large protest movement could develop in Brazil?

*Answer.* Freedom of expression is indispensable to a vibrant, functioning democracy, as is the ability to debate and protest peacefully. Brazil's democratic institutions are strong, especially its vigorous free press, organized civil society, and independent judiciary, but also its electoral process. Brazil has a long history of peaceful public and civil society activism that has often promoted beneficial change within the country.

*Question.* How do you anticipate Bolsonaro would respond to unrest?

*Answer.* Brazil's democratic institutions, free press, organized civil society, and independent judiciary have demonstrated integrity and independence in their efforts to uphold human rights. Self-expression through elections and peaceful public assembly remains a vital aspect of human rights in a democratic society, and those in Brazil have exercised their rights of freedom of expression, peaceful assembly, and for citizens, their right to vote both before and after the election of President Bolsonaro last year. I have no reason to anticipate that President Bolsonaro would act in any way which is not fully consistent with Brazilian laws and security norms.

*Question.* If confirmed, how will you promote human rights in Brazil and in the hemisphere more broadly?

*Answer.* The Department of State is vigilant in promoting respect for human rights around the world and the United States condemns any violations or abuses of human rights. As the two largest democracies in the hemisphere, Brazil is a valued partner in advancing human rights regionally. I have shown throughout my career that I strongly support human rights and fundamental freedoms, and if confirmed, I will promote these fundamental American values at the highest levels.

*Question.* While Bolsonaro was member of Congress, Human Rights Watch argues that he endorsed torture and other abusive practices, and unapologetically made openly racist, homophobic and misogynist statements. A poll conducted in 2018 by the Pew Research Center found that 83% of Brazilians were not satisfied with the way democracy was working in their country. How do you anticipate President Bolsonaro's concerning human rights record has, and will continue to, impact bilateral relations?

*Answer.* As the two largest democracies in the hemisphere, the United States and Brazil are deepening our cooperation across a range of areas, including promoting human rights and fundamental freedoms. Brazil's democratic institutions, especially its vigorous free press, organized civil society, and independent judiciary, have demonstrated integrity and independence in upholding human rights. Secretary of State Pompeo raised the issue of human rights with Brazilian Foreign Minister Ernesto Araujo during his January 2019 visit to Brazil, and the Minister reaffirmed Brazil's commitment to defending human rights.

*Question.* If confirmed, how will you seek to address concerns surrounding Bolsonaro's commitment to democracy and human rights?

*Answer.* If confirmed, I look forward to meeting with representatives of civil society and government regarding human rights issues. We will continue to stay true to our values and principles and speak out on the issues that are important to U.S. foreign policy and to us as a nation.

#### *Environment*

*Question.* I am very concerned with President Bolsonaro's apparent disregard for the Amazon rainforest. In September, I, along with many of my Senate colleagues, sent one letter to William Popp, the current Charge d'Affaires in Brazil, and a second letter to Secretary Pompeo, Secretary Mnuchin, and Administrator Green requesting a more substantial response to the fires there. The Amazon rainforest in Brazil lost an area about 12 times the size of New York City from August 2018 through July of this year, according to data recently released by Brazil's National Institute for Space Research. I am also extremely concerned at reports of indigenous communities being harmed in their attempts to protect the rainforest.

- If confirmed as Ambassador, how high would you rank efforts to reduce deforestation in the Amazon and decrease greenhouse gas emissions among your other priorities for Brazil?

*Answer.* Brazil and the United States face very similar environmental challenges and have been collaborating and sharing our experiences and best practices. The Department's Bureau of Oceans and International Environmental and Scientific Affairs (OES) works with our technical agencies to address environmental challenges, including the environmental impact of projects, water quality, wildfires, protecting nature, and combatting wildlife trafficking. Examples include the EPA, the U.S. Geological Survey, U.S. Forest Service, U.S. Fish and Wildlife Service, and NOAA. If confirmed, I look forward to continuing this constructive engagement with the Brazilian government, civil society, Amazon communities, and the private sector.

*Question.* How could the United States and Brazil enhance bilateral cooperation on environmental issues, especially considering the U.S. withdrawal from the Paris Climate Accords?

*Answer.* The Department of State, USAID, and other U.S. government departments and agencies provide funding to help partners around the world address deforestation and wildfires through ongoing programs, including technical partnerships in Brazil. The United States continues to work with Brazil on investment in healthy forests, creating incentives to protect these critical natural resources. Brazil and the United States are both active parties to several multilateral environmental agreements such as the U.N. Framework Convention on Climate Change, the International Convention for the Regulation of Whaling, and the Convention on the International Trade in Endangered Species. If confirmed, I look forward to continuing this important work.

*Question.* How should Brazil be held accountable for abuses against environment defenders and for not conserving the Amazon if, as the Brazilian government claims, the area would be best used for economic development?

*Answer.* Our ongoing work in the Amazon region strategically leverages private sector resources and innovation in developing partnerships with government, private sector, and civil society to achieve shared objectives. For example, USAID has a multi-year, \$80 million bilateral agreement, the Partnership for Conservation of Amazon Biodiversity (PCAB). The PCAB has strengthened management of 66 protected areas covering 37 million hectares in the Amazon. The United States has also convened key actors to organize a new private sector led \$100 million biodiversity-focused impact-investment fund for the Brazilian Amazon, which was launched in November 2019.

#### *Trade and Bilateral Relations*

*Question.* Jair Bolsonaro was nicknamed the “Trump of the Tropics” during his Presidential campaign. While in office, he has made it a priority to foster a close relationship with President Trump and has attempted to align Brazil’s foreign policy with that of the U.S. However, earlier this month, President Trump turned his trade war toward Brazil by announcing that he would reinstate tariffs on aluminum and steel imports from the country.

- How has the announcement impacted bilateral relations? When do you expect the tariffs to take effect? What other ramifications of this announcement do you anticipate?

*Answer.* Brazil and the United States share a significant and growing economic relationship that promotes prosperity in both our countries. The United States is working with President Bolsonaro’s government to enhance the prosperity of both our countries, seeking deeper trade and investment in energy, agriculture, technology, healthcare, and infrastructure. The administration continues to promote fair and reciprocal trade globally. Recognizing the importance of the steel and aluminum industries for both our countries, and the strategic bilateral relationship between the United States and Brazil, President Trump announced he would not impose tariffs on steel and aluminum imports from Brazil.

*Question.* How does this announcement impact the near-term prospects for concluding a formal agreement such as a bilateral investment treaty or a free trade agreement with Brazil?

*Answer.* The United States traded \$103 billion worth of goods and services in 2018. The United States is the top destination for Brazilian exports of valued-added manufactured goods. Our countries benefit from tens of billions of dollars in direct investment in both directions, which supports thousands of jobs. And foreign direct investment is substantial—the total stock of Brazilian direct investment in the United States is valued at \$39.8 billion (2018, UBO, Commerce, BEA) and the total stock of U.S. investment in Brazil is valued at \$68.3 billion (2017, FP). Other agencies, including USTR and Treasury, hold dialogues with Brazilian counterparts on trade and tax matters, respectively, which the State Department participates in. If confirmed, I look forward to continuing to expand our commercial and investment partnership in the coming years.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO HON. TODD C. CHAPMAN BY SENATOR TED CRUZ

*Question.* The Tri-Border Area, formed by Paraguay, Argentina, and Brazil, is a safe-haven for organized crime and terrorist groups, including Hezbollah. As you know, Hezbollah has been designated a terrorist organization by the United States, Argentina, and, most recently, Paraguay. I have urged the Secretary of State to call on the Tri-Border Area countries to blacklist Hezbollah. Soon after, on the 25th anniversary of the AMIA bombing—when the Iranian-backed group carried out an attack on the Jewish community center in Buenos Aires—Argentina formally designated Hezbollah a terrorist organization. Paraguay followed suit and labeled Hezbollah less than a month later:

- In your view, what is Hezbollah’s operational role in Brazil?

*Answer.* While Hizballah has not conducted terrorist attacks in Brazil, there is concern that Hizballah financiers, facilitators, and sympathizers have been active in Brazil. Actions include soliciting donations from sympathizers in the sizable Middle Eastern and diaspora communities in the region and participating in activities like

trade-based money laundering (TBML) in the Tri-Border Area (TBA). Brazil arrested Hizballah financier Assad Ahmad Barakat in September 2018, and he continues to await extradition to Paraguay. The TBA hosts a multi-billion-dollar contraband trade that includes money laundering, arms and narcotics trafficking, TBML, smuggling, counterfeiting, and tax evasion. Some of the laundered funds reportedly benefit Hizballah, but the magnitude of TBA money that finances terrorist operations is unclear.

*Question.* Can you commit to this committee that you will work with your counterparts toward designating Hezbollah as a terrorist organization?

Answer. Absolutely. Hizballah actively engages in the development of infrastructure that can support terrorist activities and associated criminal schemes throughout the Western Hemisphere. Financiers, facilitators, and sympathizers of Hizballah operate throughout the region, including the tri-border area (TBA) of Argentina, Brazil, and Paraguay. This dynamic is becoming increasingly understood throughout our Hemisphere, and as Brazil's neighbors one by one continue to designate Hizballah, there are fewer and fewer excuses for Brazil to refrain from doing so. We will not only continue to engage with Brazil, but also assist Brazil in establishing an effective domestic designations regime enabling Brazil to freeze the assets of terrorist actors and entities.

*Question.* At the July 2019 Western Hemisphere Counterterrorism Ministerial, there was agreement by the United States, Argentina, Brazil, and Paraguay to establish a new regional security initiative to address the threats and gaps that transnational illicit actors, including terrorists groups, are exploiting:

- This is welcome news. How do you plan to keep this momentum going in order to address and target such illicit activity? What role can the U.S. play in coordinating efforts to thwart transnational crime and terrorist-financing networks operating in the Tri-Border Area?

Answer. We work in three areas to combat Transnational criminal organizations (TCOs): operations, capacity building, and policy, where we engage to promulgate the effective implementation of the international standards on Anti-Money Laundering/Combating the Financing of Terrorism (AML/CFT). Ongoing initiatives with Brazil and its neighbors include the U.S.-Brazil Permanent Security Forum, which facilitates law enforcement cooperation, training and mentoring. Arrests and seizures have increased, information is shared more quickly, and domestic interagency collaboration has improved, including a new fusion center in the Brazil-Argentina-Paraguay tri-border area (TBA). These efforts strengthen compliance with international standards and obligations, as well as increase investigations, prosecutions, and convictions. U.S.-implemented workshops have resulted in several arrests and extraditions of money launderers and Hizballah supporters.

#### *U.S.-Brazil Space Cooperation*

*Question.* The United States and Brazil are seeking to strengthen our bilateral commercial relationship—and there is much to be optimistic about, particularly the new bilateral commercial space launch agreement, which was signed earlier this year, and ratified by Brazil's Senate last month. This agreement opens the door for new opportunities and advanced technologies transfers in both the civil and commercial space sectors. However, I remain concerned that confusing and burdensome U.S. bureaucracy and export controls are driving Brazil into the arms of China and Russia at a crucial moment as they are, no pun intended, trying to get their space program off the ground:

- If confirmed how will you work to foster and grow the U.S.-Brazil space relationship?

Answer. In recognition of the growing economic and strategic importance of outer space activities and technologies, we are expanding our cooperation with Brazil. The recent Brazilian ratification of the Technology Safeguards Agreement (TSA) is a major step forward. This agreement will unlock commercial opportunities for U.S. space companies—including satellite and rocket launches in Brazil—as well as opening the door for other space-related cooperation between U.S. and Brazilian space companies. If confirmed, I will ensure our Mission to Brazil remains actively engaged with the Brazilian government as well as the U.S. interagency to ensure U.S. space companies do not miss the opportunity to become the partner of choice for Brazil's nascent space program.

*Question.* What can you do, and what will you commit to doing, to make it easier for U.S. commercial space companies to operate in Brazil and, conversely, for the

government of Brazil and Brazilian businesses to view the U.S. as the default partner on all things space?

Answer. As Ambassador, I would work closely with the Commerce Department's Foreign Commercial Service, and other interagency partners, to maintain open lines of communication with U.S. commercial space companies to address obstacles to investment and help facilitate U.S. company commercial success in Brazil. I will also work with Brazil to support their efforts to ensure that the Alcantara facility—which, following the recent ratification of the Technology Safeguards Agreement (TSA), now has authorization to host U.S. satellite launches—has the necessary infrastructure to make it an attractive option for U.S. companies.

*Countering China's Investment in Brazil*

*Question.* As you know, China is Brazil's number one trading partner. President Bolsonaro has previously said "China isn't buying in Brazil. China is buying Brazil."

- I have deep concern that Brazil, who is now a major non-NATO ally, will be lobbied by China's Huawei to build a 5G network. Do you share this concern? And if so, are you committed to working with your colleagues to convey to Brazilian counterparts the national security risks of accepting Chinese-manufactured telecommunications equipment, and 5G technology from Huawei?

Answer. The Department of State is actively engaging governments, including Brazil, to support informed decision-making when procuring new technologies, bearing in mind information and communications technology (ICT) networks are an attractive target for foreign adversaries and malicious actors. The United States is working with partners and allies to raise awareness about the true costs and implications of using untrusted telecom equipment vendors, which include widespread national security risks and interoperability issues, as well as ways procurement decisions today can have serious long-term impacts. We work closely with Brazil on digital economy and cybersecurity issues and how best to advance our shared values and will continue to do so.

*Question.* Most recently, two Chinese companies won rights to develop major offshore oil deposits in an auction last month that was reportedly very limited to other foreign companies. How would you characterize the current relationship between Brazil and China?

Answer. Like all major global economies, Brazil has a complex relationship with China. President Bolsonaro and Foreign Minister Araujo have publicly expressed some skepticism of China but China is also Brazil's largest trading partner and in recent years one of its most significant sources of foreign investment. Over 90 percent of Brazilian exports to China are for a few commodities (soy, petroleum, metal ore, and wood pulp), while high-value Brazilian exports to China have declined in recent years. Meanwhile, China exports many industrial and household goods to Brazil, threatening a number of Brazilian industries since China was admitted into the WTO in 2001. China's often predatory and non-transparent behavior in Brazil and other parts of the region is a serious concern. With very low domestic savings and investment, most Brazilian economists advocate welcoming any form of FDI, including large investments in Brazil's electricity infrastructure. We also have shared with Brazil our experiences on national security screening of foreign investment (CFIUS) and encouraged the Brazilian government to develop a similar screening mechanism.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO HON. TODD C. CHAPMAN BY SENATOR EDWARD J. MARKEY

*Climate Science Special Report*

*Question.* The United States Global Change Research Program issued a Climate Science Special Report as part of the Fourth National Climate Assessment, developed in conjunction with the Department of Transportation and 12 other federal agencies. This report concluded that "human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century."

- Do you agree with this finding?

Answer. I have no reason to take fault with the findings of the Climate Science Special Report of the Fourth National Climate Assessment. The Department of State is one of thirteen federal agencies that participate in the United States Global Change Research Program. Climate change is one of many complex global chal-

enges. The United States is a world leader in protecting the environment and in reducing greenhouse gas emissions. If confirmed, I will support these efforts via a balanced approach that promotes economic growth and improves energy security while protecting the environment.

#### *The Amazon Rainforest*

*Question.* The Amazon rainforest is approximately as large as the contiguous United States—the largest tropical rainforest in the world and the home of around a tenth of the planet’s biodiversity. The health of the Amazon is critical to the global climate, to indigenous groups who depend upon its resources, and to the unique flora and fauna living in the rainforest ecosystem. Around 65 percent of the Amazon rainforest is within Brazil’s borders:

- If confirmed, would you commit to encouraging the Brazilian government to enforce its rainforest conservation laws?

*Answer.* Yes, if confirmed, I will work with the Brazilian government to assist in efforts to conserve the Amazon, including by supporting Brazilian efforts to enforce its laws to protect the region.

*Question.* If confirmed, would you support Brazilian and international civil society efforts to keep the public informed about deforestation, wildfires, and unsustainable exploitation?

*Answer.* If confirmed, I look forward to meeting with representatives of Brazilian and international civil society, in addition to indigenous groups, the press, the Brazilian government, and other stakeholders, regarding these issues and to ensure the public is properly informed.

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#### RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO JOHN HENNESSEY-NILAND BY SENATOR BENJAMIN L. CARDIN

#### *Human Rights*

*Question.* What are your most meaningful achievements to date in your career to promote human rights and democracy?

*Answer.* My most meaningful achievements to date came during my secondment heading a team working to obtain prosecutions at the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. In this position, I advanced human rights and justice for atrocity crimes—a role that reflected the best of American values. If confirmed, I will promote these values in Palau as well.

*Question.* What has been the impact of your actions?

*Answer.* As a result of my work and the work of other seconded U.S. government colleagues with the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, the United States demonstrated U.S. commitment to international law and the rule of law. Our work resulted in multiple convictions for war crimes, bringing justice on behalf of countless victims.

*Question.* What are the most pressing human rights issues in Palau?

*Answer.* As stated in the most recent Department of State Human Rights Report, there were no reports of egregious human rights abuses in Palau. The government took steps in 2018 to prosecute officials who committed abuses, although it did not punish any officials for involvement in human trafficking offenses. Gender-based violence remains a challenge. The most recent government-sponsored research project on violence against women indicated that approximately 35 percent of women had experienced physical or sexual violence, or both, since the age of 15. There are no shelters for victims of rape and domestic violence.

*Question.* What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Palau?

*Answer.* If confirmed, I will work through advocacy, outreach programs, and cooperation with local NGOs to address corruption and violence against women, and to increase women’s political and economic participation. I will work closely and constructively with government officials and civil society actors in order to particularly address the issue of trafficking in persons. These priorities are consistent with the five program areas of the Indo-Pacific Transparency Initiative, part of the Governance Pillar of our vision for a free and open Indo-Pacific, which focus on anticorruption and fiscal transparency, democracy assistance, youth and emerging

leader development, media and internet freedom, and fundamental freedoms and human rights.

*Question.* What do you hope to accomplish through these actions?

Answer. If confirmed, I will work to leverage available resources, including working with other embassies, international organizations, and local NGOs, to prevent and respond to gender-based violence and corruption. I will look for opportunities to strengthen current programs for judicial and law enforcement training. I will also work to increase political and economic participation for women.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response?

Answer. Both corruption and gender-based violence remain challenges. Palau's limited government resources and small population (under 20,000) make it difficult to establish domestic violence shelters and dedicate additional resources to address gender-based violence. If confirmed, I will work to leverage available resources, including with other embassies, international organizations, and local NGOs, to prevent and respond to gender-based violence and corruption.

*Question.* What challenges will you face in Palau in advancing human rights, civil society, and democracy in general?

Answer. Palau's limited government resources and small population (under 20,000) make it difficult to advance some of these priorities. If confirmed, I look forward to engaging civil society and the government of Palau to advance human rights and democracy, in line with the Indo-Pacific Transparency Initiative. As enshrined in our Compact of Free Association, we share many of the same values as Palau, and I will draw on this strong and long-standing partnership.

*Question.* Are you committed to meeting with human rights, civil society, and other non-governmental organizations in the U.S. and with local human rights NGOs in Palau?

Answer. Yes. I am committed to meeting with human rights, civil society, and other non-governmental organizations in the U.S. and Palau. Obtaining the views of civil society is essential to understanding local conditions, supports democratic institutions and respect for human rights, and informs U.S. foreign policy. Supporting a rules-based and transparent order that advances democratic governance and empowers civil society is a key goal of the administration and is enshrined in our vision for a free and open Indo-Pacific. If confirmed, I will continue the embassy's strong engagement with civil society.

*Question.* If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

Answer. Palau does not have a military of its own. Under the Compact, the United States has full authority and responsibility for security and defense matters in or relating to Palau. To the extent U.S. assistance is provided to Palau's law enforcement units, I am committed to the effective implementation of the Leahy Law.

*Question.* Will you and your embassy team actively engage with Palau to address cases of key political prisoners or persons otherwise unjustly targeted by Palau?

Answer. There were no reports of political prisoners or detainees in Palau. Should such a situation arise, I would, if confirmed, bring U.S. concerns to the attention of the government at the highest levels.

*Question.* Will you engage with Palau on matters of human rights, civil rights, and governance as part of your bilateral mission?

Answer. Yes. If confirmed, I will work with Palau to engage on matters of human rights and fundamental freedoms, and governance. I would also seek to exchange best practices between our governments. Good governance is a core pillar of the U.S. vision for a free and open Indo-Pacific. As part of the Indo-Pacific Transparency Initiative, the United States, with allies and partners, will promote just, transparent, and responsive governance through anti-corruption efforts while encouraging strong civil society and honest business practices. If confirmed, I will work with Palau to create the conditions needed to unlock greater private investment, combat corruption, and secure Palau from malign foreign influence. I would continue to promote transparency, openness, rule of law, and the protection of human rights and fundamental freedoms.

*Diversity*

*Question.* Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity.

- What will you do to promote, mentor, and support your staff that come from diverse backgrounds and underrepresented groups?

*Answer.* If confirmed, I would make strong mentoring relationships an integral part of the Embassy culture for all staff, including those from diverse backgrounds and underrepresented groups. I will promote initiatives that support employee engagement, job satisfaction, leadership development, increased teamwork, and inclusion. It is my expectation that by doing so, workplace diversity, employee retention, productivity, and morale will all improve.

*Question.* What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

*Answer.* If confirmed, I will meet with the direct hire and local staff in the Mission to determine whether there are areas where inclusivity is perceived as lacking, review our Human Resources processes to determine where and how we can mitigate unconscious biases, and provide access to training that will support these efforts. Based on the information gathered during my meetings, I would work with my team to put a plan in place to correct any weaknesses or gaps. I will work to create an embassy environment that fosters inclusion, including by modeling this behavior and setting clear expectations for supervisors about the importance of inclusion.

*Conflicts of Interest*

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* I commit to comply with all relevant federal laws, regulations, and rules, and to raise concerns that I may have through appropriate channels, including required reporting to the Office of the Inspector General.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* I commit to comply with all relevant federal laws, regulations, and rules, and to raise concerns that I may have through appropriate channels, including required reporting to the Office of the Inspector General.

*Question.* Do you or do any members of your immediate family have any financial interests in Palau?

*Answer.* My investment portfolio includes diversified mutual funds that may have investments in companies in Palau; however, these funds are exempt from the conflict of interest rules. My investment portfolio also includes financial interests in companies that may maintain a presence in Palau. I am committed to ensuring that my official actions will not give rise to a conflict of interest. I will divest my interests in any investments the State Department Ethics Office deems necessary in the future to avoid a conflict of interest and will remain vigilant with regard to my ethics obligations.

*Corruption*

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Palau specifically?

*Answer.* Corruption undermines democratic governance and the rule of law, including in Palau. The law provides criminal penalties for corruption by officials, but officials sometimes engage in corrupt practices with impunity. This criminal behavior erodes public confidence in institutions and systems of governance and impedes achievement of our vision for a free and open Indo-Pacific. Palau can only reach its full potential if we make efforts to end these corrupt practices. If confirmed I will fully support efforts to end corrupt practices.

*Question.* What is your assessment of corruption trends in Palau and efforts to address and reduce it by that government?

*Answer.* As stated in the Department of State's Human Rights Report, there are isolated cases of government corruption in Palau, and the government takes steps



to address them. The law provides criminal penalties for corruption by officials. The government requires elected and some appointed public officials to file annual financial disclosure statements; candidates for office must file a similar statement with the Ethics Commission. In Palau and elsewhere, corruption erodes public confidence in institutions, systems of governance, and impedes achievement of the goals of our vision for a free and open Indo-Pacific. Palau can only reach its full potential if we make efforts to end these corrupt practices.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Palau?

*Answer.* If confirmed, I will work closely with the government of Palau, civil society, and U.S. law enforcement to strengthen good governance and anticorruption efforts. I will work with allies and like-minded partners to coordinate our efforts on these important issues. Through funding for USAID on governance under the Indo-Pacific Strategy, including the Indo-Pacific Transparency Initiative, I will work to ensure these programs are implemented to maximum effect in Palau. I will also work closely with interagency partners to ensure that U.S. taxpayer resources are used for their intended purpose.

#### *Extending U.S. Assistance Beyond 2023*

*Question.* U.S. officials recently travelled to the Freely Associated States to discuss preparations for formal negotiations to extend economic assistance beyond 2023 for the Marshall Islands and Federated States of Palau and 2024 for Palau.

- What was discussed in these meetings?

*Answer.* I was not involved in these meetings but if confirmed, I look forward to working closely with the government of Palau and the key U.S. government agencies who will provide input into the Compact Review discussions with Palau.

*Question.* What are the main areas of concern for U.S. and Palau officials?

- Please discuss areas of Compact assistance that might be considered for change after 2024.

*Answer.* Since the entry into force of the Compact in 1994, the United States has provided over \$700 million in direct assistance and investment to Palau. The U.S. investment in Palau under the Compact, and numerous other federal programs, has provided funds for essential government operations, law enforcement, infrastructure development, weather pattern monitoring, immunizations and health screenings, scholarships for higher education, and postal services. Our relationship is broad and enduring. Our Compact with Palau took effect in 1994. It does not have a termination date and requires our governments to formally review its terms, and its related agreements, on the 15-year, 30-year, and 40-year anniversaries of the effective date of the Compact. Following Secretary Pompeo's announcement regarding agreements to amend the Compacts during his August 2019 visit to the Federated States of Micronesia, the Department has begun to engage Palau on Compact Review discussions.

*Question.* What are the rationales behind such considerations?

*Answer.* Our relationship with Palau is wide-ranging. Compact Review discussions are mandated to occur on the 15-year, 30-year, and 40-year anniversaries of the effective date of the Compact, and require the formal review of the terms of the Compacts and its related agreements. It requires that the governments of the United States and Palau consider the overall nature and development of the relationship between the United States and Palau, and consideration of the operating requirements of Palau and its progress in meeting certain development objectives.

#### *U.S.-Palau Compact Review Agreement—Funding Delay*

*Question.* Although the United States and Palau concluded the U.S.-Palau Compact Review Agreement, which extended economic assistance for another 15 years, in 2010, Congress did not fully fund the agreement until FY 2018.

- What was the impact in Palau of the delay in full funding?

*Answer.* Our commitment to the Freely Associated States, including Palau, is steadfast. Our partners and allies are aware that this funding was subject to our appropriations process.

*Question.* Will the past delay affect Palau's positions in bilateral negotiations for the possible extension of economic assistance after 2024?

*Answer.* The United States has spent approximately \$3.5 billion in the Freely Associated States over the past 25 years, which reflects the support of the American people for the Freely Associated States, including Palau. Our partners and allies are

aware that any potential additional future funding for the Freely Associated States would be subject to our appropriations process.

*Climate Change*

*Question.* Palau President Tommy Remengesau stated, “Climate change is really the biggest threat to our food security, our economic security, our cultural and social way of life, and the security that we enjoy as island people.” As a party to the 2015 Paris Agreement on reducing greenhouse gas emissions, Palau pledged to take actions to increase energy efficiency and reduce carbon emissions by half between 2020 and 2025.

- What assistance is the United States providing to address climate issues in Palau?

*Answer.* The United States recognizes that addressing environmental degradation and climate change is a priority for Pacific Island countries due to the threat posed by sea level rise and the region’s vulnerability to natural disasters.

We have long been engaged in supporting disaster risk reduction programs aimed at saving lives and reducing the impact of disasters worldwide, including in Palau.

The Department of State, working with interagency partners, recently committed \$10 million to provide support for disaster resilience and weather forecasting, and to address environmental challenges, in the Indo-Pacific region.

If confirmed, I look forward to assisting Palau to build resilience, protect its natural resources, and more effectively respond to natural disasters.

*Question.* What elements of Palau’s climate action plan, which Palau submitted to the U.N. in November 2015, can the U.S. and other partners engage in as part of broader assistance efforts?

*Answer.* The Department works closely with likeminded partners on a range of issues, including resilience. Japan and Taiwan have missions in Palau and Australia just opened a mission in 2019. In addition, USAID will soon expand its staff presence in the Pacific region, including in Palau. If confirmed, I look forward to working with both interagency and international partners to assist with the Pacific priority of addressing environmental degradation and climate change.

*Maritime Law Enforcement*

*Question.* The United States is currently working with Palau to improve its maritime law enforcement capabilities, including the deterrence of illicit drug trafficking, illegal migration, and protection of sovereignty of their exclusive economic zone.

- What other opportunities are there for the United States engage with Palau to enhance our shared national security interests?

*Answer.* The United States has full authority and responsibility for security and defense matters in or relating to Palau. In addition, there is a wide range of other opportunities, from maritime law enforcement to human rights and democracy, for working closely with Palau to enhance our shared interests. Through the Global Defense Reform Program, we will embed an advisor with Palau’s maritime law enforcement agency to enhance maritime governance and security. If confirmed, I will work with the government of Palau, as well as the citizens of Palau, to deepen our strong, unique, and historic relationship and enrich our people-to-people ties.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO DOROTHY SHEA BY SENATOR ROBERT MENENDEZ

*Economic Stability*

*Question.* It has now been two months since protests swept across Lebanon, with a cross-section of the Lebanese people calling for an overhaul of the country’s political system. Lebanon is facing an economic catastrophe, created in part by the very same corruption that drove the protestors out into the street.

- What steps can the United States take to help stabilize the situation in Lebanon without undermining the legitimate concerns and goals of the protestors?

*Answer.* Lebanon’s potential can only be realized if and when the government implements long overdue reforms. The United States has urged Lebanese leaders to put aside partisan interests, act in the national interest, and commit to and undertake meaningful, sustained reforms. The Department has called on Lebanon’s government and security services to guarantee the rights and safety of the protestors. The Department will also continue to strengthen Lebanon’s institutions, such as the

Lebanese Armed Forces (LAF), and provide development and economic assistance in areas that can improve the lives of everyday Lebanese like workforce enhancement, good governance, social cohesion, the delivery of basic services, and economic growth.

*Question.* What steps can the United States take whether unilaterally or alongside the international community to alleviate the deteriorating economic situation in Lebanon?

*Answer.* One of the most important things Lebanon can do to stabilize the economic situation and regain the confidence of domestic and international investors is to have its leaders commit to and undertake meaningful, sustained reforms. The United States has stressed this message unilaterally and as part of the international community. The United States will continue its long-standing partnership with the Lebanese people. USAID allocated \$117.5 million in FY 2019 Economic Support Funds to support initiatives in Lebanon that promote workforce development, good governance, social cohesion, delivery of basic services, and economic growth. The Department is also providing humanitarian assistance to help Lebanese communities most in need.

*Question.* What reforms do you think will be the most critical for the Lebanese government to make?

*Answer.* The United States and the international community are ready to help Lebanon develop economic prosperity and good governance, but we need a credible commitment to reform. Reforms that can improve government revenue and lower government spending, such as reforms of the electric sector and customs, remain important. In April 2018, Lebanon committed to pass a series of important reforms at the CEDRE conference, including (1) increasing public investment, (2) fiscal adjustment, (3) structural and sectoral reforms, and (4) an economic diversification strategy. Those all remain areas for work today.

*Question.* What tools the United States have to support efforts to improve the delivery of basic services?

*Answer.* USAID programming in Lebanon includes initiatives to improve basic services, especially those that have been strained by the influx of more than one million Syrians. USAID programs improve the capacity of regional water authorities, and strengthen Lebanon's public schools by training teachers, improving reading skills, and improving access to education for vulnerable Lebanese and Syrian refugees. In addition, USAID supports municipalities in delivering essential services to meet the needs of local communities.

*Question.* Will you commit to expeditiously utilizing the economic tools and foreign assistance that Congress has appropriated?

*Answer.* Yes. If confirmed, I commit to expeditiously utilizing the economic tools and foreign assistance appropriated by Congress to advance U.S. objectives.

#### *U.S. Regional Security Interests*

*Question.* Components of United States policy in Lebanon support regional policy objectives including countering Iran's destabilizing activities including its support for Hezbollah, countering terrorism from the Islamic State, Al-Qaeda and its affiliates, and support our allies including Israel.

- How will you engage with Lebanon's political and civil society leaders in order to continue to promote United States foreign policy objectives for the region?

*Answer.* If confirmed, I will engage with Lebanese government representatives, political and civil society leaders, and the Lebanese people to promote U.S. objectives. As I noted in my testimony, at the core of our interests in Lebanon are efforts to ensure a stable and prosperous nation with which the United States can partner to advance security interests in the country and region. Working with the international community and the Lebanese people to address the country's now faltering stability is critical to ensuring success in our efforts to defeat ISIS, foster regional stability, and counter Iran's destabilizing influence in the region.

#### *UNIFIL*

*Question.* On August 29, 2019, the U.N. Security Council adopted Resolution 2485, extending the mandate of the United Nations Interim Force in Lebanon (UNIFIL) for another year. Since 2006, UNIFIL's mandate has included accompanying and supporting the Lebanese Armed Forces as they deployed throughout southern Lebanon, helping to ensure humanitarian access to civilian populations, and taking steps toward establishment of "an area free of any armed personnel, as-

sets and weapons other than those of the government of Lebanon and of UNIFIL” in its area of responsibility.

- What is your assessment of UNIFIL’s performance in Lebanon, specifically its efforts to carry out its mandate under UNSCR 1701?

Answer. UNIFIL has helped maintain relative stability in southern Lebanon, especially through its liaison activities. The United States remains concerned, however, that UNIFIL continues to be prevented from fully implementing its mandate. The Department has urged the U.N. to increase its reporting on, and ability to monitor and verify implementation of, the arms embargo. The Department also continues to press Lebanese civilian leadership to facilitate UNIFIL’s unimpeded and timely access to the entire Blue Line, including Green Without Borders sites, areas deemed private property, and all other areas relevant to implementation of and consistent with UNIFIL’s mandate.

*Question.* What steps will you take to help ensure UNIFIL is fulfilling its mandate?

Answer. UNSCR 1701 called for a cessation of hostilities between Israel and Hizballah and no supply of arms to Lebanon without Lebanese government authorization. The cessation of hostilities was premised on a long-term solution which included the disarmament of armed groups in Lebanon. If confirmed, I will continue U.S. efforts to urge the U.N. and UNIFIL’s leadership to do more to report on violations of UNSCR 1701, and urge the Lebanese government to provide UNIFIL access to all areas along the Blue Line, including border tunnels and areas from which Hizballah has launched anti-tank missiles.

#### *Lebanese Armed Forces FMF*

*Question.* Recently, the Trump administration released the \$105 million in FMF for Lebanon that Congress appropriated. However, I believe it is important that Congress have an understanding why the release of funds it appropriated was delayed. While there are concerns about Lebanese Armed Forces’ (LAF) relationship with Hezbollah, I understand that the interagency, with the exception of OMB was in consensus that FMF to support the LAF serves U.S. national security interests. Furthermore, as shown by Secretary Pompeo’s release of Ukraine FMF over the objections of OMB, the State Department can release funds in spite of OMB objections.

- If confirmed, what steps will you take to ensure the responsible delivery of funds to Lebanon deemed Congress has assessed as necessary for protecting U.S. national security interests?

Answer. U.S. foreign policy is optimized when there is communication and collaboration between the executive and legislative branches of government. If confirmed, I pledge to continue our cooperation on these issues, and I will work through the interagency and with Congress to ensure the delivery of appropriated funds to Lebanon.

*Question.* Will you work to continue countering Hezbollah influence?

Answer. Yes, if confirmed, I commit to continuing to build on our efforts to counter Hizballah’s influence.

#### *LAF and the Internal Security Forces*

*Question.* The LAF has shown a great deal of improvement and professionalization over the past decade and is increasingly recognized by the people of Lebanon as a genuinely national institution. In contrast, other Lebanese institutions such as the Internal Security Forces (ISF) have yet to fully professionalize. Consequently, the Lebanese government has had to rely on the LAF to fill gaps in internal security missions, further stretching its limited force and budget. While the LAF has exercised restraint in order to protect civilian protestors, reports of the ISF’s use of tear gas, rubber bullets, and water cannons are disconcerting.

- What factors have prevented the Internal Security Forces from achieving the standards of professionalization set by the LAF?

Answer. The Department continue to work with Lebanon’s Internal Security Forces (ISF) to develop and improve its capabilities, including through a five-year strategic plan. Using FY 2019 funds, the Bureau for International Narcotics and Law Enforcement Affairs will continue supporting the modernization and professionalization of the ISF, maintaining the Police Professionalism (EP2) program to train the ISF Gendarmerie Force. During the recent protests, Lebanon’s security forces predominately demonstrated restraint and professionalism in interactions with protestors. The Department has cautioned all sides against the use of

violence or provocative actions and encouraged security services to ensure the right to peaceful protest.

*Question.* How do you anticipate the economic crisis facing Lebanon will impact the LAF's ability to effectively perform its mandate, given its already limited force and budget?

*Answer.* The LAF will continue to execute its mandate in the near-term. The Department remains in contact with LAF leadership and candidly discusses its resource constraints, operational contingency planning, and the various challenges and opportunities faced by the organization. However, given the economic crisis, the international community has underscored to Lebanon's leaders the urgent need for reforms that can stabilize the economy and ensure government revenues.

*Question.* What steps can the United States take to help the Lebanese government professionalize the ISF and transform it into a national institution?

*Answer.* The United States is helping the ISF achieve its five-year strategic plan to improve its professionalism and capabilities. U.S. funding has provided training to over one-third of the ISF, improving their professionalism and public trust. U.S. assistance includes a professional training program for ISF personnel operating in critical areas outside Beirut, developing the ISF training academy, providing specialized training through the FBI, upgrading the ISF's biometric systems, and developing the ISF's IT systems to automate paper-based processes. The Department will continue to work with the ISF to improve its ability to build a stable and secure Lebanon.

#### *Democracy*

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights?

*Answer.* I am proud of my work to promote human rights (HR) and democracy throughout my career, by meeting with HR defenders to understand challenges, reporting same, advocating for governments to respect citizens' rights, and through relevant Embassy programs and outreach. In word and deed, I have worked to promote strong democratic institutions, respect for HR and the rule of law, religious freedom, press freedom, and women's empowerment, and to counter trafficking in persons. As an illustrative example, I contributed to efforts to persuade the government of Egypt (GOE) to resolve "Case 173" convictions of employees of U.S. non-governmental organizations (NGO); and reform its draconian NGO law.

*Question.* What has been the impact of your actions?

*Answer.* I am proud that democracy activists and human rights defenders have felt safe sharing their concerns with my teams and me. They often relied on our convening power, advocacy with foreign governments, and public messaging. In some instances, expressing concern privately with governments about a case or a trend helped bring relief; more concerted pressure has sometimes been instrumental. With regard to the asks mentioned above, international NGO employees who had been convicted for political reasons in "Case 173" were acquitted, and the GOE repealed the draconian NGO law and passed a new version. The Department continues to advocate for more progress.

*Question.* What issues are the most pressing challenges to democracy or democratic development in Lebanon? (These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights and press freedom. Please be as specific as possible.)

*Answer.* Political deadlock and economic weaknesses jeopardize Lebanon's stability, and together, challenge democratic development. Lebanese citizens report that the economic crisis and corruption are the most serious problems facing their country. In addition to concerns about accountable and responsive government institutions, press freedom and freedom of expression are key human rights challenges that, if confirmed, I will seek to address.

*Question.* What steps will you take - if confirmed - to support democracy in Lebanon?

*Answer.* The priority for supporting democracy in Lebanon is to address the people's demands for more accountable, responsive, and transparent governance. If confirmed, I would press Lebanese officials to respond to their citizens' demands, meet with Lebanese activists and civil society to understand their concerns, and review U.S. assistance to ensure it is focused on strengthening key democratic institutions

and protecting the human rights and fundamental freedoms of all individuals in Lebanon.

*Question.* What do you hope to accomplish through these actions?

Answer. My objective would be to build a secure, inclusive, accountable, and economically prosperous Lebanon that remains a regional partner of the United States.

*Question.* What are the potential impediments to addressing the specific obstacles you have identified?

Answer. Political deadlock and endemic corruption and resulting economic weaknesses jeopardize Lebanon's stability, and as a result challenge democratic development. Regional adversaries like Syria and Iran try to maintain their entrenched interests through Hizballah, because accountable, transparent, and rights-respecting governance in Lebanon would threaten their corrupt influence.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

Answer. As part of its programming for 2020, USAID plans to provide targeted support for elections and governance to the Lebanese Supervisory Commission on Elections. Through its support to strengthen municipal services, USAID encourages municipal leaders to involve constituents in identifying projects to improve services and livelihoods. The State Department's Bureaus of International Narcotics and Law Enforcement works to professionalize security services and offers training to the judiciary. Embassy Beirut's public diplomacy initiatives include a focus on the promotion of good governance and democracy.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in Lebanon?

Answer. If confirmed, I commit to continuing my predecessors' tradition of meeting with human rights, civil society and other non-governmental organizations in the United States and in Lebanon. Embassy Beirut routinely meets with local NGOs to learn about alleged human rights abuses and hear their views on how the United States might advance human rights in Lebanon.

*Question.* What steps will you take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

Answer. Civil society in Lebanon is vibrant, and civil society actors contribute to public debate about how the country can best advance its democratic principles. If confirmed, I look forward to meeting with human rights, civil society, and other non-governmental organizations in the United States and in Lebanon. I would encourage the government of Lebanon to fairly and transparently apply the laws governing NGOs and civil society organizations.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties?

Answer. Yes, if confirmed as ambassador to Lebanon, I will commit to meeting with democratically oriented political opposition figures and parties.

*Question.* What steps will you take to encourage genuine political competition?

Answer. Embassy Beirut regularly meets with rights-respecting parties represented in the Lebanese government, a practice I would continue if confirmed as U.S. ambassador. U.S. government assistance to civil society NGOs through democracy and governance programs help create an enabling environment for genuine political competition.

*Question.* Will you advocate for access and inclusivity for women, minorities and youth within political parties?

Answer. Yes, if confirmed, I will engage with Lebanese political parties and advocate inclusion of women, members of minority groups, and youth. Societies benefit from integrating diverse voices into political, economic, and social life.

*Question.* Will you and your embassy team actively engage with Lebanon on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory or other measures?

Answer. Lebanon enjoys an independent press landscape, and the U.S. Embassy in Lebanon regularly meets with the press. That said, I am aware that media outlets and workers face intimidation, censorship, and occasional legal action related

to their work. If confirmed, I would continue the Embassy's engagement on these issues. A free press has a vital role to play in a democratic society and we would express U.S. concerns to the government of Lebanon should it or other actors undermine press freedom.

*Question.* Will you commit to meeting regularly with independent, local press in Lebanon?

Answer. Yes, Embassy Beirut routinely meets with journalists, including those representing independent local press. If confirmed, I commit to doing so, as well.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in the country?

Answer. If confirmed, I will meet with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state actors. Civil society organizations are one of the most useful resources in terms of providing facts to help counter disinformation and propaganda campaigns, including by malign local actors.

*Question.* Will you and your embassy teams actively engage with Lebanon on the right of labor groups to organize, including for independent trade unions?

Answer. As the Department of State's Country Report on Human Rights Practices states, Lebanese law provides for the right of private-sector workers to form and join trade unions, bargain collectively, and strike but does place some important restrictions on these rights. If confirmed, I will continue my predecessors' tradition of meeting with labor rights groups and trade unions in Lebanon and raising concerns about restrictions on their rights with the government.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Lebanon, no matter their sexual orientation or gender identity?

Answer. I am aware that the Lebanese penal code effectively criminalizes consensual, same-sex sexual conduct among adults. If confirmed, I will use my position to defend the human rights of all people in Lebanon, regardless of their sexual orientation or gender identity.

*Question.* What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Lebanon?

Answer. There are no provisions of law providing anti-discrimination protections to lesbian, gay, bisexual, transgender and intersex (LGBTI) persons based on their sexual orientation, gender identity or expression, or sex characteristics. According to the State Department's 2018 Country Reports on Human Rights Practices, official and societal discrimination against LGBTI persons persist. Although human rights and LGBTI organizations acknowledged some recent improvements in detainee treatment, these organizations and former detainees continued to report that ISF officers mistreated LGBTI individuals in custody particularly outside of Beirut. Officials also interfered with or restricted events focused on the rights of LGBTI individuals.

*Question.* What specifically will you commit to do to help LGBTQ people in Lebanon?

Answer. If confirmed, I intend to engage with senior Lebanese officials to emphasize U.S. commitment to protecting LGBTI individuals from unlawful human rights abuses. We will also explore ways to show our support for civil society organizations that advocate for protecting the rights of LGBTI persons.

#### *Responsiveness*

*Question.* Do you commit to respond promptly to all requests for information by Members of this committee?

Answer. Yes, if confirmed, with the understanding that any such response would be organized through the Department of State's Bureau of Legislative Affairs and conducted in accordance with long-standing Department and Executive Branch practice.

*Question.* Do you commit to appear before this committee upon request?

Answer. Yes, if confirmed, with the understanding that any such appearance would be organized through the Department of State's Bureau of Legislative Affairs in accordance with long standing Department and Executive Branch practice.

*Question.* If you become aware of any suspected waste, fraud, or abuse in the Department, do you commit to report it to the Inspector General?

*Answer.* Yes, if confirmed, I will follow all Department rules and regulations as to reporting waste, fraud, and abuse, including notifying the Department's Inspector General when appropriate.

*Administrative*

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting?

*Answer.* Yes.

*Question.* If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

*Answer.* To my knowledge, I have never been named as a responsible management official in any complaint for which there was a finding of discrimination or harassment. I am aware of two EEO matters, one of which was withdrawn and the other was not substantiated. I take EEO and sexual harassment in the workplace seriously, and if confirmed, I will work to ensure that a message of zero tolerance for discrimination, harassment, and misconduct is affirmed from the beginning of my assignment.

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority?

*Answer.* Yes.

*Question.* If so, please describe the outcome and actions taken.

*Answer.* I have immediately addressed any issues involving concerns or allegations of sexual harassment, discrimination or inappropriate conduct raised to me in accordance with the Department of State's policies, including taking disciplinary actions against employees under my supervision. I am aware of an instance where a subordinate acted inappropriately during an ongoing EEO matter. I took the matter seriously and immediately addressed the issue.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government?

*Answer.* Yes, I agree that targeting or retaliation against career employees for these reasons is wholly inappropriate. If confirmed, I will ensure that all employees under my leadership understand their legal protections, and that prohibited personnel practices will not be tolerated.

*Question.* If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

*Answer.* If confirmed, I would ensure that the entire team at the Embassy is aware that I will not tolerate retaliation, blacklisting, or any other prohibited personnel practice. I will also ensure the Management and Human Resources offices at the Embassy know how to identify and prevent prohibited personnel practices. If I learn of any allegations of prohibited personnel practices, I will work with the Office of Inspector General and the Bureau of Human Resources to address the issues as expeditiously as possible, including through disciplinary action when appropriate. Additionally, I will ask the Office of the Legal Adviser and Human Resources about resources that I may provide to Embassy staff in order to ensure that they are aware prohibited personnel practices in Embassy briefings and notices.

*Question.* Will you commit to pressing the case of Amer Fakhoury? Will you ensure that the U.S. Embassy has access to him and press for the Lebanese government to address his case with due process?

*Answer.* The United States is concerned by the detention of U.S. citizen Amer Fakhoury in Lebanon. Ambassador Richard, our Ambassador in Lebanon, monitors his case. The Department is in regular contact with Mr. Fakhoury and the Embassy in Beirut has conducted frequent consular visits throughout Mr. Fakhoury's detention. If confirmed, I will continue to monitor Mr. Fakhoury's case, if it has not been resolved by that time. The administration takes all allegations of mistreatment seri-



ously and whenever we receive credible reports, we raise our concerns directly with the host government at the highest levels.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD  
SUBMITTED TO DOROTHY SHEA BY SENATOR TED CRUZ

*Question.* Do you believe that the United States should provide assistance to any government of Lebanon if that government is controlled by Hezbollah, is unduly influenced by Hezbollah, or has ministries that Hezbollah controls?

*Answer.* The U.S. government works assiduously to prevent the use of U.S. government funds from benefitting individuals or entities associated with terrorist groups, particularly Hizballah. U.S. foreign assistance to Lebanon aims to counter Hizballah's narrative and influence and build the institutions of the Lebanese state. U.S. economic aid is not provided directly to the Lebanese government, but is implemented through NGOs and international organizations. U.S. security assistance provides training and equipment to the Lebanese Armed Forces and Internal Security Forces to build capable and committed partner forces for the United States.

*Question.* Do you believe that the United States should provide assistance to any Lebanese entities in the absence of a sitting Lebanese government?

*Answer.* The "caretaker" status of the Lebanese government should not affect the implementation of USAID programming. Funding is not provided to or through the Lebanese national government. U.S. development and economic assistance to Lebanon is implemented through NGOs and international organizations.

The United States provides training and equipment directly to the Lebanese Armed Forces (LAF) and Internal Security Forces (ISF). The LAF and ISF continue their mandate to provide security in Lebanon while the Lebanese government remains in caretaker status.

*Question.* Please describe the degree to which Hezbollah exercises influence or control over the Beirut-Rafic Hariri International Airport or facilities located within the airport.

*Answer.* The U.S. government is concerned about Hizballah's influence at ports of entry into Lebanon, including the airport. As U.S. Treasury Assistant Secretary Marshall Billingslea stated publicly last September, Hizballah "engages in a wide range of illicit business activities in Lebanon, [that are] well outside the financial sector." Including, he said, "the abuse of the airport and the seaports."

*Question.* Please describe the degree to which Hezbollah exercises influence or control over the Port of Beirut or facilities located within the port.

*Answer.* The influence Hizballah exerts over ports of entry remains of considerable concern and denies the Lebanese people the benefit of customs revenue, significant given the large budget deficits Lebanon faces. To combat Hizballah's influence, the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) designated under Executive Order 13224 Hizballah security official Wafiq Safa, for acting for or on behalf of Hizballah. As head of Hizballah's security apparatus, Safa exploited Lebanon's ports and border crossings to smuggle contraband, facilitate Hizballah travel, and facilitate the passage of illegal drugs and weapons into the seaport of Beirut, routing certain shipments to avoid scrutiny.

*Question.* What percent of U.S. military assistance to Lebanon was used for activities or operations aimed at disarming Hezbollah in 2019? A rough estimate or a range will be sufficient.

*Answer.* U.S. military assistance to the LAF does not focus on direct disarmament, but rather focuses on developing the LAF as an institutional counterweight to Hizballah's influence and freedom of action. Since 2006, the United States has provided over \$2 billion in security assistance to the LAF and ISF. U.S. assistance to the LAF has helped it to increase its ability to act as the exclusive legitimate defender of Lebanon's sovereignty, enabling it to defend Lebanon from violent extremist organizations, including ISIS.

*Question.* What percent of U.S. military assistance to Lebanon was used for activities or operations aimed at disrupting Hezbollah activities short of disarming them in 2019, e.g. through roadblocks? A rough estimate or a range will be sufficient.

*Answer.* With complementary diplomatic efforts, the entirety of U.S. security assistance to Lebanon since 2006 has been an integral part of the Department's strat-

egy to support state institutions and security agencies in order to bolster stability and counter Hezbollah's malign influence in Lebanon and in the region. Over the past several months, the LAF has undertaken a series of security actions, including maintaining security cordons and roadblocks, that have prevented or deterred Hezbollah from intimidating or harming peaceful protesters.

*Question.* You testified on December 17, 2019 that military assistance to Lebanon bolsters American national security because it helps to professionalize the army and provide a counterweight to Hezbollah's claims to be a legitimate part of Lebanon:

- Please describe which parts of Hezbollah's claims have been dissolved due to U.S. assistance since 2006?
- Please describe which parts of Hezbollah's claims remain to be dissolved?
- In your opinion, how much more assistance from the U.S. will be necessary to dissolve these remaining parts of Hezbollah's claims?

*Answer.* According to a December 2019 GAO Report, the LAF's border security and counterterrorism capabilities notably improved from 2013 to 2018, undercutting Hezbollah's long-standing, disingenuous claim that state institutions are not sufficient to protect Lebanon. With the support of U.S. training and equipment, the LAF has defeated ISIS in Lebanon, reasserted control over Lebanese territory along its border with Syria, and increased its presence in southern Lebanon in support of UNIFIL. These improvements undercut Hezbollah's unfounded argument that its weapons are necessary to protect Lebanon's sovereignty. During the recent protests, the LAF helped contain the violence and protect protestors.

*Question.* On December 3, 2019, Principal Deputy Undersecretary Hood testified that the LAF hasn't moved to disarm Hezbollah pursuant to their obligations under U.N. Security Council resolution 1701 because the government of Lebanon has not directed them to do so:

- Do you agree with that assessment?
- If so, why do you believe the Lebanese government has not ordered the LAF to disarm Hezbollah?
- Please describe the degree to which you believe the LAF is under the authority of Lebanon's civilian government.
- Please describe the degree to which you believe the LAF is independent of Lebanon's civilian government.

*Answer.* The LAF's leadership acts to fulfill its mission under the guidance of Lebanon's civilian leadership. It is unlikely the LAF, which responds to the civilian authorities in Lebanon, would be ordered to disarm Hezbollah by force.

*Question.* In recent weeks, the world has witnessed horrifying videos and images of Lebanese security forces beating peaceful protesters and dissidents. Those forces have included personnel drawn from security institutions supported by the United States:

- Are you concerned that these videos and images have undermined our efforts to dissolve Hezbollah's narrative?
- Has the State Department concluded that no U.S. equipment was used against protesters and dissidents?
- Has the State Department concluded that none of the security forces who attacked protesters were trained by the U.S.?

*Answer.* At the highest levels, the United States has called on Lebanon's government and security services to guarantee the rights and safety of protestors. While security forces predominantly demonstrated restraint and professionalism in interactions with protesters, the LAF and ISF have occasionally failed to intervene during violent attacks against protesters and in some instances used tear gas and rubber bullets to disperse protesters who resisted the efforts of security forces to clear key thoroughfares or prevent their entry into government buildings. The State Department has not yet reached any conclusions about the use of U.S. equipment or training. The Department is aware of at least two instances of violence by security forces that are being investigated by Lebanese authorities.

*Question.* On December 12, 2019, the United States Agency for International Development (USAID) transmitted to Congress a Congressional Notification (CN) obligating \$114.5 million in ESF and ESF-OCO "to support good governance, civil society, water supply and sanitation, basic education, higher education, and private sector productivity programming in Lebanon." The CN included obligations for the Local Development Project, which "intends to work with groups of municipalities." As you know, Hezbollah controls mayors and heads of villages across Lebanon, and

especially in southern Lebanon and the Bekaa region, where the CN suggests some of the money will be spent:

- Please provide a list of all municipalities with which the State Department intends to facilitate partnerships via the ESF obligated by the December 12, 2019 CN.
- For each municipality, please describe the degree to which the State Department assesses that the municipality is controlled or unduly influenced by Hezbollah.

Answer. USAID has not yet determined which municipalities in southern Lebanon and Bekaa regions it intends to work in using FY 19 funds. USAID implements a three-stage process to mitigate the risk of U.S. government resources inadvertently benefitting a designated terrorist or sanctioned groups. This process verifies that select municipal councils proposed to benefit from assistance are not controlled by Hizballah or any other designated foreign terrorist organization.

*Question.* In 2018, The Livelihoods and Inclusive Finance Expansion project (LIFE), a USAID-funded project, partnered with Jammal Trust Bank (JTB). USAID celebrated the partnership on social media, saying it would “increase access to financial services,” that “many individuals would have never thought they can open a bank account with such ease, and that “[w]ith a \$250,000 grant” the project would reach “new unbanked customers.” In 2019, the U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) targeted and designated Jammal Trust Bank as a Specially Designated Global Terrorist (SDGT) pursuant to Executive Order (E.O.) 13224 “for brazenly enabling Hizballah’s financial activities,” for posing “a direct threat to the integrity of the Lebanese financial system,” and because it “provides support and services to Hizballah’s Executive Council and the Martyrs Foundation, which funnels money to the families of suicide bombers,” according to Undersecretary for Terrorism and Financial Intelligence Sigal Mandelker. The OFAC release noted that Jammal Trust’s relationship with Lebanese and Iranian-based terror financing groups was “longstanding.”

- Public statements and testimony suggest that the U.S. had long been aware of JTB’s ties to Hezbollah. When did the State Department become aware of those ties? Did they transmit to USAID knowledge of those ties? If yes, when? If not, why not?
- Has the State Department estimated how much U.S. taxpayer money was funneled, diverted, or provided as fungible resources for Hezbollah activities through the LIFE-JTB partnership? If so, what was that estimate? If not, why not?
- What measures have been taken to ensure that USAID is not providing additional financing to Hezbollah-linked banks?

Answer. USAID and State received information from other U.S. agencies about JTB’s links with Hizballah following the announcement of the award in 2018. USAID subsequently revetted JTB based on the information that had not previously been included in vetting channels, and the additional information resulted in an ineligible vetting determination and termination of the sub-award.

The initial sub-award to JTB was for \$250,000, and USAID only authorized the reimbursement of \$105,000 in allowable costs incurred prior to the termination of the sub-grant. To the State Department’s knowledge, none of the \$105,000 in funds released were diverted to Hizballah or any other designated terrorist organization.

Following this case, USAID and the Treasury Department shared information on all other existing partners in Lebanon to confirm there are no additional concerns.

*Question.* The State Department and USAID have long used independent evaluations to assess the performance of their grantees. In 2014 and 2015, the State Department controversially withdrew funding from Hayya Bina, an independent anti-Hezbollah Shiite democratic activist group that trains women across the country, and told reporters it was because of “performance concerns” after an “independent evaluation.”

- How many of the programs targeted for ESF funding pursuant to the December 12, 2019 CN have been subject to independent evaluations to ensure their performance meets the expectations of the USAID Administrator and the Secretary of State?

Answer. As a matter of USAID policy, all programs are required to undergo independent mid-term and final evaluations. All USAID/Lebanon activities include budget line items to fund independent, third-party evaluations. In addition, USAID/Lebanon has third-party contractors that periodically monitor assistance interventions to mitigate the risk of poor performance, as well as the misuse or diversion of U.S.

government resources. USAID/Lebanon also has a separate architectural and engineering contract in place to evaluate independently any construction/infrastructure activities undertaken through its assistance activities. As for Hayya Bina, the “performance concerns” articulated by the Department were subsequently determined to have been unfounded.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO DR. DONALD WRIGHT BY SENATOR ROBERT MENENDEZ

*Question.* What programs is the U.S. government currently undertaking to help protect civic, political and media space?

*Answer.* Through various USG programs, the Embassy is engaging on matters of human rights, democracy, and good governance. These include efforts to improve the resilience of civil society organizations in the face of diminishing democratic space, supporting Tanzanian partners to advance their advocacy priorities related to human rights, enhancing the professionalism of independent media, and seeking to improve the inclusivity and transparency of democratic processes. Additionally, the U.S. government is supporting the introduction and expansion of good governance within service delivery systems and bolstering transparency, citizen participation, and accountability within planning and financial management processes.

I am committed to working with the Tanzanian government, like-minded missions, civil society, and international organization to advance these important areas.

*Question.* What assistance are we currently undertaking to help ensure the 2020 general elections outcomes in Tanzania reflect the will of the people?

*Answer.* The United States remains committed to supporting democracy, human rights, and good governance in Tanzania. These principles are enshrined within Tanzania’s constitution and remain central to the aspirations of the Tanzanian people.

The United States plans to support appropriately a transparent and inclusive political and electoral process in Tanzania in four main areas: systematic domestic observation of the 2020 elections; civic and voter education campaigns; assistance to political parties to be more inclusive and to candidates to run more professional and issue-focused campaigns; and assistance for Tanzanian-led efforts to introduce and advance electoral reforms that increase the participation of women and youth.

*Question.* What more in your view could the U.S. be doing?

*Answer.* The Embassy, broader U.S. government institutions, our partners in the host government, the international community, civil society groups, and the private sector must continue to communicate and remain vigilant. Democracy and institution building is an ongoing effort.

*Answer.* Addressing repressive actions takes a multifaceted approach. If confirmed, I will partner with like-minded missions, engage civil society and other influential voices to be part of the dialogue, and leverage my convening power to ensure that these topics remain front and center. I will collaborate and engage with a broad array of Tanzanians, including government officials, to ensure they know that the American people share their aspirations for a durable Tanzanian democracy and robust respect for human rights and fundamental freedoms.

*Question.* What steps will you take if confirmed to support the efforts of Tanzanians to push back against closing political and civic space?

*Answer.* If confirmed, I will use my leadership and voice, both publicly and privately, to underscore that respect for human rights is essential for Tanzania’s future growth, prosperity, and security. I will engage Tanzanian authorities, international partners, civil society organizations, and business leaders to work together toward these goals.

*Question.* What threats is Tanzania facing in the areas of terrorism and violent extremism?

*Answer.* Tanzania’s security vulnerabilities include porous borders with its neighbors. Al-Shabaab sympathizers have drawn recruits from disaffected youth populations in Zanzibar and Tanzania’s Tanga region, and the Allied Democratic Forces and ISIS-Central Africa affiliates are believed to frequently cross into Western Tanzania from the Democratic Republic of Congo. Recruits, weapons, and provisions from Tanzania cross the porous border into northern Mozambique to equip extremists in the Cabo Delgado province.

*Question.* What steps do you plan to take, if confirmed, to work with the Tanzanian government to help facilitate their acknowledgement of potentially worsening terrorism and violent extremism problems?

*Answer.* Security cooperation is one of the bright spots in our bilateral relationship with Tanzania. If confirmed, I will continue to work closely with Tanzania to strengthen maritime security and to strengthen Tanzania's ability to disrupt and reduce trafficking in wildlife, which have been used by transnational criminal elements and violent extremists in the past to raise funds. U.S. assistance supports the training of Tanzanian Police Force officers in terrorism-related and forensic investigations, including support for the establishment of a specialized Rural Border Patrol Unit to secure the coastal land border with Kenya. Countering Violent Extremism programming trains community leaders to identify violent extremism risks and radicalization trends and strengthens community resiliency.

*Question.* Do you agree that any targeting of or retaliation against career employees based on their perceived political beliefs, prior work on policy, or affiliation with a previous administration, is wholly inappropriate and has no place in the federal government?

*Answer.* Yes, I agree with this statement. As a career civil servant, I have treated and will continue to treat all employees with respect and professionalism. If confirmed, I will work to prevent any attempts to target or retaliate against career employees on the basis of their perceived political beliefs, prior work on policy, or affiliation with a previous administration. I take allegations of such practices seriously and will ensure they are referred to the Department's Inspector General.

*Question.* If confirmed, what will you do to ensure that all employees under your leadership understand that any retaliation, blacklisting, or other prohibited personnel practices will not be tolerated?

*Answer.* If confirmed as Ambassador, it will be my responsibility to set the highest professional standard for the entire mission. I will comply with all relevant federal laws, regulations, and Department policies, and will raise concerns that I may have through appropriate channels. Under my leadership, retaliation, blacklisting, or other prohibited personnel practices will not be tolerated. I will make sure that employees understand this by holding town halls, meeting with section chiefs, and other appropriate means.

*Question.* Has anyone ever made a formal or informal complaint or allegation of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct against you, in a workplace or any other setting?

*Answer.* No. I have not had any formal or informal complaints or allegations of sexual harassment, discrimination, or inappropriate conduct made against me in the workplace or any other setting.

*Question.* If so, please describe the nature of the complaint or allegation, your response, and any resolution, including any settlements.

*Answer.* [Not applicable]

*Question.* Have you ever addressed concerns or allegations of sexual harassment, discrimination (e.g., racial, ethnic, religious, etc.), or inappropriate conduct made against any employee over whom you had supervisory authority?

*Answer.* Yes, I have.

*Question.* If so, please describe the outcome and actions taken.

*Answer.* I take the issues of sexual harassment, discrimination, and inappropriate conduct with the utmost seriousness, and I immediately address these issues once they are brought to my attention. I understand a subordinate was named in an EEO complaint after terminating an employee for unsuccessful performance. The complainant alleged the action was based on national origin and sexual orientation. An Administrative Judge found that the case lacked merit and ruled in the Department of Health and Human Services' favor. I was not named as a responsible management official or a witness in either the initial or follow-up complaints.

*Question.* Does the United States support any activities focused on training for judges or law enforcement on trafficking investigation and prosecutions?

*Answer.* The USG has ongoing programs that provide training to migration officials, judges, and law enforcement personnel on trafficking investigations, prosecutions, and prevention. Training events bring together stakeholders from immigration, law enforcement, the judiciary, social welfare offices, and NGOs on investigations, prosecutions, and protections for victims of trafficking.

*Question.* Has the United States provided funding to the Ministry of Justice for anti-trafficking efforts?

Answer. The USG provides training and technical assistance to judicial and law enforcement personnel. The USG does not provide direct funding to the Ministry of Justice.

*Question.* What organizations on the ground provide care for trafficking victims and how are they funded?

Answer. There are a variety of Tanzanian organizations that are providing care for trafficking victims, including: Kiota Women's Health and Development (KIWOHEDE), Daughters of Mary Immaculate, the Faraja Orphan Home, and WoteSawa. These organizations receive resources from a variety of sources, including through the International Organization for Migration (IOM) and private donors.

*Question.* What further steps could the government of Tanzania take to improve its TIP ranking next year, and what actions will you advocate they take if you are confirmed?

Answer. In order to improve its TIP ranking next year, the government of Tanzania could:

- Table the Amendment to the 2008 Anti-Trafficking Act, which will remove sentencing provisions that allow fines in lieu of imprisonment and align the procedural law pertaining to trafficking-related arrests within the act with the requirements for other serious crimes;
- Increase funding to the Anti-Trafficking Secretariat to support their prosecution, protection, and prevention efforts;
- While respecting the rule of law and human rights, increase efforts to investigate, prosecute, and convict trafficking offenders, including complicit officials, and impose adequate penalties;
- Implement a systematic victim-witness support program; and,
- Institutionalize the use of a national centralized anti-trafficking data collection and reporting tool and consider increasing information sharing.

If confirmed, under my leadership, the Embassy will continue to emphasize to the government of Tanzania the importance of meeting the goals of its National Anti-Trafficking in Persons Action Plan (2018-21), which is aligned with the 2019 Trafficking in Persons Report recommendations.

*Question.* What assistance stands to be suspended should Tanzania be designated Tier Three under the Trafficking Victims Protection Act?

Answer. If Tanzania were ranked as Tier 3 in the Trafficking In Persons report, a restriction on non-humanitarian, nontrade-related foreign assistance would apply to the government under the Trafficking Victims Protection Act, which could impact Education, Water, Nutrition, Agriculture, and Natural Resources Management programs.

*Question.* What are the most important actions you have taken in your career to date to support democracy and human rights?

Answer. As a physician employed by the United States Department of Health and Human Services, my Federal career has focused on improving the health and safety of the American people. Consequently, I have not worked on the international promotion of human rights and democracy. However, if confirmed as Ambassador, I look forward to advocating for human rights and fundamental freedoms for all people in Tanzania.

*Question.* What has been the impact of your actions?

Answer. [Not applicable]

*Question.* What issues are the most pressing challenges to democracy or democratic development in Tanzania?

- These challenges might include obstacles to participatory and accountable governance and institutions, rule of law, authentic political competition, civil society, human rights and press freedom. Please be as specific as possible.

Answer. It is clear that over the past four years respect for human rights and the rule of law have steadily declined in Tanzania, impacting the ability of individuals to enjoy the freedoms of association, expression, and peaceful assembly. The government has targeted journalists as well as the political opposition in a campaign of intimidation that was most recently exemplified by irregularities in the November 24 local elections. In addition, the government has recently decided to bar individuals and NGOs from filing cases against it at the African Court on Human and Peo-

ple's Rights. Through legislation, authorities have made it untenably expensive for online bloggers to operate. There are direct threats and intimidation from the government and laws targeting free expression and free association. The government's actions have included closures of several independent media outlets, suspensions of several opposition parliamentarians, and an indefinite ban on political rallies and activities, including private meetings. Authorities use the 2015 Cybercrimes Act to bring criminal charges against individuals who criticize the government in electronic media.

*Question.* What steps will you take—if confirmed—to support democracy in Tanzania?

*Answer.* If confirmed, I will use my leadership and voice, both publicly and privately, to underscore that respect for human rights is essential for Tanzania's future growth, prosperity, and security. The steady decline of civic and political space has been a source of critical concern inside and outside of the country. I will engage Tanzanian authorities, international partners, civil society organizations, and business leaders to work together toward these goals.

*Question.* What do you hope to accomplish through these actions?

*Answer.* Through these actions, I hope to help Tanzania develop into a 21st century partner of the United States and desire to see the country return to serving as a democratic, human rights-respecting model for the region. The United States and Tanzania have a long and rich history of partnership; if confirmed, I look forward to further developing and deepening relationships with the Tanzanian government, international and domestic partners, and the people of Tanzania to ensure the tangible advancement of human rights, civil society, democracy, and mutual prosperity.

*Question.* What are the potential impediments to addressing the specific obstacles you have identified?

*Answer.* Bringing together multiple stakeholders, including Tanzanian government officials, international partners, civil society, and business leaders, will likely be one of the most important steps and challenges.

*Question.* How will you utilize U.S. government assistance resources at your disposal, including the Democracy Commission Small Grants program and other sources of State Department and USAID funding, to support democracy and governance, and what will you prioritize in processes to administer such assistance?

*Answer.* U.S. assistance to Tanzania advances democracy and governance, both through funds dedicated specifically for those issues and through sector-specific programming, such as health, which rely on a reliable, evidence-based, technocratic government. Through our development assistance, the United States improves the resilience of civil society organizations in the face of diminishing democratic space, supports Tanzanian partners to advance their advocacy priorities related to human rights, enhances the professionalism of independent media, and seeks to improve the inclusivity and transparency of democratic processes. Additionally, the United States supports the introduction and expansion of good governance within service delivery systems (health, education, etc.), which bolsters transparency, citizen participation, and accountability within planning and financial management processes. To complement and expand these efforts, I will continue to engage within the Department and with USAID to ensure appropriate resources are available to advance U.S. interests in Tanzania.

*Question.* If confirmed, do you commit to meet with civil society members, human rights and other non-governmental organizations in the U.S. and with local human rights NGOs, and other members of civil society in Tanzania?

*Answer.* Human rights, civil society organizations, and other non-governmental organizations, regardless of where they are registered or operate, all play an important role in advancing democratic governance, respect for human rights and freedoms, and assisting Tanzania to develop into a 21st century partner of the United States. If confirmed, I am committed to meeting with any individual or entity that can be beneficial to U.S. goals.

*Question.* What steps will you take to pro-actively address efforts to restrict or penalize NGOs and civil society via legal or regulatory measures?

*Answer.* There is no question that there has been a narrowing of democratic space in Tanzania over the past several years, including through the targeting of NGOs and civil society. In July, President Magufuli signed into law the Miscellaneous Amendments No. 3 Act, 2019, also known as the "Written Laws," which placed fur-

ther restrictions on civil society organizations. The Registrar of Civil Society Organizations has broad authority to suspend organizations as well as evaluate, investigate, and suspend their operations, and authorities can also refuse to register any organization without giving a valid reason. If confirmed, I am committed to continuing to promote human rights for all individuals in Tanzania, with a particular focus on those who are members of vulnerable populations.

*Question.* If confirmed, do you commit to meet with democratically oriented political opposition figures and parties?

*Answer.* If confirmed, under my leadership the United States Embassy will continue to engage with representatives from across the political spectrum, including the ruling party and opposition parties.

*Question.* What steps will you take to encourage genuine political competition?

*Answer.* If confirmed, I will ensure the United States will continue to support appropriately transparent and inclusive political and electoral processes.

With respect to Tanzania's upcoming 2020 elections, I would focus on four main areas: systematic domestic observation of the 2020 elections; civic and voter education campaigns; assistance to political parties and to candidates to run more professional and issue-focused campaigns; and, assistance for Tanzanian-led efforts to introduce and advance electoral reforms that increase the participation of women and youth.

*Question.* Will you advocate for access and inclusivity for women, minorities and youth within political parties?

*Answer.* Yes, if confirmed I will advocate for access and inclusivity for women, minorities, and youth within political and electoral processes.

*Question.* Will you and your embassy team actively engage with Tanzania on freedom of the press and address any government efforts designed to control or undermine press freedom through legal, regulatory or other measures?

*Answer.* The United States supports media freedom and is committed to strengthening journalistic professionalism. If confirmed, I will engage with like-minded missions, civil society, and international partners to underscore the importance of an independent, professional, and open media to a free and democratic society. I will press for the United States to continue its support to Tanzania's media, which has included partnerships with community radio stations to build their professionalism and financial viability, the development of a platform for registering violations of freedom of expression for members of the press, and education initiatives for journalists and media stakeholders about their rights. Tanzanian journalists have participated in U.S. government-sponsored professional exchange programs on political reporting, safeguarding freedom of expression, and the media's role in strengthening democratic institutions.

*Question.* Will you commit to meeting regularly with independent, local press in Tanzania?

*Answer.* If confirmed, I am committed to meeting with any individual or entity relevant to the Mission's strategic objectives, including local press.

*Question.* Will you and your embassy team actively engage with civil society and government counterparts on countering disinformation and propaganda disseminated by foreign state or non-state actors in the country?

*Answer.* The United States supports media freedom and is committed to strengthening journalistic professionalism. If confirmed, I will engage with like-minded missions, civil society, and international partners to underscore the importance of a credible, independent, professional media to a free and democratic society.

*Question.* Will you and your embassy teams actively engage with Tanzania on the right of labor groups to organize, including for independent trade unions?

*Answer.* If confirmed, I will continue our embassy's efforts to promote human rights. As the embassy noted in our 2018 Human Rights Report, the Tanzanian government did not consistently enforce the law protecting collective bargaining. I would advocate for continued improvements in this area, and document progress in the Human Rights Report.

*Question.* Will you commit to using your position, if confirmed, to defend the human rights and dignity of all people in Tanzania, no matter their sexual orientation or gender identity?

*Answer.* The United States continues to support upholding human rights and the dignity of all individuals in Tanzania, no matter their sexual orientation or gender



identity. I am committed to promoting human rights for all in Tanzania, including members of the LGBTQ community.

*Question.* What challenges do the lesbian, gay, bisexual, transgender and queer (LGBTQ) people face in Tanzania?

*Answer.* Consensual same-sex sexual conduct between adults is illegal in the country. The law on both the mainland and Zanzibar punishes “gross indecency” by up to five years in prison or a fine. The law punishes any person convicted of having “carnal knowledge of another against the order of nature or permits a man to have carnal knowledge of him against the order of nature” with a prison sentence of 30 years to life on the mainland and imprisonment up to 14 years in Zanzibar. In Zanzibar, the law also provides for imprisonment of up to five years or a fine for “acts of lesbianism.” In the past, courts charged individuals suspected of same-sex sexual conduct with loitering or prostitution. Police often harassed persons believed to be LGBTQ based on their dress or manners. The Department also has reports that some suspected gay men have been subjected to forced anal examinations while in police custody.

The government opposed improved safeguards for the rights of LGBTQ persons, which it characterized as contrary to the law of the land and the cultural norms of society. Senior government officials have made several anti-LGBTQ statements that led to some arrests and harassment.

*Question.* What specifically will you commit to do to help LGBTQ people in Tanzania?

*Answer.* I will commit that before taking any action I will be mindful of complexities in this space, inter-group dynamics, and will seek to avoid escalating both existing animosity between LGBTQ organizations and groups, and raising the risks faced by LGBTQ people in general. The United States is pursuing the continued availability of emergency response support to LGBTQ people facing medical, legal, or other threats.

*Question.* Will you commit, if confirmed, to ensuring that you fully brief Members of Congress and/or their staff each time you are in Washington for visits or consultations during your tenure as Ambassador to Tanzania?

*Answer.* Working with members of congress is very important to the State Department. If confirmed, I am committed to coordinating robust congressional engagement in accordance with the guidance of the African Bureau and State Department’s Office of Legislative Affairs.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED  
TO DR. DONALD WRIGHT BY SENATOR BENJAMIN L. CARDIN

*Question.* What are your most meaningful achievements to date in your career to promote human rights and democracy? What has been the impact of your actions?

*Answer.* As a physician employed by the United States Department of Health and Human Services, my Federal career has focused on improving the health and safety of the American people. Consequently, I have not worked on the international promotion of human rights and democracy. However, if confirmed as Ambassador, I look forward to advocating for human rights and fundamental freedoms for all in Tanzania.

*Question.* What are the most pressing human rights issues in Tanzania? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Tanzania? What do you hope to accomplish through these actions?

*Answer.* It is clear that over the past four years respect for human rights and the rule of law has declined in Tanzania, impacting the ability of individuals to enjoy the freedoms of association and peaceful assembly. If confirmed, I will use my leadership and voice, both publicly and privately, to underscore that respect for human rights is essential for Tanzania’s future growth, prosperity, and security. I will engage Tanzanian authorities, international partners, civil society organizations, and business leaders to work together toward these goals.

*Question.* If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Tanzania in advancing human rights, civil society, and democracy in general?

**Answer.** Bringing together multiple stakeholders, including Tanzanian government officials, international partners, civil society, and business leaders will likely be one of the most important steps and challenges. The steady decline of civic and political space has been a source of critical concern inside and outside of the country. The United States and Tanzania have a long and rich history of partnership. If confirmed, I look forward to developing further and deepening relationships with the Tanzanian government, international and domestic partners, and the Tanzanian population to ensure the tangible advancement of respect for human rights, empowerment of civil society, commitment to democracy, and the increased prosperity of both the United States and Tanzania.

**Question.** Are you committed to meeting with human rights, civil society, and other non-governmental organizations in the U.S. and with local human rights NGOs in Tanzania? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

**Answer.** Human rights, civil society organizations, and other non-governmental organizations, regardless of where they are registered or operate all play an important role in advancing democratic governance, respect for human rights and fundamental freedoms, and assisting Tanzania develop into a 21st century partner of the United States. I am committed to meeting with any individual or entity that can be beneficial to U.S. policy goals. As I mentioned in my hearing, security cooperation is one of the bright spots of the U.S.-Tanzania relationship. The Leahy Law is an important mechanism to ensure that we do not furnish U.S. assistance to a security force unit where there is credible information the unit committed a gross violation of human rights. If confirmed, I will continue ongoing practices at Embassy Dar es Salaam to implement the Leahy vetting process.

**Question.** Will you and your Embassy team actively engage with Tanzania to address cases of key political prisoners or persons otherwise unjustly targeted by Tanzania?

**Answer.** The United States has been a strong advocate in Tanzania for the respect of human rights, including the rights of freedom of expression, freedom of association, and fair trial guarantees. If confirmed, I am committed to speaking both publicly and privately with the government of Tanzania about our concerns. I will partner with like-minded missions in Tanzania to speak with a united voice on this topic, will work with civil society to ensure our voice is joined by every-day Tanzanians committed to the country's democratic future, and will use my convening power to ensure the dialogue on human rights in Tanzania remains front and center of our agenda.

**Question.** Will you engage with Tanzania on matters of human rights, civil rights and governance as part of your bilateral mission?

**Answer.** There is no question that there have been a number of concerns related to good governance and respect for human rights in Tanzania over the past several years. If confirmed, I am committed to continuing to promote human rights for all individuals in Tanzania, with a particular focus on those who are members of vulnerable populations, including the LGBTI community, journalists, and the political opposition. I am committed to working with the Tanzanian government, like-minded missions, civil society, and international organizations to address these important areas. I will also engage with the population of Tanzania by urging continued U.S. programming in the areas of human rights, democracy, and good governance.

**Question.** Research from private industry demonstrates that, when managed well, diversity makes business teams better both in terms of creativity and in terms of productivity. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups?

**Answer.** If confirmed, I will embrace every opportunity to promote diversity and inclusion in the workplace. I would ensure the Embassy devotes resources to mentoring and support for all staff, including those from diverse backgrounds and underrepresented groups. I agree with the research that indicates that diverse teams are richer in creativity and perspective, and I believe all leaders should embrace a wide range of inputs, viewpoints, and backgrounds.

**Question.** What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

**Answer.** If confirmed, fostering an environment that is diverse and inclusive will be a priority. Proactively, I will make sure supervisors within the Embassy complete diversity training on a regular basis. As the most senior official within the Embassy,

it will be my responsibility to set the example for fostering an environment that is diverse and inclusive.

*Question.* Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

*Answer.* If confirmed, I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

*Answer.* If confirmed, I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

*Question.* Do you or do any members of your immediate family have any financial interests in Tanzania?

*Answer.* My investment portfolio includes diversified mutual funds, which may hold interests in companies with a presence overseas, but which are exempt from the conflict of interest laws. I am committed to ensuring that my official actions will not give rise to a conflict of interest. I will divest any investments the State Department Ethics Office deems necessary to avoid a conflict of interest. I will remain vigilant with regard to my ethics obligations.

*Question.* How do you believe political corruption impacts democratic governance and the rule of law generally, and in Tanzania specifically?

*Answer.* In many developing countries, efforts to foster broad-based economic growth, improve the delivery of public services, and pursue effective development policies continue to be stymied by disparities in economic and political power and corruption. These dynamics undermine participatory policy making and effective policy implementation and service delivery. The United States has witnessed democratic backsliding across the world, and recent events in Tanzania are an example of this trend. Public corruption undercuts all democratic nations' governance and rule of law, and can pose an existential threat to nascent or weak democracies.

*Question.* What is your assessment of corruption trends in Tanzania and efforts to address and reduce it by that government?

*Answer.* In 2015, President Magufuli ran on a robust anti-corruption platform, which resonated with the Tanzanian population and foreign business representatives exasperated with endemic corruption. Since Magufuli's election, Tanzania has improved its standings in Afrobarometer and Transparency International surveys on perceptions of corruption. However, corruption remains pervasive, especially among the police and judiciary. According to experts, recent anti-corruption efforts have not addressed deep structural issues that contribute to corruption. If confirmed, under my Ambassadorship the United States will continue to advocate for a comprehensive, systemic approach to combat corruption that empowers the people and promotes inclusive democracy and economic growth in Tanzania.

*Question.* If confirmed, what steps will you take to strengthen good governance and anticorruption programming in Tanzania?

*Answer.* If confirmed as Ambassador, I will use my convening power to engage with a wide array of actors who influence and are impacted by governance decisions. I will speak publicly and engage privately with the government to state our concerns and offer support where appropriate. I will also seek to have the U.S. Embassy in Dar es Salaam lead advocacy on matters of human rights, democracy, anti-corruption, and good governance, including through continued U.S. programming in the areas of freedom of expression, including for members of the press, and strengthened civil society organization.

*Question.* What is the United States doing, and what more can be done, to help bolster and support freedom of the press in Tanzania?

*Answer.* The United States supports media freedom and is committed to strengthening journalistic professionalism. If confirmed, I will engage with like-minded missions, civil society, and international partners to underscore the importance of an independent, professional, and open media to a free and democratic society, especially as Tanzania prepares for national elections in 2020. I will press to continue

United States support to Tanzania's media, including through partnerships with community radio stations to build their professionalism and financial viability, the development of a platform for registering violations of freedom of expression for members of the press, and education initiatives for journalists and media stakeholders about their rights. Tanzanian journalists have participated in U.S. government-sponsored professional exchange programs on political reporting, safeguarding freedom of expression, media freedom, and the media's role in strengthening democratic institutions.

*Question.* In what manner, if at all, should the United States seek to ensure the protection of former opposition MP Tundu Lissu? Should he return to Tanzania after receiving medical treatment abroad from the multiple gunshot wounds he suffered in his unsolved 2017 attempted assassination?

*Answer.* If confirmed, as Ambassador I will advocate for respect for human rights and equal protection under the law for all individuals in Tanzania. I will speak both publicly and privately with the host government on its international human rights obligations and commitments. Under my leadership, the United States Embassy will continue to engage with representatives across the political spectrum, including the ruling party and opposition parties.

*Question.* How would you assess the relative freedom of use and access to the Internet in Tanzania?

*Answer.* Tanzania's Internet penetration rate has increased exponentially in the past two decades from less than 1 percent in 2000 to 45 percent in 2019. This increased access to the Internet has the potential to bring tremendous socioeconomic benefits to the Tanzanian people. Since 2015, however, the government of Tanzania has also instituted a series of internet censorship policies. The 2015 Cybercrimes Act, for example, increased censorship of online expression by introducing and using sweeping powers to police the internet, including social media. In recent years, under this act, a number of human rights activists and government critics have been charged with "publishing false information," "offensive content," or "insulting" President Magufuli. The Electronic Postal Communications (Online Content) Regulations enacted in March 2018 broadly restrict online content, require bloggers to pay prohibitively expensive registration fees, and permit surveillance of cybercafes without judicial oversight.

*Question.* What is the current stance of the state toward lesbian, gay, bisexual, and transgender (LGBT) people? What is your assessment of the current level of danger faced by this population?

*Answer.* Consensual same-sex sexual conduct between adults is illegal in the country. The law on both the mainland and Zanzibar punishes "gross indecency" by up to five years in prison or a fine. The law punishes any person convicted of having "carnal knowledge of another against the order of nature or permits a man to have carnal knowledge of him against the order of nature" with a prison sentence of 30 years to life on the mainland and imprisonment up to 14 years in Zanzibar. In Zanzibar, the law also provides for imprisonment up to five years or a fine for "acts of lesbianism." In the past, courts charged individuals suspected of same-sex sexual conduct with loitering or prostitution. Police often harass persons believed to be LGBT based on their dress or manners. The Department also has reports that some suspected gay men have been subjected to forced anal examinations while in police custody.

The government opposed improved safeguards for the rights of LGBT persons, which it characterized as contrary to the law of the land and the cultural norms of society. Senior government officials have made several anti-LGBT statements. The LGBT community is under threat of continued arrests and harassment.

*Question.* What impact does the Tanzanian State's crackdown on LGBT rights have on the availability of health services for at-risk populations?

*Answer.* The government of Tanzania has banned certain health services and products and created an environment in which many members of the LGBT community do not feel safe seeking out health services. For example, the government banned drop-in centers where members of at-risk populations could gather to share critical health information and access services, banned products that reduce the risk of HIV transmission among gay men, and has arrested members of the LGBT community on spurious charges, some of whom have reportedly endured forced anal examinations.

The policy of the Embassy has been to promote human rights for all people in Tanzania, including members of the LGBT community. The U.S. Embassy works closely with the government of Tanzania to ensure health services are provided to

key populations including the LGBT community. This is particularly crucial in the area of HIV, because timely testing and treatment helps to prevent new infections. The Embassy also works with partners to address violence, discrimination, and stigma against the LGBT community, so that all people in Tanzania feel safe and comfortable seeking out health services.

*Question.* How do you plan, if confirmed, to leverage your platform as Ambassador to help convince potentially unreceptive interlocutors of the need for tolerance and humane treatment of all Tanzanians, regardless of sexual orientation?

*Answer.* If confirmed, I will promote dialogue on the importance of human rights. Under my leadership, the Embassy will continue to work with partners to address violence, discrimination, and stigma against all vulnerable populations, including the LGBT community.

All actions that I take will be mindful of complexities in this space, inter-group dynamics, and will seek to avoid escalating both existing animosity between LGBT organizations and groups, and raising the risks faced by LGBT people in general.

*Question.* What reasons did the ministry for regional administration and local government—which administered the recent local government elections—give for disqualifying large numbers of opposition party candidates?

*Answer.* By law, the President's Office for Regional Administration and Local government manages and oversees local elections on the Tanzanian mainland. Minister for Regional Administration and Local government, Selamani Jafo, reported that election officials rejected opposition party candidate applications for a number of reasons, including errors on the candidate applications forms, the absence of required ethics or asset declarations, and for candidates not being resident in the jurisdictions in which they applied to be candidates. In addition, opposition parties reported their candidates found registration offices closed in the days leading up to the registration deadline and faced intimidation in some locations when attempting to register. The Embassy expressed concern in a public statement about the management of local elections, including irregularities in the candidate registration process. Minister Jafo's explanation of why opposition candidates were rejected did not assuage those concerns.

*Question.* To what degree, if at all, were opposition parties willing or able to legally contest alleged process irregularities during the recent civic polls?

*Answer.* While local election regulations provided candidates whose applications were rejected with a mechanism for appealing the decision to local election officials within two days of the initial rejection, it is unclear if opposition party candidates were willing or able to avail themselves of the appeal process.

*Question.* What implications did these elections have for governance in Tanzania and the relative hold on state power of the CCM?

*Answer.* Following the rejection of approximately 90 percent of opposition candidates for the November 24 local elections, and the principal opposition parties' decision to boycott the elections following the disenfranchisement of their candidates, the ruling Chama Cha Mapinduzi (CCM, Revolution Party) was declared the winner of 99.9 percent of seats in the more than 80,000 villages, hamlets and neighborhood councils across the Tanzanian mainland. Although some candidates from the boycotting opposition parties remained on the ballots and were declared winners, the opposition parties announced they would not recognize the results. As a result, the CCM will control local government councils across the Tanzanian mainland.

*Question.* What should the response of the United States be if the same types and scope of irregularities that featured in the 2019 election occur in the 2020 election?

*Answer.* The United States remains committed to supporting democracy, human rights, and good governance in Tanzania; these principles are enshrined within Tanzania's constitution and remain central to the aspirations of the Tanzanian people. The U.S. government has engaged the Tanzanian government publicly and privately on the need for free and fair elections over the past year. If confirmed, as Ambassador I will continue to raise our concerns, publicly and privately, when we observe actions that are inconsistent with democratic values.

In 2020, the United States plans to support appropriately transparent and inclusive political and electoral processes in Tanzania in four main areas: systematic domestic observation of the 2020 elections; civic and voter education campaigns; assistance to political parties to be more inclusive and to candidates to run more professional and issue-focused campaigns; and assistance for Tanzanian-led efforts to introduce and advance electoral reforms that increase the participation of women and youth.

*Question.* What about the U.S. stance if the government refuses to re-register key opposition parties?

*Answer.* In 2020, the United States plans to support appropriately systematic domestic observation of national elections, which is designed to include long-term observation that would include oversight of the candidate registration process. Additionally, U.S.-supported programs will provide support for electoral dispute resolution mechanisms and to political parties, including on strategic planning.

*Question.* What are the implications of the 2019 Political Parties Act for free and fair democratic participation, and the relative ability of political parties and their members to assemble and organize? Is Tanzania heading toward a resurrection of the one party state?

*Answer.* A number of legislative actions over the past years, including the 2019 Amendments to the Political Parties Act, have served to restrict civil liberties for all people in Tanzania, especially those who seek to exercise their rights to freedoms of expression, association, and peaceful assembly. The amendments give the Registrar of Political Parties expansive statutory authority to regulate parties' internal affairs and add to concerns about Tanzania's future as a multiparty democracy. In this context, the United States has publicly called on Tanzanian authorities to "act decisively to safeguard the rights of civil society organizations, human rights defenders, journalists, health workers, political activists, and all people in accordance with the Tanzanian constitution."

*Question.* Please describe the level and nature of U.S. assistance aimed at helping to ensure that the 2020 vote is free, fair, and fully participatory.

*Answer.* In 2020, the United States plans to support appropriately transparent and inclusive political and electoral processes in Tanzania in four main areas: systematic domestic observation of the 2020 elections; civic and voter education campaigns; assistance to political parties and to candidates to run more professional and issue-focused campaigns; and, assistance for Tanzanian-led efforts to introduce and advance electoral reforms that increase the participation of women and youth.

*Question.* How would you describe Tanzania's current relationship with China?

*Answer.* Tanzania is one of China's principal African trading partners and aid recipients. The two countries maintain close and enduring party-to-party and military-to-military relationships. President Magufuli and members of his cabinet frequently praise China's "no-strings attached" foreign assistance, and it is common for politicians to describe China as Tanzania's "all-weather friend." However, President Magufuli has also been skeptical of China's intentions. For example, Tanzania suspended negotiations on a \$10 billion Chinese-funded port project, and President Magufuli publicly announced he is willing to cancel the whole project if the investors do not offer better terms. Chinese citizens have also reportedly been subjected to increased scrutiny and investigations into possible criminal, labor, and other violations.

*Question.* What role, if any, does China play as a U.S. competitor in Tanzania?

*Answer.* The United States is the preferred partner to Tanzanian companies that value quality. Our trade relationship with Tanzania, while small in comparison to China, includes high value items such as aircraft and machinery, and cereals and other commodities. China continues to be Tanzania's largest trading partner, a leading source of foreign investment, and a financier of big-ticket infrastructure projects that form the cornerstone of Magufuli's industrialization agenda. These avenues provide China with influence within the government of Tanzania, while allowing it to tout its "no-strings attached" contributions to Tanzania's economic development. Tanzania's trade with China is extremely lopsided; a fact that is not lost on Tanzanian officials. If confirmed, I will lead my Embassy economic and commercial team in presenting the United States as a viable alternative for trade and investment partnerships. To this end, we will leverage Prosper Africa and opportunities under the BUILD Act to support U.S. businesses and investors and enable them to better compete with Chinese firms in Tanzania. Of note, there are areas for potential enhanced cooperation with China on common issues of concern in Tanzania, to include wildlife trafficking, public health, and business climate issues.

*Question.* If confirmed, how would you apply your background as a physician and health policy administrator to these challenges?

*Answer.* Over 80 percent of American developmental assistance to Tanzania is directed to improving the health security of the people in Tanzania. Tanzania has a high burden of HIV/AIDS with an estimate of over 1.6 million people living with HIV (PLHIV), and mosquito-borne illnesses such as malaria and dengue fever are

also prevalent. The United States has supported Tanzania's efforts to build health sector capacity while also encouraging Tanzania to adhere to its commitments under the International Health Regulations (2005)—including transparency and reporting on outbreaks of infectious disease.

Over the last decade, more than one million HIV positive Tanzanians have been placed on anti-retroviral therapy. Ultimately, we want to ensure that at least 90 percent of those infected with HIV know they are sero-positive for HIV. Once diagnosed, 90 percent or more of identified positive Tanzanians should be receiving anti-retroviral therapy. To achieve this goal, we need to reduce stigma towards HIV, scale-up targeted/index testing, and ensure PLHIV stay on treatment across the country.

Mosquito-borne illnesses are common in Tanzania at 524 deaths per 100,000 live births. Prevention strategies, implemented by the President's Malaria Initiative, are bearing fruit. Prevalence rates for malaria dropped 10 percent over a decade. These prevention efforts center on the use of insecticide impregnated bed nets and indoor spraying. Despite this success, more work remains to decrease further the burden of malaria and other mosquito borne diseases in Tanzania.

*Question.* What improvements would you recommend to improve Tanzania's absorptive capacity for U.S. assistance dollars targeting the health sector?

*Answer.* Tanzania will receive intensive support in Fiscal Year 2020 (FY 2020) as one of the U.S. government's 19 Global Health Security Agenda (GHSA) partner nations. Almost 80 percent of the development assistance provided by the American taxpayer to Tanzania is directed to improving the health of the Tanzanian people. The United States has encouraged the Tanzanian government to take more responsibility for the health of Tanzanians and continue the programs that have built a foundation for improved health security over the past decade. To do this, Tanzania needs to improve its health sector systems, spend the local resources that it has allocated on paper to actual implementation of programs to improve the health of its people, promote greater involvement of the private sector in public health, and adopt policies that will promote transparency and bring healthcare to the communities and decrease the vulnerability of women and children. It is imperative to strengthen the allocative efficiencies for health budgets at the national and sub-national level in order to strengthen health services delivery and increase health security.

*Question.* Please discuss Tanzania's stance on the repatriation of Burundian refugees.

*Answer.* Under a Tripartite Agreement with the government of Burundi and the United Nations High Commissioner for Refugees (UNHCR), the government of Tanzania has committed to the voluntary repatriation of Burundian refugees. However, the government of Tanzania has also stated that the best and only viable option for Burundian refugees is repatriation. Tanzanian authorities stated that Burundi is ready for returns, despite continuing serious political and security issues in Burundi that show no signs of improving and raise concerns ahead of Burundian elections in May 2020. Top Tanzanian officials have accused international organizations of interfering with the repatriation of Burundian refugees. Tanzania has stopped allowing Burundians to register as asylum seekers.

*Question.* Why, to what extent, and in what manner is Tanzania—which for decades has hosted waves of refugees fleeing various periods of political violence and instability in Burundi—seeking to force the return of Burundian refugees?

*Answer.* The government of Tanzania maintains it is not forcing the return of Burundian refugees. However, it has implemented a series of policies in refugee camps that are creating conditions that some perceive are designed to pressure Burundian refugees to return to Burundi. These include restrictions on the ability of Burundian refugees to engage in livelihood activities (e.g. participate in markets), forcing Burundians to register to repatriate in order to receive services, and other tactics such as banning some UNHCR staff from entering the camps, and banning sports activities and the use of bicycles within the camps.

*Question.* What is the U.S. stance on this matter?

*Answer.* Tanzania should uphold its international obligations and ensure refugee returns are voluntary, safe, and dignified. The United States supports the voluntary repatriation of Burundian refugees and supports the UNHCR's efforts to ensure the voluntariness of returns. UNHCR assesses that conditions in Burundi are not yet conducive to promote returns. If confirmed as Ambassador, I will ensure the Embassy will continue to monitor the voluntariness of the returns and to advocate for

refugee access to asylum, fair and timely refugee status determination, and for any refugee returns to be voluntary, safe, informed, and dignified.

*Question.* Please discuss the nature and level of U.S. assistance for Burundian refugees in Tanzania.

*Answer.* The United States provides funding to the UNHCR, International Organization for Migration (IOM), the World Food Program, and NGOs to provide humanitarian assistance to refugees and to fund voluntary returns. UNHCR, with State Department support, started a large-scale program to resettle long-staying DRC refugees currently in Uganda, Rwanda, Tanzania, and Burundi. The United States has resettled over 18,000 refugees from Tanzania since FY 2014, mostly Congolese refugees with a smaller number of Burundi refugees, including nearly 3,760 in FY 2019, making it the largest U.S. Refugee Admissions Program globally. The government of Tanzania regularly states its appreciation for the U.S. resettlement program.

In addition to continent-wide support, in FY 2019, the U.S. government, through State's Bureau of Population, Refugees, and Migration, provided more than \$33.4 million in support of UNHCR, IOM, and other NGOs to Tanzania's country-wide operations, supporting protection and multi-sectoral assistance to refugees and host communities in Tanzania. Since 2016, the U.S. government also provided over \$77 million in cash and in-kind assistance to the World Food Program to provide emergency assistance, including food rations and specialized nutrition products geared towards pregnant women and children.

*Question.* How would you tackle the trafficking in persons challenge in Tanzania, if confirmed?

*Answer.* Under my leadership, the Embassy will continue to emphasize to the government of Tanzania the importance of meeting the goals of its National Anti-Trafficking in Persons Action Plan (2018-21), which is aligned with the 2019 Trafficking in Persons Report (TIP) recommendations.

In order to improve its TIP ranking next year, the government of Tanzania could:

- Table the Amendment to the 2008 Anti-Trafficking Act, which will remove sentencing provisions that allow fines in lieu of imprisonment and align the procedural law pertaining to trafficking-related arrests within the act with the requirements for other serious crimes;
- Increase funding to the Anti-Trafficking Secretariat to support their prosecution, protection, and prevention efforts;
- While respecting the rule of law and human rights, increase efforts to investigate, prosecute, and convict trafficking offenders, including complicit officials and impose adequate penalties;
- Implement a systematic victim-witness support program; and,
- Institutionalize the use of a national centralized anti-trafficking data collection and reporting tool and consider increasing information sharing.

*Question.* What are the key sources of U.S. leverage with respect to countering the Magufuli government's increasingly repressive and anti-democratic record?

*Answer.* The United States has expressed concerns about Tanzania's shrinking democratic space. Addressing repressive actions takes a multifaceted approach. If confirmed, I will continue to speak out, publicly and privately, when the government of Tanzania acts in ways that are not in accordance with our shared democratic values or their obligations to uphold human rights and fundamental freedoms. I will partner with like-minded missions, engage civil society and other influential voices to be part of the dialogue, and leverage my convening power to ensure that these topics remain front and center. I will collaborate and engage with a broad array of Tanzanians, to include government officials, to ensure they know that the American people share their aspirations for a durable Tanzanian democracy and robust respect for human rights and fundamental freedoms.



*Question.* What are other key U.S. development program priorities in Tanzania and what strategy would you recommend implementing to ensure U.S. priorities in the country are advanced?

*Answer.* Given the high population growth rate, youth are an increasingly important demographic in Tanzania and will set a tone for the future. Their success or disengagement can tip Tanzania towards prosperity or towards failure. Future development programs should be focused on ensuring that youth have a strong foundation for success from birth, which includes adequate health care and quality education. They should continue to build on that foundation as young adults, also ensuring that they have economic and civic opportunities that allow them to contribute to their country's success. Development must be done in a way that safeguards gains for future generations; managing natural resources for long-term benefit as well as building government and non-governmental institutions that can create more stable governance. This work includes strengthening the business environment for both employment creation and U.S. business interests.

